

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR) CASE NO. QWE-T-04-6
APPROVAL OF TARIFF ADVICE NO. 04-02-)
N AND TARIFF ADVICE NO. 04-01-S.) ORDER NO. 29483
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On March 31, 2004, Qwest filed tariff advices for both northern and southern Idaho introducing promotional programs for both new and existing customers. The offerings would be included as tariffed items, and would be available until cancelled by the Company. Qwest requested an effective date of May 3, 2004. The promotions for new customers would allow a sales representative to offer a potential new basic local exchange customer either: 1) a waiver of nonrecurring fees; 2) a waiver of as much as two months recurring charges; 3) a waiver of an amount up to the total of both nonrecurring charges and two months recurring charges; or 4) merchandise, gift certificates or other benefits with a retail value not to exceed the value of option three. As proposed, the Company may condition its offer on the residential customer remaining with the Company for a minimum period of time, which time period is not specified in the tariff. If the customer terminates early, he would be billed all the charges waived under the program. Business customers would be required to remain with the Company for a period of one year.

Sales representatives would be allowed to offer similar fee waivers to existing local exchange customers seeking to disconnect any service. Waivers would be provided in the form of credits on the bill. Customers would be limited to receiving the waivers only one time per product. One other provision of the tariff advice allows the Company to discontinue the offer with only 14 days notice.

Staff made two recommendations to make the tariff consistent with Idaho statutory requirements. First, with respect to offering discounts and one-time credits, the Company must make every effort to ensure that similarly situated customers are offered similar incentive credits. *Idaho Code* § 61-313 provides, in relevant part, that a public utility may not refund or waive a fee “except such as are specified in such schedules and as are regularly and uniformly extended to all corporations and persons.” Likewise, *Idaho Code* § 61-315 states that no public utility shall,

as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage.

To make the proposal consistent with statutory requirements, Staff recommended the tariff incorporate language that Qwest agreed to for a similar tariff filed in Washington state as follows:

The Company shall use reasonable business efforts so that similarly situated customers are offered similar incentive credits in similar circumstances.

It is also clear the provision of the tariff advises that allows the Company to terminate the offer with only a 14-day notice does not comport with the provisions of *Idaho Code* § 61-307. That section does not allow changes, “to any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental charge, classification or service, or in any privilege or facility except after thirty (30) days’ notice to the commission and to the public.” The 30-day change restriction is also stated in the Commission’s Rules of Procedure, IDAPA 31.01.01.134.02.

The Commission approves these tariff advises with the following changes to comply with current statutory requirements:

1. The Company must add the language discussed above or similar language to ensure that similarly situated customers are offered the same incentive credits in similar circumstances in accordance with *Idaho Code* §§ 61-313 and 61-315.
2. The Company must change the 14-day termination to 30 days consistent with *Idaho Code* § 61-307 and the Commission’s Rules of Procedure IDAPA 31.01.01.134.02.

ORDER

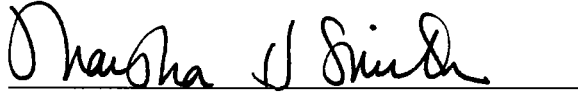
IT IS HEREBY ORDERED that Tariff Advice No. 04-02-N and Tariff Advice No. 04-01-S are approved, conditioned on the changes being made as set forth in this Order.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 23rd
day of April 2004.



PAUL KJELLANDER, PRESIDENT

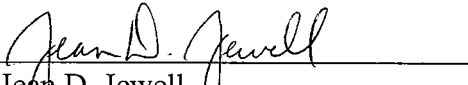


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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