

State of Utah
Administrative Rule Analysis
 Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment _X_; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R746-8-405a	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Public Service Commission	
Agency:	Public Service Commission	
Room no.:		
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state:	Salt Lake City, Utah 84111	
Mailing address:	PO Box 4558	
City, state, zip:	Salt Lake City, Utah 84114-4558	
Contact person(s):		
Name:	Phone:	Email:
Michael Hammer	801-530-6729	michaelhammer@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
New Technology Equipment Distribution Program (NTEDP)
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The purpose is to repeal the NTEDP, a pilot program set to terminate under the existing rule on December 31, 2021. The pilot program has never reached maximum participation and recent changes in the law, specifically eligible wireless customers' ability to receive Utah Universal Service Fund Lifeline subsidies beginning in 2019, caused the PSC to conclude continuation of the pilot program was duplicative of the Lifeline program and therefore not in the public interest.
4. Summary of the new rule or change:
This rule amendment repeals Section R746-8-405a.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
\$0. The repeal is not anticipated to affect the state budget. Administration and operation of the Relay Utah program will continue without the NTEDP as it did before the pilot program started.

B) Local governments:

\$0. The repeal is not anticipated to affect local governments' budgets. Local governments do not play any role in administration of the NTEDP.

C) Small businesses ("small business" means a business employing 1-49 persons):

\$0. The repeal is not anticipated to affect local governments' budgets. Small businesses do not play any role in administration of the NTEDP.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

\$0. The repeal is not anticipated to affect non-small businesses, except to the extent that the Public Service Commission will no longer be purchasing devices from the provider from whom the PSC has been purchasing devices under the NTEDP.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

\$0. Because people eligible for the NTEDP should be eligible for Lifeline subsidies out of the Utah Universal Service Fund that can provide the individual with a smartphone at no cost, or eligible for another device like a caption telephone under the existing Relay Utah program, the repeal of the rule is not anticipated to measurably affect other persons.

F) Compliance costs for affected persons:

\$0. Because people eligible for the NTEDP should be eligible for Lifeline subsidies out of the Utah Universal Service Fund that can provide the individual with a smartphone at no cost, or eligible for another device like a caption telephone under the existing Relay Utah program, the repeal of the rule should not have a measurable net effect on those seeking subsidies or the fund from which they are drawn.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

PSC Chair Thad LeVar has reviewed and approved this fiscal analysis.

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

The repeal of the rule should not have any fiscal impact on businesses. The small number of individuals who previously received a device under the NTEDP will be able to continue using those devices. Going forward, eligible individuals will be able to receive Lifeline subsidies that can provide the individual with a smartphone at no cost, or eligible for other devices like a caption telephone under the existing Relay Utah program.

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

PSC Chair Thad LeVar

Citation Information

7. 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):

Utah Code Ann. Section 54-8b-10		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. 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 (mm/dd/yyyy): 01/31/2020

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

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

10. This rule change MAY become effective on (mm/dd/yyyy):	02/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, 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.	

Agency Authorization Information

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 <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
Agency head or designee, and title:	Thad LeVar, Chair	Date (mm/dd/yyyy):	12/16/2019

R746. Public Service Commission, Administration.

R746-8. Utah Universal Public Telecommunications Service Support Fund (UUSF).

~~[R746-8-405a. New Technology Equipment Distribution Program (NTEDP)].~~

~~—— (1) Authority and Purpose.~~

~~—— (a) This rule section is promulgated pursuant to Utah Code Subsection 54-8b-10(3)(b).~~

~~—— (b) The purposes of the NTEDP are:~~

~~—— (i) to explore the feasibility of using tablet devices and/or unlocked cellular telephones to address the telecommunication needs of the deaf, hard of hearing, and severely speech impaired communities;~~

~~—— (ii) to determine how best to manage a program in which tablet devices and/or unlocked cellular telephones are provided; and~~

~~—— (iii) to determine the level of support services that would be required if tablet devices and/or unlocked cellular telephone devices are provided.~~

~~—— (2) Duration. The NTEDP shall terminate no later than December 31, 2021.~~

~~—— (3) Participation.~~

~~—— (a) An individual who wishes to participate in the NTEDP shall:~~

~~—— (i) submit a completed application form to the Relay Utah office;~~

~~—— (ii) provide medical documentation of:~~

~~—— (A) deafness;~~

~~—— (B) hardness of hearing; or~~

~~—— (C) severe speech impairment;~~

~~—— (iii) demonstrate that:~~

~~—— (A) the individual is receiving assistance from a low-income public assistance program administered by a state agency; or~~

~~—— (B) has an income of 200% of the Federal Poverty Guideline or less for the current year;~~

~~—— (iv) (A) if applying for a tablet, certify that the individual has consistent access to a WiFi network; or~~

~~—— (B) if applying for an unlocked cellular telephone, certify that the individual has a service plan in place with a wireless telecommunications provider; and~~

~~—— (v) certify that the individual is able and willing to comply with Subsection (4).~~

~~—— (b) Priority may be given to applicants who have previously participated in the Commission's Relay Utah program.~~

~~(c) An applicant who is not selected to participate may request to be placed on a waiting list.~~

~~(d) Participation shall be limited to ten additional participants in each six-month period of the pilot program.~~

~~(4) Participant obligations.~~

~~(a) An individual who is chosen to participate in the NTEDP shall:~~

~~(i) participate in an entrance interview with the Relay Utah office;~~

~~(ii) complete online surveys as instructed by the Relay Utah office;~~

~~(iii) promptly comply with all instructions from the Relay Utah office to download apps;~~

~~(iv) promptly respond to requests from the Relay Utah office for information and feedback;~~

~~(v) maintain the device in the storage case provided;~~

~~(vi) retain all original device packaging, instructions, and information;~~

~~(vii) contact the manufacturer's customer service department for assistance with technical support;~~

~~(viii) promptly report to the Relay Utah office:~~

~~(A) software and hardware failures; and~~

~~(B) damage to the device;~~

~~(ix) take financial responsibility for loss of, or damage to, the device if caused by the individual's misuse or negligence; and~~

~~(x) immediately return the device to the Relay Utah office if the individual:~~

~~(A) moves from the State of Utah;~~

~~(B) is disqualified by the Relay Utah office from further participation in the NTEDP; or~~

~~(C) chooses to terminate the individual's participation in the NTEDP.~~

~~(b) An individual who is chosen to participate in the NTEDP may not:~~

~~(i) reformat or attempt to reformat the device;~~

~~(ii) allow any other person to use the device, except as necessary to assist the participant with telecommunications; or~~

~~(iii) install software, apps, or other programs not authorized by the Relay Utah office.~~

~~(c) A participant who fails to comply with this Subsection (4) may be disqualified from further participation in the NTEDP.~~

~~(5) All devices distributed as part of the NTEDP shall remain the property of the State of Utah Public Service Commission.]~~