



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

First Regular Session - 2023

IN THE _____

BILL NO. _____

BY _____

AN ACT

1 RELATING TO PUBLIC UTILITIES; REPEALING SECTION 61-106, IDAHO CODE, RELAT-
2 ING TO THE TRANSPORTATION OF PERSONS; REPEALING SECTION 61-107, IDAHO
3 CODE, RELATING TO THE TRANSPORTATION OF PROPERTY; REPEALING SECTION
4 61-108, IDAHO CODE, RELATING TO STREET RAILROADS; REPEALING SECTION
5 61-109, IDAHO CODE, RELATING TO STREET RAILROAD CORPORATIONS; RE-
6 PEALING SECTION 61-112, IDAHO CODE, RELATING TO EXPRESS CORPORATIONS;
7 AMENDING SECTION 61-201, IDAHO CODE, TO REVISE PROVISIONS REGARDING
8 THE PUBLIC UTILITIES COMMISSION; REPEALING SECTION 61-304, IDAHO CODE,
9 RELATING TO SCHEDULES OF COMMON CARRIERS; AMENDING SECTION 61-305,
10 IDAHO CODE, TO CLARIFY THAT CERTAIN SCHEDULE PROVISIONS APPLY TO EV-
11 EVERY PUBLIC UTILITY, TO REMOVE PROVISIONS REGARDING TOLLS, AND TO MAKE
12 TECHNICAL CORRECTIONS; AMENDING SECTION 61-307, IDAHO CODE, TO REMOVE
13 PROVISIONS REGARDING FARES AND TOLLS; AMENDING SECTION 61-308, IDAHO
14 CODE, TO REMOVE PROVISIONS REGARDING FARES AND TOLLS; REPEALING SEC-
15 TION 61-309, IDAHO CODE, RELATING TO FILING REQUIREMENTS REGARDING
16 SCHEDULES; REPEALING SECTION 61-310, IDAHO CODE, RELATING TO REQUIRE-
17 MENTS REGARDING CHARGING OF SCHEDULE RATES; REPEALING SECTION 61-311,
18 IDAHO CODE, RELATING TO THE RESTRICTION OF PASSES; REPEALING SECTION
19 61-312, IDAHO CODE, RELATING TO PROPERTY HANDLED FOR FREE; AMENDING
20 SECTION 61-313, IDAHO CODE, TO REMOVE REFERENCE TO TOLLS; AMENDING SEC-
21 TION 61-314, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SCHEDULE OF
22 RATES WITHIN AND WITHOUT THE STATE; REPEALING SECTION 61-315A, IDAHO
23 CODE, RELATING TO THE PROHIBITION OF CERTAIN INVERTED RESIDENTIAL ELEC-
24 TRICAL RATE STRUCTURES; REPEALING SECTION 61-322, IDAHO CODE, RELATING
25 TO LONG AND SHORT HAUL; REPEALING SECTION 61-326, IDAHO CODE, RELAT-
26 ING TO STREET AND INTERURBAN RAILROADS; AMENDING SECTION 61-328, IDAHO
27 CODE, TO PROVIDE THAT PUBLIC HEARINGS MAY BE HELD REGARDING THE SALE
28 OF PROPERTY BY ELECTRIC UTILITIES AND TO MAKE TECHNICAL CORRECTIONS;
29 AMENDING SECTION 61-402, IDAHO CODE, TO REVISE PROVISIONS REGARDING
30 THE FILING OF INVENTORIES AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
31 ING SECTION 61-502, IDAHO CODE, TO REMOVE PROVISIONS REGARDING FARES
32 AND TOLLS; AMENDING SECTION 61-503, IDAHO CODE, TO REMOVE REFERENCE TO
33 FARES AND TOLLS; REPEALING SECTION 61-504, IDAHO CODE, RELATING TO ES-
34 TABLISHMENT OF A THROUGH ROUTE AND JOINT RATE; AMENDING SECTION 61-506,
35 IDAHO CODE, TO REVISE PROVISIONS REGARDING INTERSTATE RATES; REPEALING
36 SECTION 61-530, IDAHO CODE, RELATING TO CERTIFICATES OF CONVENIENCE
37 AND NECESSITY; AMENDING SECTION 61-622, IDAHO CODE, TO REMOVE PROVI-
38 SIONS REGARDING FARES AND TOLLS; AMENDING SECTION 61-637, IDAHO CODE,
39 TO REMOVE PROVISIONS REGARDING FARES AND TOLLS AND TO MAKE TECHNICAL
40 CORRECTIONS; AMENDING SECTION 61-638, IDAHO CODE, TO REMOVE PROVISIONS
41 REGARDING FARES AND TOLLS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
42 SECTION 61-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING RETURNS AND
43 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 61-1005, IDAHO CODE, TO
44 REVISE PROVISIONS REGARDING THE PAYMENT OF FEES AND TO MAKE TECHNICAL
45



1 CORRECTIONS; REPEALING CHAPTER 11, TITLE 61, IDAHO CODE, RELATING TO
2 THE AIR CARRIER ACT; AMENDING SECTION 62-610F, IDAHO CODE, TO REMOVE
3 OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING SEC-
4 TION 62-623, IDAHO CODE, RELATING TO SUBSIDY REFORM.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 61-106, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 2. That Section 61-107, Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 3. That Section 61-108, Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 4. That Section 61-109, Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 5. That Section 61-112, Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 6. That Section 61-201, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 61-201. CREATION -- APPOINTMENT AND TERM OF OFFICE OF MEMBERS OF THE
19 IDAHO PUBLIC UTILITIES COMMISSION -- FILLING OF VACANCIES. There is hereby
20 created a state commission to be known and designated as the Idaho public
21 utilities commission. The commission shall be comprised of three (3) mem-
22 bers appointed by the governor, with the approval of the senate. Not more
23 than two (2) members of said commission shall belong to the same political
24 party. ~~The members of the first commission after taking effect of this act~~
25 ~~shall be appointed for terms beginning with the effective date of this act~~
26 ~~and expiring as follows: Two (2) commissioners for a term expiring the sec-~~
27 ~~ond Monday in January, 1953, and one (1) commissioner for a term expiring the~~
28 ~~second Monday in January, 1955. Each of the commissioners shall hold office~~
29 ~~until his successor is appointed and qualified. On the second Monday in Jan-~~
30 ~~uary, 1961, the governor shall appoint one (1) commissioner for a four (4)~~
31 ~~year term and one (1) commissioner for a six (6) year term, and on the second~~
32 ~~Monday in January, 1963, the governor shall appoint one (1) commissioner for~~
33 ~~a six (6) year term. On the second Monday in January of each second year af-~~
34 ~~ter the year of 1963, the governor shall appoint one (1) commissioner for a~~
35 ~~six (6) year term. Whenever a vacancy in the office of commissioner shall oc-~~
36 ~~cur, the governor shall forthwith appoint a qualified person to fill the same~~
37 ~~for the unexpired term. If any appointment is made during the recess of the~~
38 ~~legislature it shall be subject to confirmation by the senate during its next~~
39 ~~ensuing session.~~

40 SECTION 7. That Section 61-304, Idaho Code, be, and the same is hereby
41 repealed.

1 SECTION 8. That Section 61-305, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 61-305. SCHEDULES OF OTHERS THAN COMMON CARRIERS. Under such rules and
4 regulations as the commission may prescribe, every public utility ~~other than~~
5 ~~a common carrier~~ shall file with the commission within such time and in such
6 form as the commission may designate, and shall print and keep open to public
7 inspection schedules showing all rates, ~~tolls,~~ rentals, charges and clas-
8 sifications collected or enforced, or to be collected or enforced, together
9 with all rules, regulations, contracts, privileges and facilities which in
10 any manner affect or relate to rates, ~~tolls,~~ rentals, classifications or
11 service. The rates, ~~tolls,~~ rentals and charges shown on such schedules when
12 filed by a public utility as to which the commission by this act acquires the
13 power to fix any rates, ~~tolls,~~ rentals or charges, shall not within any por-
14 tion of the territory as to which the commission acquires as to such public
15 utility such power, exceed the rates, ~~tolls,~~ rentals or charges in effect on
16 the second day of January, 1913, ~~the~~. The rates, ~~tolls,~~ rentals and charges
17 shown on such schedules when filed by any public utility as to any territory
18 as to which the commission does not by this act acquire as to such public
19 utility such power, shall not exceed the rates, ~~tolls,~~ rentals and charges in
20 effect at the time the commission acquires as to such territory and as to such
21 public utility, the power to fix rates, ~~tolls,~~ rentals or charges. Nothing
22 in this section contained shall prevent the commission from approving or
23 fixing the rates, ~~tolls,~~ rentals or charges, from time to time, in excess or
24 less than those shown by said schedules.

25 SECTION 9. That Section 61-307, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 61-307. SCHEDULES -- CHANGE IN RATE AND SERVICE. Unless the commis-
28 sion otherwise orders, no change shall be made by any public utility in any
29 rate, ~~fare, toll,~~ rental, charge or classification, or in any rule, regu-
30 lation or contract relating to or affecting any rate, ~~fare, toll,~~ rental,
31 charge, classification or service, or in any privilege or facility except
32 after thirty (30) days' notice to the commission and to the public as herein
33 provided. Such notice shall be given by filing with the commission and keep-
34 ing open for public inspection new schedules stating plainly the change or
35 changes to be made in the schedule or schedules then in force, and the time
36 when the change or changes will go into effect. The commission, for good
37 cause shown, may allow changes without requiring the thirty (30) days' no-
38 tice herein provided for, by an order specifying the changes so to be made
39 and the time when they shall take effect, and the manner in which they shall
40 be filed and published. When any change is proposed in any rate, ~~fare, toll,~~
41 rental, charge or classification, or in any form of contract or agreement or
42 in any rule, regulation or contract relating to or affecting any rate, ~~fare,~~
43 ~~toll,~~ rental, charge, classification or service, or in any privilege or fa-
44 cility, attention shall be directed to such change on the schedule filed with
45 the commission by some character to be designated by the commission, immedi-
46 ately preceding or following the item.

1 SECTION 10. That Section 61-308, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 61-308. SCHEDULES -- JOINT RATES. The names of the several public
4 utilities which are parties to any joint tariff, rate, ~~fare, toll~~ contract,
5 classification or charge shall be specified in the schedule or schedules
6 showing the same. Unless otherwise ordered by the commission, a schedule
7 showing such joint tariff, rate, ~~fare, toll~~, contract, classification or
8 charge need be filed with the commission by only one (1) of the parties to it:
9 provided, that there is also filed with the commission in such form as the
10 commission may require a concurrence in such joint tariff rate, ~~fare, toll~~,
11 contract, classification or charge by each of the other parties thereto.

12 SECTION 11. That Section 61-309, Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 12. That Section 61-310, Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 13. That Section 61-311, Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 14. That Section 61-312, Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 15. That Section 61-313, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 61-313. SCHEDULE CHARGES ONLY PERMITTED. Except as in this act other-
23 wise provided, no public utility shall charge, demand, collect or receive
24 a greater or lesser or different compensation from any product or commod-
25 ity furnished or to be furnished or for any service rendered or to be ren-
26 dered than the rates, ~~tolls~~, rentals and charges applicable to such product
27 or commodity or service as specified in its schedules on file and in effect
28 at the time, nor shall any such public utility refund or remit, directly or
29 indirectly, in any manner or by any device, any portion of the rates, ~~tolls~~,
30 rentals and charges so specified nor extend to any corporation or person any
31 form of contract or agreement or any rule or regulation of any facility or
32 privilege except such as are specified in such schedules and as are regularly
33 and uniformly extended to all corporations and persons: provided, that mes-
34 sages by telephone or cable, subject to the provisions of this act, may be
35 classified by the utility into day, night, repeated, unrepeated, letter,
36 commercial, press, government and such other classes of messages: provided
37 further, that nothing in this chapter shall be construed to prevent tele-
38 phone and cable companies from entering into contract with common carriers
39 for the exchange of service at rates common to all common carriers of like
40 class.

41 SECTION 16. That Section 61-314, Idaho Code, be, and the same is hereby
42 amended to read as follows:

1 61-314. SCHEDULE OF RATES WITHIN AND WITHOUT STATE. Every ~~common~~
2 ~~carrier and every~~ telephone corporation shall print and file or cause to
3 be filed with the commission, schedules showing all rates, ~~fares, tolls,~~
4 rentals, charges and classifications for the ~~transportation of persons~~
5 ~~or property or the~~ transmission of messages or conversations between all
6 points within this state and all points without the state upon its route, and
7 between all points within this state and all points without the state upon
8 every route leased, operated or controlled by it, and between all points on
9 its route or upon any route, leased, operated or controlled by it within this
10 state and all points without the state upon the route of any ~~other common car-~~
11 ~~rier or~~ telephone corporation whenever a through route and joint rate shall
12 have been established between any two (2) such points.

13 SECTION 17. That Section 61-315A, Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 18. That Section 61-322, Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 19. That Section 61-326, Idaho Code, be, and the same is hereby
18 repealed.

19 SECTION 20. That Section 61-328, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 61-328. ELECTRIC UTILITIES -- SALE OF PROPERTY TO BE APPROVED BY COM-
22 MISSION. (1) No electric public utility or electrical corporation as defined
23 in chapter 1, title 61, Idaho Code, owning, controlling or operating any
24 property located in this state ~~which that~~ is used in the generation, trans-
25 mission, distribution or supply of electric power and energy to the public or
26 any portion thereof, shall merge, sell, lease, assign or transfer, directly
27 or indirectly, in any manner whatsoever, any such property or interest
28 therein, or the operation, management or control thereof, or any certificate
29 of convenience and necessity or franchise covering the same, except when
30 authorized to do so by order of the public utilities commission.

31 (2) The electric public utility or electrical corporation shall file a
32 verified application setting forth such facts as the commission shall pre-
33 scribe or require. The commission shall issue a public notice and ~~shall~~ may
34 conduct a public hearing upon the application.

35 (3) (a) Before authorizing the transaction, the public utilities com-
36 mission shall find:

37 ~~(a)~~ (i) That the transaction is consistent with the public inter-
38 est;

39 ~~(b)~~ (ii) That the cost of and rates for supplying service will not
40 be increased by reason of such transaction; and

41 ~~(c)~~ (iii) That the applicant for such acquisition or transfer has
42 the bona fide intent and financial ability to operate and maintain
43 said property in the public service.

44 (b) The applicant shall bear the burden of showing that standards
45 listed ~~above~~ in this subsection have been satisfied.



1 (4) The commission shall have power to issue said authorization and or-
2 der as prayed for, or to refuse to issue the same, or to issue such autho-
3 rization and order with respect only to a part of the property involved. The
4 commission shall include in any authorization or order the conditions re-
5 quired by the director of the department of water resources under section
6 42-1701(6), Idaho Code. The commission may attach to its authorization and
7 order such other terms and conditions as in its judgment the public conve-
8 nience and necessity may require.

9 SECTION 21. That Section 61-402, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 61-402. INVENTORY OF PHYSICAL PROPERTIES. (1) Every public utility,
12 except railroad corporations, shall file with the commission an inventory
13 of all its physical properties within the state, designating the exact lo-
14 cation of its property within the several counties of the state; such inven-
15 tory shall show in detail the cost of construction together with the depre-
16 ciation charges incident thereto since construction, or may show the cost of
17 replacement of such properties, if in the opinion of the commission the orig-
18 inal cost and depreciation charges cannot be obtained; provided, that in
19 the event any public utility refuses or neglects to file such inventory, or
20 the inventory so filed is inaccurate, the commission may send its agents upon
21 the ground and make an inventory as desired by the commission. The entire
22 cost of making such inventory by the agents of the commission shall be paid by
23 the public utility from its profit and loss account and shall not be charged
24 to operating expenses, and such payment shall be made to the treasurer of the
25 state, who shall deposit the same to the credit of the fund provided for the
26 engineering department of said commission.

27 (2) Every public utility shall file ~~the inventory herein required~~
28 ~~within six (6) months after the approval of this section by the governor un-~~
29 ~~less for just cause shown the commission may extend such time and shall file~~
30 ~~new, amended, or supplemental inventories at such times thereafter as the~~
31 ~~commission may require.~~

32 SECTION 22. That Section 61-502, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 61-502. DETERMINATION OF RATES. Whenever the commission, after a
35 hearing had upon its own motion or upon complaint, shall find that the rates,
36 ~~fares, tolls,~~ rentals, charges or classifications, or any of them, demanded,
37 observed, charged or collected by any public utility for any service or
38 product or commodity, or in connection therewith, including the rates ~~or~~
39 ~~fares~~ for excursions or commutation tickets, or that the rules, regula-
40 tions, practices, or contracts or any of them, affecting such rates, ~~fares,~~
41 ~~tolls,~~ rentals, charges or classifications, or any of them, are unjust, un-
42 reasonable, discriminatory or preferential, or in any wise in violation of
43 any provision of law, or that such rates, ~~fares, tolls,~~ rentals, charges or
44 classifications are insufficient, the commission shall determine the just,
45 reasonable or sufficient rates, ~~fares, tolls,~~ rentals, charges, classifica-
46 tions, rules, regulations, practices or contracts to be thereafter observed
47 and in force and shall fix the same by order as hereinafter provided, and



1 shall, under such rules and regulations as the commission may prescribe, fix
2 the reasonable maximum rates to be charged for water by any public utility
3 coming within the provisions of this act relating to the sale of water.

4 SECTION 23. That Section 61-503, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 61-503. POWER TO INVESTIGATE AND FIX RATES AND REGULATIONS. The com-
7 mission shall have power, upon a hearing, had upon its own motion or upon
8 complaint, to investigate a single rate, ~~fare, toll,~~ rental, charge, clas-
9 sification, rule, regulation, contract or practice, or any number thereof,
10 or the entire schedule or schedules of rates, ~~fares, tolls,~~ rentals,
11 charges, classifications, rules, regulations, contracts or practices, or
12 any thereof, of any public utility, and to establish new rates, ~~fares, tolls,~~
13 rentals, charges, classifications, rules, regulations, contracts or prac-
14 tices or schedule or schedules in lieu thereof.

15 SECTION 24. That Section 61-504, Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 25. That Section 61-506, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 61-506. INTERSTATE RATES. The commission shall have the power to in-
20 vestigate all existing or proposed interstate rates, ~~fares, tolls,~~ rentals,
21 charges, and classifications, and all rules and regulations and practices
22 in relation thereto, for or in relation to ~~the transportation of persons or~~
23 property or the transmission of messages or conversations, where any act in
24 relation thereto shall take place within this state; and when the same are,
25 in the opinion of the commission, excessive or discriminatory or in viola-
26 tion of the act of congress entitled "An act to regulate commerce," approved
27 February 4, 1887, and the acts amendatory thereof and supplementary thereto,
28 or of any other act of congress, or in conflict with the rulings, orders or
29 regulations of the interstate commerce commission, the commission may ap-
30 ply by petition or otherwise to the interstate commerce commission or to any
31 court of competent jurisdiction for relief.

32 SECTION 26. That Section 61-530, Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 27. That Section 61-622, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 61-622. FINDING OF COMMISSION NECESSARY FOR INCREASE IN RATE AND AP-
37 PROVAL OF A NEW TARIFF OR SCHEDULE -- SUSPENSION. (1) No public utility shall
38 raise any existing rate, ~~fare, toll,~~ rental or charge or so alter any exist-
39 ing classification, contract, practice, rule, service or regulation as to
40 result in an increase in any rate, ~~fare, toll,~~ rental or charge, under any
41 circumstances whatsoever, except upon a showing before the commission and a
42 finding by the commission that such increase is justified.



1 (2) Whenever there shall be filed with the commission any tariff or
2 schedule stating a new individual or joint rate, ~~fare, toll,~~ rental, charge,
3 classification, contract, practice, rule, service or regulation that does
4 not increase or result in the increase of any existing rate, ~~fare, toll,~~
5 rental or charge, such tariff or schedule shall not become effective except
6 upon a showing to and a finding by the commission that such tariff or schedule
7 is justified.

8 (3) The commission shall have power and is hereby given authority to
9 suspend the proposed effective date of any new tariff, schedule, rate, ~~fare,~~
10 ~~toll,~~ rental, charge, classification, contract, practice, rule, service
11 or regulation, either upon complaint or upon its own initiative without
12 complaint, at once, and if it so orders, without answer or other formal
13 pleadings by the interested public utility or utilities. The commission
14 shall provide reasonable notice that it intends to conduct a hearing or
15 other proceeding concerning the propriety of such new tariff, schedule,
16 rate, ~~fare, toll,~~ rental, charge, classification, contract, practice, rule,
17 service or regulation. Pending the subsequent hearing or proceeding and de-
18 cision thereon, such new tariff, schedule, rate, ~~fare, toll,~~ rental, charge,
19 classification, contract, practice, rule, service or regulation shall not
20 go into effect.

21 (4) The period of suspension of such new tariff, schedule, rate, ~~fare,~~
22 ~~toll,~~ rental, charge, classification, contract, practice, rule, service or
23 regulation shall not extend beyond thirty (30) days when such new tariff,
24 schedule, rate, ~~fare, toll,~~ rental, charge, classification, contract, prac-
25 tice, rule, service or regulation would otherwise go into effect, pursuant
26 to section 61-307, Idaho Code, unless the commission in its discretion ex-
27 tends the period of suspension for an initial period not exceeding five (5)
28 months, nor unless the commission after a showing of good cause on the record
29 grants an additional sixty (60) days. Prior to the expiration of said peri-
30 ods of suspension the commission may, with the consent in writing signed by
31 the party filing such new tariff or schedule, permanently or further suspend
32 the same.

33 (5) After such hearing or other proceeding during the suspension pe-
34 riod, the commission shall issue its order approving, denying or amending
35 the proposed tariffs, schedules, rates, ~~fares, tolls,~~ rentals, charges,
36 classifications, contracts, practices, rules, services or regulations in
37 whole or in part, or others in lieu thereof, which it shall find to be just and
38 reasonable.

39 SECTION 28. That Section 61-637, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 61-637. STAY OF ORDER ON APPEAL -- BOND. In case the order or decision
42 of the commission is stayed or suspended, the order of the court shall not
43 become effective until a suspending bond shall first have been executed and
44 filed with, and approved by the commission (or approved on review by the
45 court), payable to the people of the state of Idaho, and sufficient in amount
46 and security to ~~insure~~ ensure the prompt payment, by the party petitioning
47 for the review, of all damages caused by the delay in the enforcement of the
48 order or decision of the commission, and of all moneys which any person or
49 corporation may be compelled to pay, pending the review proceedings, for



1 transportation, transmission, product, commodity, or service in excess of
2 the charges fixed by the order or decision of the commission, in case said
3 order or decision is sustained. The court, in case it stays or suspends the
4 order or decision of the commission in any matter affecting rates, ~~fares,~~
5 ~~tolls,~~ rentals, charges or classifications, shall also by order direct the
6 public utility affected to pay into court, from time to time, there to be
7 impounded until the final decision of the case or into some bank or trust
8 company paying interest on deposits, under such conditions as the court may
9 prescribe, all sums of money which it may collect from any corporation or
10 person in excess of the sum such corporation or person would have been com-
11 pelled to pay if the order or decision of the commission had not been stayed
12 or suspended.

13 SECTION 29. That Section 61-638, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 61-638. STAY OF ORDER ON APPEAL -- ACCOUNTS PENDING FINAL DECISION. In
16 case the court stays or suspends any order or decision lowering any rate,
17 ~~fare, toll,~~ rental, charge or classification, the commission, upon the ex-
18 ecution and approval of said suspending bond, shall forthwith require the
19 public utility affected under the penalty of the immediate enforcement of
20 the order or decision of the commission (pending the review and notwith-
21 standing the suspending order) to keep such accounts verified by oath, as may
22 in the judgment of the commission suffice to show the amounts being charged
23 or received by such public utility, pending the review, in excess of the
24 charges allowed by the order or decision of the commission, together with
25 the names and addresses of the corporations or persons to whom overcharges
26 will be refundable in case the charges made by the public utility, pending
27 the review, be not sustained by the court. The court may, from time to time,
28 require said party petitioning for a review to give additional security on
29 or to increase the said suspending bond whenever in the opinion of the court
30 the same may be necessary to ~~insure~~ ensure the prompt payment of said damages
31 and said overcharges. Upon the final decision by the court, all moneys ~~which~~
32 that the public utility may have collected, pending the appeal in excess of
33 those authorized by such final decision, together with interest in case the
34 court ordered the deposit of such moneys in a bank or trust company, shall
35 be promptly paid to the corporations or persons entitled thereto, in such
36 manner and through such methods of distribution as may be prescribed by the
37 commission. If any such moneys shall not have been claimed by the corpora-
38 tions or persons entitled thereto within one (1) year from the final decision
39 of the court, the commission shall cause notice to such corporation or per-
40 son to be given by publication, once a week for two (2) successive weeks,
41 in a newspaper of general circulation, printed and published in the city of
42 Boise, and such other newspaper or newspapers as may be designated by the
43 commission, said notice to state the names of the corporations or persons
44 entitled to such moneys and the amount due each corporation or person. All
45 moneys not claimed within three (3) months after the publication of said
46 notice shall be paid by the public utility under the direction of the commis-
47 sion, into the state treasury for the benefit of the general fund.



1 SECTION 30. That Section 61-1003, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 61-1003. RETURNS -- FORMS AND PREPARATION -- TIME OF FILING AND FIRST
4 FEE PAYMENT. On or before April 1~~st~~ of each year, each public utility and
5 railroad corporation subject to the jurisdiction of the commission, shall
6 file with the commission a return verified by an officer or agent of the pub-
7 lic utility or railroad corporation involved, showing its gross operating
8 revenues from its intrastate utility or railroad business in Idaho for the
9 preceding calendar year during which it carried on such intrastate utility
10 or railroad business. Such return shall be in such form and detail as the
11 commission may prescribe and shall be subject to audit by the commission.
12 Payments shall be made as provided in section 61-1005, Idaho Code.

13 ~~The first return hereunder shall set forth the gross operating revenues~~
14 ~~derived from intrastate utility or railroad business during the calen-~~
15 ~~dar year 1954. The first quarter biennium installment of fees due on the~~
16 ~~1955-1956 fiscal appropriation shall be made on or before May 15, 1955, and~~
17 ~~semiannually thereafter as provided in section 61-1005 of this act.~~

18 SECTION 31. That Section 61-1005, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 61-1005. PAYMENT OF FEES -- TIME AND MANNER -- PROCEDURE ON NONPAY-
21 MENT. On or before May 1~~st~~ of each year, the commission shall notify each
22 public utility and railroad corporation subject to the provisions of this
23 act, by mail, of the amount of its fee for the ensuing fiscal year beginning
24 July 1~~st~~, computed as in this act provided. Such fee shall be paid to the
25 commission in equal semiannual installments on or before ~~the 15th days of~~
26 ~~November and May 15 and November 15~~ in each fiscal calendar year. If payment
27 shall not be made on or before said respective dates, the installments so due
28 shall bear interest at the rate of six ~~per cent~~ percent (6%) per annum until
29 such time as the full amount of the installment shall have been paid. Upon
30 failure, refusal or neglect of any public utility or railroad corporation to
31 pay such fee, the attorney general shall commence an action in the name of the
32 state to collect the same.

33 SECTION 32. That Chapter 11, Title 61, Idaho Code, be, and the same is
34 hereby repealed.

35 SECTION 33. That Section 62-610F, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 62-610F. HIGH-COST SUPPORT -- ADMINISTRATION -- TRANSITION. (1) The
38 commission shall establish a universal service fund to enable eligible
39 telecommunications carriers to make universal service widely available to
40 all persons within the state of Idaho at reasonable rates. Eligible telecom-
41 munications carriers receiving financial support shall use that support
42 only for the provision, maintenance and upgrading of services and facilities
43 for which the support is intended.

44 (2) The commission shall initiate a proceeding to determine and adopt
45 the appropriate methodology and mechanisms to collect and distribute fi-

1 nancial assistance ~~which~~ that are specific, predictable and sufficient in
2 conjunction with federal universal service support mechanisms to preserve
3 and advance universal service within the state of Idaho. Revenue for the
4 fund shall be collected through a uniform universal service fund surcharge
5 as calculated by the commission. The surcharge shall be imposed on end
6 users of all retail telecommunications services originating and terminating
7 within the state of Idaho and collected by the telecommunications carrier
8 providing telecommunications services to such end user. Disbursements from
9 the fund shall be used to defray the costs, as determined by the commission,
10 of providing universal service to customers within a geographic support
11 area. Those costs shall be calculated using a forward-looking cost method-
12 ology. When providing disbursements from the fund, the commission shall
13 take such actions as may be necessary to prevent redundant cost recovery by
14 recipients of such funds including the reduction of access charges subject
15 to title 61 or 62, Idaho Code.

16 (3) The commission shall establish procedures to administer the uni-
17 versal service fund and shall contract with a neutral third party for ad-
18 ministration of the fund. The administrator shall perform the duties re-
19 quired by the commission including data gathering, collecting the surcharge
20 revenues, disbursing funds, and notifying the commission of any fund viola-
21 tions.

22 ~~(4) The commission shall develop procedures and provide for a transi-~~
23 ~~tion period to begin no earlier than January 1, 2001, for rural telephone~~
24 ~~companies to replace funding available pursuant to section 62-610, Idaho~~
25 ~~Code, with the funding mechanism established pursuant to this section for~~
26 ~~the support of universal service.~~

27 SECTION 34. That Section 62-623, Idaho Code, be, and the same is hereby
28 repealed.