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LEGISLATURE OF THE STATE OF IDAHO

Fifty-eighth Legislature

IN THE _____
_____ BILL NO. _____
BY _____

AN ACT RELATING TO PUBLIC UTILITY REGULATION, ADDING SECTION 61-503a, ESTABLISHING A WINTER MORATORIUM ON TERMINATION OF SERVICES FOR CUSTOMERS WITH A CHILD, ELDERLY, OR INFIRM MEMBER OF THE HOUSEHOLD UNABLE TO PAY FOR SERVICE; AND ADDING SECTION 61-503b, ESTABLISHING A MEDICAL EMERGENCY OR SERIOUS ILLNESS POSTPONEMENT OF TERMINATION.

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

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

61-503a WINTER TERMINATION OF GAS AND ELECTRICAL SERVICE –
WINTER MORATORIUM

(1) No gas or electric utility shall terminate, threaten to terminate or fail to connect service to any residential customer or applicant during the months of November through April should the customer or applicant declare that he or she is unable to pay in full for utility service, and whose household includes children, elderly or infirm persons, even if the household owes an unpaid, undisputed bill to the utility.

(2) For purposes of this statute, “Children” are defined as persons eighteen (18) years of age or younger; “Elderly” are defined as persons sixty two (62) years of age or older; and “Infirm” are defined as persons whose physical health or safety would be seriously impaired by termination of utility service.

(3) The utility and the customer may enter a payment arrangement, but no customer may be required to establish such a plan.

(4) Nothing in this section prohibits a utility from terminating a household’s service where a condition immediately dangerous or hazardous to life, physical safety, or property exists, or if necessary to prevent a violation of federal, state or local safety or health codes; where the utility is ordered to terminate service by any court, the Commission, or any other duly authorized public authority; or the service is obtained, diverted or used without the authorization or knowledge of the utility.

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

61-503b TERMINATION OF GAS AND ELECTRICAL SERVICE – SERIOUS ILLNESS OR MEDICAL EMERGENCY

(1) A public utility shall not terminate or fail to connect electrical or gas service to a residential customer or applicant if that customer, a member of the customer's family, or other permanent resident of the premises where service is rendered is seriously ill or has a medical emergency or will become seriously ill or have a medical emergency because of termination of service, and termination of utility service would adversely affect that customer, member of the customer's family, or resident of the household.

(2) A public utility shall postpone termination of service to a residential customer upon the receipt of a certificate declaring the existence of a medical emergency or chronic illness by a licensed physician, nurse-practitioner or physician's assistant authorized to diagnose and treat the medical condition described or a public health official with medical training. The utility shall postpone termination for the length of time that the illness or emergency will last, as stated in the medical certificate, but in any case no more than six (6) months upon receipt of a certificate declaring a medical emergency and no longer than twelve (12) months upon receipt of a certificate declaring a chronic illness.

(3) The medical certificate shall also state the name of the person whose serious illness or medical emergency would be adversely affected by termination, the nature of the serious illness or medical emergency, and the name, title, and signature of the person giving notice of or certifying the serious illness or medical emergency. The medical certificate shall state the length of time for which the emergency or illness is anticipated to exist.

(4) If service to the household has been terminated prior to the utility's receipt of the medical certificate, the utility shall restore service and waive any fees or deposits related to the termination or reconnection of service.

(5) Within one month of expiration of a medical certificate, a customer may submit a new medical certificate and receive an extension of the postponement, not to exceed six (6) months upon receipt of a certificate declaring a medical emergency or twelve (12) months upon receipt of a certificate declaring a chronic illness. Nothing in this section limits the number of times a household may postpone termination of service under this section.

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