

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 659

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC UTILITIES; REPEALING SECTION 61-106, IDAHO CODE, RELAT-
2 ING TO TRANSPORTATION OF PERSONS; REPEALING SECTION 61-107, IDAHO CODE,
3 RELATING TO TRANSPORTATION OF PROPERTY; REPEALING SECTION 61-108,
4 IDAHO CODE, RELATING TO STREET RAILROADS; REPEALING SECTION 61-109,
5 IDAHO CODE, RELATING TO STREET RAILROAD CORPORATIONS; REPEALING SEC-
6 TION 61-112, IDAHO CODE, RELATING TO EXPRESS CORPORATIONS; AMENDING
7 SECTION 61-201, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE
8 TECHNICAL CORRECTIONS; REPEALING SECTION 61-304, IDAHO CODE, RELAT-
9 ING TO SCHEDULES OF COMMON CARRIERS; AMENDING SECTION 61-305, IDAHO
10 CODE, TO REMOVE AN EXCEPTION FOR COMMON CARRIERS, TO REMOVE REFERENCES
11 TO TOLLS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 61-307,
12 IDAHO CODE, TO REMOVE REFERENCE TO FARES AND TOLLS AND TO MAKE TECHNICAL
13 CORRECTIONS; AMENDING SECTION 61-308, IDAHO CODE, TO REMOVE REFERENCE
14 TO FARES AND TOLLS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SEC-
15 TION 61-309, IDAHO CODE, RELATING TO REQUIREMENTS FOR COMMON CARRIERS
16 REGARDING FILING SCHEDULES; REPEALING SECTION 61-310, IDAHO CODE,
17 RELATING TO CHARGES FOR SCHEDULED RATES; REPEALING SECTION 61-311,
18 IDAHO CODE, RELATING TO PASSES; REPEALING SECTION 61-312, IDAHO CODE,
19 RELATING TO PROPERTY HANDLED FOR FREE AND REDUCED RATES FOR CERTAIN
20 PERSONS; AMENDING SECTION 61-313, IDAHO CODE, TO REMOVE REFERENCE TO
21 TOLLS; AMENDING SECTION 61-314, IDAHO CODE, TO REVISE PROVISIONS RE-
22 GARDING SCHEDULES OF RATES WITHIN AND WITHOUT THE STATE; REPEALING
23 SECTION 61-315A, IDAHO CODE, RELATING TO THE PROHIBITION OF CERTAIN
24 INVERTED RESIDENTIAL ELECTRICAL RATE STRUCTURES; REPEALING SECTION
25 61-322, IDAHO CODE, RELATING TO LONG AND SHORT HAULS; REPEALING SECTION
26 61-326, IDAHO CODE, RELATING TO STREET AND INTERURBAN RAILROADS; AMEND-
27 ING SECTION 61-328, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTRIC
28 UTILITIES AND THE SALE OF PROPERTY; AMENDING SECTION 61-402, IDAHO
29 CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CERTAIN INVENTORIES;
30 AMENDING SECTION 61-502, IDAHO CODE, TO REMOVE REFERENCE TO FARES AND
31 TOLLS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 61-503, IDAHO
32 CODE, TO REMOVE REFERENCE TO FARES AND TOLLS AND TO MAKE A TECHNICAL
33 CORRECTION; REPEALING SECTION 61-504, IDAHO CODE, RELATING TO THE ES-
34 TABLISHMENT OF THROUGH ROUTES AND JOINT RATES; 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 FOR PORT DISTRICTS AND INDUSTRIAL DEVELOPMENT DISTRICTS;
38 AMENDING SECTION 61-622, IDAHO CODE, TO REMOVE REFERENCE TO FARES AND
39 TOLLS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 61-637, IDAHO
40 CODE, TO REMOVE REFERENCE TO FARES AND TOLLS AND TO MAKE TECHNICAL COR-
41 RECTIONS; AMENDING SECTION 61-638, IDAHO CODE, TO REMOVE REFERENCE TO
42 FARES AND TOLLS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
43 61-1003, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE FOR PAY-
44 MENTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 61-1005,
45

1 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PAYMENT OF FEES; REPEAL-
 2 ING CHAPTER 11, TITLE 61, IDAHO CODE, RELATING TO THE AIR CARRIER ACT;
 3 AMENDING SECTION 62-610F, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND
 4 TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 62-623, IDAHO CODE,
 5 RELATING TO SUBSIDY REFORM; AND DECLARING AN EMERGENCY AND PROVIDING AN
 6 EFFECTIVE DATE.

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

8 SECTION 1. That Section [61-106](#), Idaho Code, be, and the same is hereby
 9 repealed.

10 SECTION 2. That Section [61-107](#), Idaho Code, be, and the same is hereby
 11 repealed.

12 SECTION 3. That Section [61-108](#), Idaho Code, be, and the same is hereby
 13 repealed.

14 SECTION 4. That Section [61-109](#), Idaho Code, be, and the same is hereby
 15 repealed.

16 SECTION 5. That Section [61-112](#), Idaho Code, be, and the same is hereby
 17 repealed.

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

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

42 SECTION 7. That Section [61-304](#), Idaho Code, be, and the same is hereby
 43 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~~ PUBLIC UTILI-
4 TIES. Under such rules and regulations as the commission may prescribe,
5 every public utility ~~other than a common carrier~~ shall file with the commis-
6 sion within such time and in such form as the commission may designate, and
7 shall print and keep open to public inspection schedules showing all rates,
8 ~~tolls,~~ rentals, charges and classifications collected or enforced, or to
9 be collected or enforced, together with all rules, regulations, contracts,
10 privileges and facilities ~~which that~~ in any manner affect or relate to rates,
11 ~~tolls,~~ rentals, classifications or service. The rates, ~~tolls,~~ rentals and
12 charges shown on such schedules when filed by a public utility as to which the
13 commission by this act acquires the power to fix any rates, ~~tolls,~~ rentals
14 or charges, shall not, within any portion of the territory as to which the
15 commission acquires as to such public utility such power, exceed the rates,
16 ~~tolls,~~ rentals or charges in effect on the second day of January, 1913, ~~the.~~
17 The rates, tolls, rentals and charges shown on such schedules when filed by
18 any public utility as to any territory as to which the commission does not
19 by this act acquire as to such public utility such power, shall not exceed
20 the rates, ~~tolls,~~ rentals and charges in effect at the time the commission
21 acquires as to such territory and as to such public utility, the power to fix
22 rates, ~~tolls,~~ rentals or charges. Nothing in this section ~~contained~~ shall
23 prevent the commission from approving or fixing the rates, ~~tolls,~~ rentals
24 or charges, from time to time, in excess or less than those shown by said
25 schedules.

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

28 61-307. SCHEDULES -- CHANGE IN RATE AND SERVICE. Unless the commis-
29 sion otherwise orders, no change shall be made by any public utility in any
30 rate, ~~fare, toll,~~ rental, charge or classification, or in any rule, regu-
31 lation or contract relating to or affecting any rate, ~~fare, toll,~~ rental,
32 charge, classification or service, or in any privilege or facility, except
33 after thirty (30) days' notice to the commission and to the public as herein
34 provided. Such notice shall be given by filing with the commission and keep-
35 ing open for public inspection new schedules stating plainly the change or
36 changes to be made in the schedule or schedules then in force, and the time
37 when the change or changes will go into effect. The commission, for good
38 cause shown, may allow changes without requiring the thirty (30) days' no-
39 tice herein provided for, by an order specifying the changes so to be made
40 and the time when they shall take effect, and the manner in which they shall
41 be filed and published. When any change is proposed in any rate, ~~fare, toll,~~
42 rental, charge or classification, or in any form of contract or agreement, or
43 in any rule, regulation or contract relating to or affecting any rate, ~~fare,~~
44 ~~toll,~~ rental, charge, classification or service, or in any privilege or fa-
45 cility, attention shall be directed to such change on the schedule filed with
46 the commission by some character to be designated by the commission, immedi-
47 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~~ that are parties to any joint tariff, rate, ~~fare, toll~~ con-
5 tract, classification or charge shall be specified in the schedule or sched-
6 ules showing the same. Unless otherwise ordered by the commission, a sched-
7 ule 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 or~~
 5 ~~property or the~~ transmission of messages or conversations between all points
 6 within this state and all points without ~~the this state~~ upon on its route, and
 7 between all points within this state and all points without ~~the this state~~
 8 ~~upon on~~ every route leased, operated or controlled by it, and between all
 9 points on its route or upon any route, leased, operated or controlled by it
 10 within this state and all points without ~~the this state~~ upon on the route of
 11 any ~~other common carrier or~~ telephone corporation whenever a through route
 12 and joint rate shall 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, regulations,
 40 practices, or contracts, or any of them, affecting such rates, ~~fares, tolls,~~
 41 rentals, charges or classifications, or any of them, are unjust, unreason-
 42 able, discriminatory or preferential, or in any wise way 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~~ it finds to be
 38 just and 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~~ that any person
 49 or 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~~ that it may collect from any corporation
 10 or 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 ~~1st~~ 1 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 ~~1st~~ 1 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 ~~1st~~ 1, 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
18 administration of the fund. The administrator shall perform the duties
19 required by the commission, including data gathering, collecting the sur-
20 charge revenues, disbursing funds, and notifying the commission of any fund
21 violations.

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.

29 SECTION 35. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after
31 July 1, 2024.