

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )**  
**QWEST CORPORATION TO PHASE OUT AND )** **CASE NO. QWE-T-03-10**  
**CLOSE THE BOISE AND POCATELLO )**  
**CUSTOMER PAYMENT CENTERS. )** **ORDER NO. 29327**  
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On March 12, 2003, Qwest Corporation filed an Application to close its two remaining customer payment centers (CPCs) located in Boise and Pocatello. The Commission Staff supported closure of the two CPCs but recommended that the Commission impose six conditions. On June 26, 2003, the Commission issued Order No. 29270 authorizing the Company to close the two CPCs and adopted three conditions proposed by the Staff.

On July 16, 2003, Qwest Corporation filed a timely Petition for Clarification and/or Partial Reconsideration. In particular, the Company requested clarification or reconsideration of two conditions set forth in the Commission’s prior Order. In this Order the Commission grants in part and denies in part Qwest’s Petition.

**FINAL ORDER NO. 29270**

In Order No. 29270 the Commission authorized Qwest to close its Boise and Pocatello customer payment centers. The Commission noted that Qwest customers have a number of different ways to pay their monthly telephone bills. Order No. 29270 at 2. For example, the Commission observed that Qwest had developed 58 “local payment agencies” (LPAs) throughout Idaho where customers can visit to pay their monthly telephone bills in person. *Id.* The two conditions at issue in Qwest’s Petition concern these payment agencies.

The first condition has two parts. The Commission’s Order No. 29270 states that each LPA should: (1) clearly post whether there is a fee or service charge for use of their services; and (2) list the types of payment options available at each LPA. *Id.* at 7. The second condition at issue requires the LPAs to “accept payments without [customers having to present their monthly] bills or notices” to the payment agency. *Id.* In its reply comments that initially addressed the Staff’s proposed conditions, Qwest did not object to the imposition of these two conditions.

In Order No. 29270, the Commission found that “it is appropriate that customers be apprised whether a fee or charge is imposed for paying their Qwest bills. Moreover, the agencies should list the types of payment options available.” *Id.* at 7. The Commission observed in its Order that both these requirements or practices were already in use by many of the local payment agencies. *Id.*

### ISSUES ON RECONSIDERATION

In its Petition, Qwest urges the Commission to clarify and/or reconsider these two conditions. More specifically, Qwest asks the Commission to remove or delete these two conditions. Qwest’s Petition was supported by the Affidavit of Beth Jordan, a payment agent assistant in Qwest’s consumer finance services unit.

1. Posting the Fees and Payment Options. In its Petition, Qwest asserts that requiring its payment agencies to post whether there is a fee or service charge and list the type of payment options available is both unreasonable and unnecessary. Qwest states that many of its payment agencies also accept payments for other utilities. Petition at 2. Qwest insists the payment agencies are independent, unaffiliated businesses and “Qwest has no contractual right to require [LPAs] to post a sign” regarding fees and services. *Id.* at 2-3. Requiring these agencies to post signs specifically related to Qwest payments may also cause confusion for customers who are paying bills to other entities. *Id.*; Aff. at 2.

Qwest also asserts that posting a notice regarding the fee or service charge is unnecessary. Petition at 3. More specifically, Qwest maintains that most Idaho agencies do not assess fees. Qwest explained that when a fee is imposed, the agency “verbally inform[s] the Qwest customer that such a fee applies.” *Id.* In addition, Qwest states that its website indicates whether a service charge will apply at a given agency location.

**Commission Findings.** Having reviewed Qwest’s Petition and the record in this case, we believe that it is appropriate to partially grant Qwest relief. We first address the requirement regarding the posting of a fee or service charge. The Commission’s prior Order No. 29270 specifically listed the Staff’s recommended conditions. In particular, the Staff recommended: “If there is a convenience fee or service charge for using payment options, this fee should be clearly posted so that customers are notified in advance of the charge.” Order No. 29270 at 5. In the “Findings” portion of our prior Order, the Commission found that it “is appropriate that customers be apprised whether a fee or charge is imposed for paying their Qwest

bills.” *Id.* at 7. In its Petition, Qwest characterized this condition as requiring the local payment agencies to “post whether there is a fee or service charge. . . .” Petition at 2. Having reviewed Qwest’s Petition and our prior Order, we believe there is some confusion regarding this condition and accordingly clarify Order No. 29270.

The Commission finds that if there is a convenience fee or service charge for using a LPA, then that fee should be clearly posted. Conversely, if the payment agency does not assess a fee or charge for its services, then no posting is necessary. Of the 58 payment agencies in Idaho, Staff stated in its comments that there are only 2 agencies (one in Nampa and the other in Mountain Home) that assess a \$1.00 fee. Staff Comments at 4. Consequently, the posting requirement only pertains to these two agencies.

We do not believe that the posting requirement for these two agencies should be removed. We are not persuaded by Qwest’s assertion that it has no “contractual right to require [LPAs] to post a sign consistent with” the fee condition. Petition at 3. Although Qwest may have no “contractual right” directly with the payment agencies, Qwest does have a contract with First Data Corporation to manage the business relationship of its payment agencies. Staff Comments at 4. As the principal, Qwest can surely establish operating requirements for its agents.

We further find that this posting requirement is not burdensome to Qwest. As Qwest points out, most of its local agents do not impose a fee. Thus, the only posting requirement for the fee condition would be applicable to the two agencies. Although Qwest’s website may indicate whether a service charge will apply at a given location, the website does not advise customers in advance as to the amount of the service charge.<sup>1</sup> A simple posting that notifies Qwest customers that there is a service fee for Qwest payments will not cause confusion to customers paying other utility bills.

We next reconsider that portion of Order No. 29270 that requires Qwest to list the type of payment options available at each LPA. Upon reconsideration we find that this part of

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<sup>1</sup> The Qwest website listing the Nampa fee agency states “CONVENIENCE/FEE AGENT.” Besides being somewhat ambiguous, this phrase does not disclose the amount of the fee. See [com.qwest.com/ebus/cgi-bin/gx.cgi...](http://com.qwest.com/ebus/cgi-bin/gx.cgi...) (viewed August 21, 2003). The website notation also states “NO DEPOSITS ACCEPTED.” If this latter statement is true, it would be contrary to the terms of the prior Order. In this Petition, Qwest has not challenged the requirement that LPAs accept customer deposits. We expect Qwest to comply with Order No. 29270 and ensure that LPAs accept deposits.

the condition should be removed or deleted. Rather than requiring the Company to “list” or post the types of payment options available, it is more important that local payment agencies be required to accommodate a variety of payment options. The Commission’s prior Order requires that payment agents: accept cash, make change, accept partial payments, accept checks and money orders, accept deposits as well as payments on bills, promptly post payments, and provide receipts to customers. These are essential customer payment functions. Qwest has not sought reconsideration from these requirements – it has merely objected to the posting of such requirements. We do not want to put form over substance; consequently, we shall delete this posting condition.

2. Accepting Payment Without the Customer’s Telephone Bill or Other Notice.

Qwest also asks the Commission to remove the condition which requires an agency to accept payment without having the customer present a monthly telephone bill or other official notice. The Company asserts in its Petition that while it is technically possible for the agencies to receive such payments, accepting payments without reference to a specific customer account number may cause reporting inaccuracies and “potential confusion.” Petition at 3, n. 1.

Qwest explains that when an agency accepts a payment from a customer, it needs both the customer’s 10-digit telephone number and the unique “three digit customer code that appears on the customer’s bill or notice.” *Id.* at 4. Oftentimes customers are unaware of their unique three-digit customer code. For example, it is possible for a “new” and “old” customer to be assigned the same telephone number but their records are identifiably separate due to the different three-digit customer codes. *Aff.* at 3. Consequently, Qwest insists that providing local payment agents with the three-digit customer code – normally found on the customer’s bill or termination notice – is critical to avoiding the misapplication of payments.

**Commission Findings.** We find that Qwest’s argument regarding this condition has merit. Accordingly, we modify our Order No. 29270 to remove this condition. Customers using LPAs need to present a telephone bill, termination notice, or other Company document that discloses the customer’s unique account number.

**ORDER**


IT IS HEREBY ORDERED that Qwest’s Petition for Clarification and/or Partial Reconsideration is granted in part and denied in part. The Commission’s prior Order No. 29270

is clarified to indicate that only those agencies that charge or assess a service fee shall be required to post notice of the fee so that customers are advised in advance of the charge.

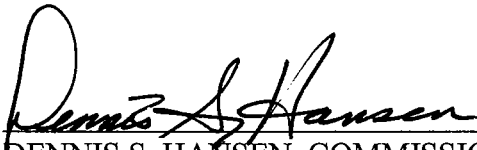
IT IS FURTHER ORDERED that the two conditions regarding: (1) the listing of payment options available at each LPA and (2) that agencies accept payments without presentation of a customer's monthly telephone bill or other type of notice, are deleted.

THIS IS A FINAL ORDER ON RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. QWE-T-03-10 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See *Idaho Code* § 61-627.

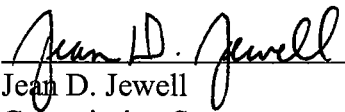
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26<sup>th</sup> day of August 2003.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
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DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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