

NOTICE OF
PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Agency Information

1. Agency: Public Service Commission - Administration
 Room no.:
 Building: HEBER M WELLS BLDG
 Street address 1: 160 E 300 S
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84111-2316
 Mailing address 1: PO BOX 45585
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84111-5585

Contact person(s):

Name: Phone: Fax: E-mail:

Sheri Bintz	801-530-6714	801-530-6796	sbintz@utah.gov
Jennie Jonsson	801-530-6763		jjonsson@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 41115 Date filed: 12/28/2016 10:14 AM
 State Admin Rule Filing Key: 158147
 Utah Admin. Code ref. (R no.): R 746 - 100 -

Title

2. Title of rule or section (catchline):
 Practice and Procedures Governing Formal Hearings

Notice Type

3. Type of notice: Repeal

Rule Purpose

4. Purpose of the rule or reason for the change:
 The Public Service Commission (Commission) has determined that Rule R746-100 needs to be updated, reorganized, and clarified. Therefore, the Commission proposes to repeal Rule R746-100 and enact a new rule to govern its administrative proceedings. The new Rule R746-1 is filed concurrently with this repeal.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
 No

Rule Summary

6. Summary of the rule or change:

Rule R746-100 is repealed entirely, and the rules governing administrative proceedings before the Commission are set forth in the new Rule R746-1 which is filed concurrently with this repeal.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

Repealing Rule R746-100 does not create costs for the state. Certain provisions that are included in the replacement Rule R746-1 do create a fiscal impact, which is discussed in the rule analysis set forth in that filing.

B) Local government:

Affected: No

Local governments are not required to enforce or comply with the Commission's rules governing administrative proceedings. No fiscal impact to local government is anticipated.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

Repealing Rule R746-100 will not create costs for small businesses. Certain provisions that are included in the replacement Rule R746-1 could create a fiscal impact, which is discussed fully in the rule analysis set forth in that filing.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Repealing Rule R746-100 does not create costs for affected persons. Certain provisions that are included in the replacement Rule R746-1 could create a fiscal impact, which is discussed fully in the rule analysis set forth in that filing.

Compliance Cost Information

8. Compliance costs for affected persons:

This filing repeals Rule R746-100. No compliance is required. Therefore, there are no compliance costs.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

A new rule governing administrative proceedings before the Commission, Rule R746-1, will be made effective at the same time Rule R746-100 is repealed. The new rule requires affected businesses use an electronic filing system to submit petitions, testimony, evidence, and other records to the Commission in an administrative proceeding. The potential fiscal impact of this requirement, which is anticipated to be minimal, is discussed fully in the rule analysis for Rule R746-1.

B) Name and title of department head commenting on the fiscal impacts:

Thad LeVar, Chair

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Section 54-4-1.5

Section 54-1-1

Section 54-7-17

Section 54-4-1

Section 54-1-6

Section 54-4-2

Section 54-1-3

Title 63G, Chapter 4

Section 54-3-21

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:

ISBN Number:

ISSN Number:

Cost of Incorporated Reference:

Adds, updates, removes:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

02/14/2017

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

02/21/2017

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- government hearings
 - public utilities
 - rules and procedures
 - confidential information

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:	Jennie Jonsson Administrative Law Judge	Date (mm/dd/yyyy): 11/14/2016
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