

R746-100 Repeal; R746-1 Enactment

EXISTING RULE NUMBER	NEW RULE NUMBER	Section Name	Summary of change
746-100-1(A)	746-1-101	Title and organization	Establish the name of the rule. List the rule parts
746-100-1(E)	746-1-102	Authority (to make rules)	Reworded and simplified
746-100-2(A)	746-1-103(1)	"Applicant"	
746-100-2(B)	746-1-103(2)	"Commission"	Defined by reference to statute.
746-100-2(C)	746-1-103(3)	"Complainant"	Significant rewording.
746-100-2(D)		"Consumer complaint"	Definition deleted.
746-100-2(E)	746-1-103(4)	"Division"	
746-100-2(F)	746-1-901	"Ex parte communication"	Definition deleted – ex parte communications are adequately addressed in Utah Code § 54-7-1.5
746-100-2(G)		"Formal proceeding"	Definition deleted – covered in UAPA.
746-100-2(H)		"Informal proceeding"	Definition deleted – covered in UAPA.
746-100-3(A)	746-1-103(5)	"Initial pleading"	Significant rewording.
746-100-2(J)	746-1-103(6)	"Interested person"	Significant rewording.
746-100-2(K)	746-1-103(7)	"Intervenor"	Significant rewording.
746-100-2(L)	746-1-103(8)	"Office"	
746-100-2(I)	746-1-103(9)	"Party"	Some rewording.
746-100-2(M)	746-1-103(10)	"Person"	Defined by reference to statute.
746-100-2(N)	746-1-103(11)	"Petitioner"	
746-100-2(O)	746-1-103(12)	"Presiding officer"	Defined by reference to statute.
746-100-2(P)	746-1-103(13)	"Proceeding"	Significant rewording.
746-100-2(Q)	746-1-704	"Public witness"	Significant rewording. Definition incorporated into substantive rule.
746-100-2(R)	746-1-103(14)	"Respondent"	Some rewording.
746-100-3(A)	746-1-103(15)	"Responsive pleading"	Some rewording.
746-100-1(B)	746-1-104	Designation of adjudicative proceedings	Added language to designate the following requests for agency action as informal adjudications: <ul style="list-style-type: none"> • a complaint; • an unopposed request for a certificate of public convenience and necessary; • a request for acknowledgment or approval of a telecommunications utility's name change; and • a request for acknowledgment or approval of a merger, acquisition, or similar organizational restructuring that does not alter or affect the services provided by a telecommunications utility
746-100-1(C)	746-1-105	Utah rules of civil procedure	Rewording – identify URCP as persuasive authority unless specifically incorporated.

746-100-1(D)		Gender/number disclaimer	Deleted as archaic.
746-100-3(B)(1)		Docket number	Deleted. The language was strictly informational, as it did not require compliance from public utilities. To the extent the information might be useful, the PSC will post it on the website.
746-100-4(E)	746-1-106	Computation of time	Rewording. Language added to allow a conflicting order, statute, or rule to supersede the computation scheme set forth.
746-100-6	746-1-107	Representation of parties	Significant rewording; some of the existing language is deleted. Added reference to § 14-801 of the Utah Supreme Court Rules of Professional Practice.
746-100-7	746-1-108	Intervention	Some rewording.
746-100-15	746-1-109	Deviation from rules	Some rewording; opportunity to deviate restricted to procedural rules.
746-100-3(H)	746-1-201	Complaints	Significant rewording and reformatting.
746-100-3(B)(2)	746-1-202	Title of pleadings	Some rewording. Table reformatted as a list.
746-100-3(C), (D), (G)	746-1-203	Form of complete filing	Broadened to apply to all filings, rather than just pleadings. Significant rewording and reformatting. If the PSC transitions to paperless filings, this section will be amended further.
	746-1-204	Effective date of filing	New substantive section.
746-100-3(I)	746-1-205	Content of initial pleading	Rewording and reformatting.
746-100-3(F)	746-1-206	Amendment of complaint or initial pleading	Reformatted and generalized to apply to pleadings and complaints.
746-100-4(B)		Notice conforming with 63G-4-201 required	Deleted as duplicative of statute.
746-100-4(C)		Required customer notice	Deleted as unnecessary in light of statutory notice requirements. See Utah Code §§ 53-3-3, 54-4-1.1, 54-7-12(7), and 54-7-12(8).
746-100-3(K) and 100-4(D)	746-1-207	Responsive pleadings	Deleted reference to 30-day deadline with reference to Utah Code § 63G-4-204; included option for Commission to establish a different response deadline.
746-100-3(J) and 100-4(D)	746-1-300	Motions	<ul style="list-style-type: none"> • Reformatted; superfluous language deleted. • Added briefing schedule for motions. • Deleted requirement to file a motion to dismiss before filing a response. If a motion deadline is needed, the Commission will include it in the scheduling order.
746-100-5		Participation	Deleted – covered in UAPA at Utah Code § 63G-4-206(1)(d): "The presiding officer shall afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence."
746-100-9; 746-100-10(G); 746-100-10(F)(2)(c)	746-1-401	Pre-hearing comments and testimony – general requirements	<ul style="list-style-type: none"> • Much language deleted as duplicative of UAPA at Utah Code § 63G-4-102(4)(a): "This chapter does not preclude an agency, prior to the beginning of an adjudicative proceeding, or the presiding officer during an adjudicative proceeding from requesting or ordering a conference with parties and interested persons to (i) encourage settlement; (ii) clarify the issues; (iii) simplify the evidence; (iv) facilitate discovery; or (v) expedite the proceeding.

			<ul style="list-style-type: none"> • Added a requirement to include in the filing the name of the party on whose behalf the testimony is offered. • Broadened the language to apply to both comments and testimony.
746-100-10(G)	746-1-402	Pre-hearing testimony – inclusion in record	Significant rewording and reformatting.
746-100-8	746-1-501	Discovery	<ul style="list-style-type: none"> • Significant rewording and reformatting. • Added request for admission as a method of informal discovery. • Added provision to govern an objection to a discovery request. • Added a requirement for an intervenor to request discovery from the parties.
746-100-3(E); 746-100-16, specifically (A)(1)(b) and (g), but relevant language scattered throughout	746-1-601	Identification of Information Claimed to Be Confidential or Highly Confidential in Commission Proceedings	Significant rewording and reformatting, including meaningful deletions of superfluous language.
746-100-16, specifically (A)(1)(e) and (g), but relevant language scattered throughout	746-1-602	Persons Entitled to Review Confidential and Highly Confidential Information	Significant rewording and reformatting, including meaningful deletions of superfluous language.
746-100-16, specifically (A)(1)(d) and (g), but relevant language scattered throughout	746-1-603	Treatment of Confidential and Highly Confidential Information	Significant rewording and reformatting, including meaningful deletions of superfluous language.
746-100-16(A)(2)	746-1-604	Challenge to Claim of Confidentiality	Significant rewording and reformatting, including meaningful deletions of superfluous language.
746-100-16(A)(3), (4), and (5)	746-1-605	Receipt of Confidential and Highly Confidential Information into Evidence	Significant rewording and reformatting, including meaningful deletions of superfluous language.

	746-1-606	Commission Compliance with the Utah Government Records Access and Management Act	New section. Requires a party whose confidential or highly confidential information is requested pursuant to GRAMA to collaborate with the Commission to determine how the information should be classified under the statute.
746-100-10(H)		Joint exhibits	Deleted. If the PSC requires an issues matrix from the parties, it will issue an order.
746-100-10(D)	746-1-701	Witness Subpoenas	<ul style="list-style-type: none"> • Some rewording and reformatting. • Included reference to URCP 45(b)(1) governing service of witness subpoenas. • Added deadline by which party must present subpoena to presiding officer for signature.
746-100-10(B)	746-1-702	Continuance of scheduled hearing	Added stipulation of the parties stated as a basis (in addition to good cause shown) for granting a motion for continuance.
746-100-10(E)	746-1-703	Closing a hearing	Language deleted in favor of reference to Utah Code § 54-3-21(4).
746-100-10(F)(1)	746-1-704	Public witness evidence	Significant rewording. Option for public witness to provide sworn testimony, subject to cross-examination, deleted. New language added to specify that a public witness may not conduct cross-examination.
746-100-10(F)(2)(a)-(b)	746-1-705	Exhibits offered at hearing	<ul style="list-style-type: none"> • Rewording and reformatting. • Added language to regarding exhibits that contain confidential or highly confidential information.
746-100-11(D)		Commission deliberation	Deleted as duplicative of <i>Common Cause v. Utah Pub. Serv. Comm'n</i> , 598 P.2d 1312 (Utah 1979).
746-100-11(F)	746-1-801	Reconsideration and agency review	Reworded and reformatted
746-100-13		Ex parte communications	Deleted as duplicative of Utah Code § 54-7-1.5.
746-100-10(J)		Order of presentation of evidence at hearing	Deleted as being unnecessary in rule.
746-100-10(A)		Hearing time and place	Deleted as duplicative of Utah Code § 63G-4-201(2)(a)(vii).
746-100-10(C)		Failure to appear	Deleted as duplicative of Utah Code § 63G-4-209.
746-100-10(E)(2)		Required demeanor at hearing	Deleted as duplicative of Utah Code § 63G-4-206(2): "This section does not preclude the presiding officer from taking appropriate measures necessary to preserve the integrity of the hearing."
746-100-10(F)(3)		Administrative notice	Deleted as duplicative of Utah Code § 63G-4-206(1)(b)(iv): "On the presiding officer's own motion or upon objection by a party, the presiding officer may take official notice of any facts that could be judicially noticed under the Utah Rules of Evidence, of the record of other proceedings before the agency, and of technical or scientific facts within the agency's specialized knowledge."
746-100-10(F)(4)		Stipulations	Deleted as covered under Utah Code § 54-7-1.

746-100-10(F)(5)		Settlements	Deleted as covered under Utah Code § 54-7-1.
746-100-10(I)		Recording of hearing and transcript	Deleted as duplicative of Utah Code § 63G-4-206(1)(g)-(h).
746-100-10(K)		Cross-examination	Deleted as duplicative of Utah Code § 63G-4-206(1)(d).
746-100-10(L)		Procedure at conclusion of hearing	Deleted as being unnecessary in rule.
746-100-11		Decisions and orders	Deleted as duplicative of Utah Code § 63G-4-208.
746-100-12		Appeals	Deleted as duplicative of Utah Code § 63G-4, Parts 3 and 4.
746-100-14		Rulemaking	Deleted as duplicative of Utah Code § 63G-3-101 et seq.