

**Exhibit A to Comment of URTA**

**Docket 17-R008-01**

**Proposed Redlines to Rules**

1 R746. Public Service Commission, Administration.  
2 R746-8. Utah Universal Public Telecommunications Service Support Fund  
3 (UUSF).

4  
5 R746-8-100. Authority, Purpose, and Organization.

- 6 (1) This rule is adopted under:  
7 (a) Utah Code § 54-8b-10; and  
8 (b) Utah Code § 54-8b-15.  
9 (2) This rule:  
10 (a) governs the methods, practices, and procedures by which:  
11 (b) the UUSF is created, maintained, and funded; and  
12 (c) funds are disbursed from the UUSF to qualifying access line  
13 providers.  
14 (3) This rule is organized into the following Parts:  
15 (a) Part 100: Authority, Purpose and Organization;  
16 (b) Part 200: Definitions;  
17 (c) Part 300: UUSF Funding; and  
18 (d) Part 400: UUSF Distributions.

19  
20 R746-8-200. Definitions.

21 (1)(a) "Access line" is defined at Utah Code Subsection  
22 54-8b-2(1) and is used in this rule, R746-8360, to the extent  
23 consistent with federal law.

24 (b) For purposes of applying the statutory definition of  
25 "access line," the term "connection" is defined at Utah Code  
26 Subsection 54-8b-15(1)(c) and is used in this rule, R746-8, to the  
27 extent consistent with federal law. ~~"functional equivalent of a  
28 circuit switched connection from an end user to the public switched  
29 network" means equipment or technology that allows an end user to  
30 place or receive a real-time voice communication.~~

31 (c)(i) Providers of access lines and functionally equivalent  
32 connections are hereafter referred to jointly as "providers."

33 (ii) Access lines and connections are hereafter referred to  
34 jointly as "access line" or "access lines."

35 (2)(a) "Affordable base rate" or "ABR" means the monthly retail  
36 rate that a rate-of-return regulated provider is required to charge  
37 on a per-access line basis in order to receive ongoing disbursements  
38 from the UUSF.

39 (b) "Affordable base rate" ~~may does not~~ include:

- 40 (i) ~~the applicable UUSF surcharge;~~  
41 ~~(ii) mandatory extended area service fees; or~~  
42 ~~(iii) state subscriber line fees.~~

43 (c) "Affordable base rate" ~~does not include:~~

- 44 (i~~±~~) municipal franchise fee(s);  
45 (ii~~±~~) tax(es); or  
46 (iv) any ~~other~~ incidental surcharge(s) ~~other than those~~  
47 ~~identified in Subsection (b) above:~~

- 48 (A) included in a Commission-approved tariff; or  
49 (B) authorized under these rules.

50 (3) "Broadband internet access service" is defined at Utah Code  
51 Subsection 54-8b-15(1)(a).

52

Commented [k1]: Changes found in R746-360-4(1)(a).

Commented [k2]: Changes found in R746-360-4(1)(b).

Commented [k3]: Changes found in R746-360-4(1)(c).

Commented [k4]: The Commission's June 7, 2016 Order permitted providers to include mandatory EAS fees, state subscriber line charges, and/or state USF fees in the \$18.00.

53 (34) "Carrier of last resort" is defined at Utah Code Subsection  
54 54-8b-15(1)(b). ~~(a) "Average revenue per line" means a provider's~~  
55 ~~total revenue received from a designated support area divided by the~~  
56 ~~provider's total number of access lines in the same designated support~~  
57 ~~area.~~

Commented [k5]: Carrier of last resort, rather than incumbent provider is used in the statute.

58 (45) "Eligible telecommunications carrier" or "ETC" means a  
59 provider that, if seeking to participate in the state Lifeline program:

60 (a) holds a certificate of public convenience and necessity  
61 from the commission; and

62 (b)(i) is designated as an eligible telecommunications carrier  
63 by the commission in accordance with 47 U.S.C. Section 214(e); or

64 (ii) is designated by the FCC as a Lifeline Broadband Provider  
65 (LBP).

Commented [k6]: This definition is not used in the rule and can be deleted.

66 (64) "Designated support area" means the geographic area used  
67 to determine a provider's UUSF support distribution, including, at  
68 a minimum, the provider's entire certificated service territory  
69 located in the State of Utah.

70 (75) The acronym "FCC" means the Federal Communications  
71 Commission.

72 (86) "Facilities-based provider" means a provider that uses:

73 (a) its own facilities;

74 (b) essential facilities or unbundled network elements obtained  
75 from another provider; or

76 (c) a combination of its own facilities and essential facilities  
77 or unbundled network elements obtained from another provider.

78 (97) (a) "Group depreciation methodology," pursuant to 47  
79 C.F.R. ~~FCC~~ Part 32, Subpart 32.2000(g)(1)(i), means a group plan of  
80 accounting ~~in which that distributes~~ the loss in aggregate service  
81 value of property, ~~except for losses excluded under the definition~~  
82 ~~of depreciation, may be distributed~~ under the straight-line method  
83 during the composite service life of the property in the group.

84 (b) ~~In the event any composite depreciation rate becomes no longer~~  
85 ~~applicable to reflect the composite service life of a group of similar~~  
86 ~~assets, a revised composite depreciation rate shall be computed in~~  
87 ~~accordance with Subsection (9)(a) of this Section.~~

88 (c) ~~The provider shall keep such records of property and property~~  
89 ~~retirements as will allow the determination of the service life of~~  
90 ~~property which has been retired, or facilitate the determination of~~  
91 ~~service life indicates by mortality, turnover, or other appropriate~~  
92 ~~methods. Such records will also allow the determination of the~~  
93 ~~percentage of salvage value and cost of removal for property retired~~  
94 ~~from each class of depreciable plant.~~

95 (108)(a) "Household" means any individual or group of  
96 individuals living together at the same address as one economic unit.

97 (b) "Economic unit" means all adult individuals contributing  
98 to and sharing in the income and expenses of a household.

99 (119) "Lifeline subscriber" means an individual who qualifies  
100 for state subsidization of an access line through participation in  
101 a program for low-income individuals that is recognized by the FCC.

102 (12) "Non-rate-of-return regulated" is defined at Utah Code  
103 Subsection 54-8b-15(1)(e).

104 (13) "Rate of return regulated" is defined at Utah Code

105 Subsection 54-8b-15(1)(f).

106 (14) "Wholesale broadband internet access service" is defined  
107 at Utah Code Subsection 54-8b-15(1)(g).

108  
109 **R746-8-300. UUSF Funding.**

110  
111 **R746-8-301. Calculation and Application of UUSF Surcharge.**

112 (1) Through December 31, 2017, providers shall remit to the  
113 Commission 1.65 percent of billed intrastate retail rates.

114 (2) As of January 1, 2018, the Utah Universal Public  
115 Telecommunications Service Support Fund (UUSF) shall be funded as  
116 follows.

117 (2)(a) Unless Subsection R746-8-301~~(3)~~ applies, providers  
118 shall remit to the Commission~~collect from their end user customers~~  
119 \$0.36 per month per access line that as of the last calendar day  
120 of each month, has a place of primary use in Utah in accordance with  
121 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et  
122 seq.

123 (b)(1) "Place of primary use" means the street address  
124 representative of where the customer's use of the telecommunications  
125 service primarily occurs.

126 (i) A provider of mobile telecommunications service shall  
127 consider the customer's place of primary use to be the customer's  
128 residential street address or primary business street address.

129 (iii) A provider of non-mobile telecommunications service  
130 shall consider the customer's place of primary use to be:

131 (A) the customer's residential street address or primary  
132 business street address; or

133 (B) the customer's registered location for 911 purposes.

134 (c) A provider may collect the surcharge:

135 (i) as an explicit charge to each end-user; or

136 (ii) through inclusion of the surcharge within the end-user's  
137 rate plan.

138 (d) A provider that offers a multi-line service shall apply  
139 the surcharge to each concurrent real-time voice communication call  
140 session that an end-user can place to or receive from the public  
141 switched telephone network.

142 (e) A provider that offers prepaid access lines or connections  
143 that permit access to the public telephone network shall remit to  
144 the Commission \$0.36 per month per access line for such service (new  
145 access lines or connections, or recharges for existing lines or  
146 connections) purchased on or after January 1, 2018.

147 +

148 ~~(i) that has a physical endpoint within the State of Utah;~~  
149 ~~or~~

150 ~~(ii) as to which the provider has record of an associated~~  
151 ~~address within the State of Utah.~~

152 ~~(b) The surcharge shall apply directly to each end-user as~~  
153 ~~a separate charge and shall not be included in, nor paid from, the~~  
154 ~~provider's rates or telecommunications revenues.~~

155 (32)(a) A provider shall remit to the Commission no less than  
156 98.69 percent of its total monthly surcharge collections.

Commented [k7]: Found in R746-360-4(2)

Commented [k8]: Found in R746-360-4(3)

157 (b) A provider may retain a maximum of 1.31 percent of its  
158 total monthly surcharge collections to offset the costs of  
159 administering this rule.

Commented [k9]: Found in R746-360-3(4)

160 ~~((4)) (a) Subject to Subsection R746-8-301(4)(b), a provider may~~  
161 ~~omit the UUSF surcharge with respect to an access line that is~~  
162 ~~described in Subsection R746-8-301(2), and:~~

163 ~~(i) generates revenue that is subject to a universal service~~  
164 ~~fund surcharge in a state other than Utah for the relevant month~~  
165 ~~for which the provider omits the UUSF surcharge; or~~

166 ~~(ii) for the relevant month for which the provider omits the~~  
167 ~~UUSF surcharge, was not used to access Utah intrastate~~  
168 ~~telecommunications services.~~

Commented [k10]: Found in R746-360-4(5)(a)

169 ~~(b) A provider that omits any UUSF surcharge pursuant to~~  
170 ~~Subsection R746-8-301(4)(a) shall:~~

171 ~~(i) maintain documentation for at least 36 months that the~~  
172 ~~omission complied with Subsection R746-301(4) (a); and~~

173 ~~(ii) consent to any audit of the documentation requested by~~  
174 ~~the:~~

175 ~~(A) Commission; or~~

176 ~~(B) Division of Public Utilities.~~

Commented [k11]: Found in R746-360-4(5)(b)

177 ~~(c) The Division of Public Utilities shall require providers~~  
178 ~~who omit any UUSF surcharge pursuant to Subsection~~  
179 ~~R746-8-301(4)(a)(i) or (ii) to report to the Division of Public~~  
180 ~~Utilities the number of omissions claimed pursuant to each Subsection~~  
181 ~~R746-8-301(4)(a)(i) and R746-8-301(4)(a)(ii).~~

182 ~~a) An end user may petition the Commission for a waiver of the~~  
183 ~~surcharge set forth in Subsection R746-8-301(1)(a). Any such petition~~  
184 ~~shall be adjudicated as an informal administrative proceeding.~~

185 ~~(b) An end user that petitions for a waiver of the surcharge~~  
186 ~~has the burden to provide billing records or other substantial~~  
187 ~~documentary evidence demonstrating that, at all times and~~  
188 ~~continuously during the six calendar months preceding the date of~~  
189 ~~petition, the access line being assessed was not used to access Utah~~  
190 ~~intrastate telecommunications services.~~

191 ~~(4)(a) An exemption granted under Subsection R746-360-4(5)~~  
192 ~~is valid for a period of one calendar year from the date of issuance.~~

193 ~~(b) Following the expiration of an exemption, and upon notice~~  
194 ~~from the Commission, the end user's provider shall assess the~~  
195 ~~surcharge each month, until such time as the provider is notified~~  
196 ~~by the Commission that a renewed exemption has been granted.~~

197 ~~(c) Any assessment remitted to the Commission between the~~  
198 ~~expiration of an exemption and the approval of a petition for renewal~~  
199 ~~of the exemption shall be non-refundable.~~

200 ~~(d)(i) The end user shall bear the sole responsibility to know~~  
201 ~~the expiration date of an exemption granted to the end user and to~~  
202 ~~ensure that an application for renewal is filed at least 30 days~~  
203 ~~prior to the date of expiration.~~

204 ~~(ii) At any proceeding to review a petition for renewal of~~  
205 ~~an exemption, evidence that the end user was unaware of the expiration~~  
206 ~~date shall be inadmissible.~~

207 ~~(iii) A petition for renewal of an exemption is deemed granted~~

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209 ~~unless the Commission issues an order of denial within 30 days of~~  
210 ~~the date on which the petition is filed.~~

211  
212 **R746-8-302. UUSF Surcharge Remittances.**

213 Providers shall ~~collect and~~ remit surcharge ~~assessments~~ revenues  
214 to the Commission as follows:

215 (1) If, over a period of six months, the average monthly UUSF  
216 surcharge ~~assessment~~ collections total \$1,000 or more, the provider  
217 shall remit the funds:

- 218 (a) on a monthly basis; and
- 219 (b) within 45 days of the last calendar day of each month.

220 (2) If, over a period of six months, the average UUSF surcharge  
221 ~~assessment~~ collections are less than \$1,000 per month, the provider  
222 shall accrue the UUSF surcharge ~~assessment~~ collections and submit  
223 the accrued ~~assessment~~ collections every six months.

224 (3) For providers who are ETCs participating in the Commission  
225 Lifeline program the Commission may deduct the per access line UUSF  
226 surcharge assessment from the Lifeline support to be paid under  
227 Subsection R746-8-403.

228  
229 **R746-8-400. UUSF Distributions.**

230  
231 **R746-8-401. Rate-of-Return Regulated ~~Providers~~ Incumbent Providers.**

232 (1) A rate-of-return regulated ~~incumbent~~ provider is eligible  
233 for ongoing UUSF support for the deployment and management of networks  
234 capable of providing access lines, connections, or wholesale broadband  
235 internet access if the provider:

- 236 (a) is a carrier of last resort;  
237 ~~meets the definition of an ETC set forth in Subsection R746-8-200;~~
- 238 (b) is in compliance with Commission orders and rules;
- 239 (c) unless a petition brought pursuant to Subsection  
240 R746-8-401(2) is granted after adjudication, charges, at a minimum,  
241 \$18 per access line;
- 242 (d) offers Lifeline service on terms and conditions prescribed  
243 by the Commission;
- 244 (e) operates as a facilities-based provider, not a reseller;

245 and  
246 (f) in compliance with R746-8-401(3), demonstrates through an  
247 adjudicative proceeding that its costs to provide access lines and  
248 wholesale broadband internet access service in its designated support  
249 area exceed its revenues from:

- 250 (i) providing access lines in its designated support area;
- 251 (ii) rates approved by the FCC for wholesale broadband internet  
252 access service in its designated support area;
- 253 (iii) providing other telecommunications services in its  
254 designated support area;
- 255 (iv) Federal Universal service funds.

256 (2)(a) A rate-of-return regulated ~~incumbent~~ provider may  
257 petition the Commission to deviate from the affordable base rate set  
258 forth in Subsection R746-8-401(1)(c).

259 (b) A rate-of-return regulated ~~incumbent~~ provider that files  
260 a petition to deviate from the affordable base rate shall:

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261 (i) demonstrate that the affordable base rate is not reasonable  
262 in the provider's designated support area; or  
263 (ii) impute income up to the affordable base rate in calculating  
264 the provider's UUSF disbursement.

265 (3) The calculation of a rate-of-return regulated provider's  
266 ongoing UUSF distribution shall conform to the following standards:

267 (a) ~~(i)~~—The provider's state rate of return shall be equal to  
268 the weighted average cost of capital rate of return prescribed by  
269 the FCC for rate-of-return regulated carriers, as of the date of the  
270 provider's application for support, and as follows:

- 271 (A) beginning July 1, 2016: 11.0%
- 272 (B) beginning July 1, 2017: 10.75%;
- 273 (C) beginning July 1, 2018: 10.5%;
- 274 (D) beginning July 1, 2019, 10.25%;
- 275 (E) beginning July 1, 2020, 10.0%; and
- 276 (F) beginning July 1, 2021, 9.75%.

277  
278 ~~(b)(i)~~ The provider's depreciation costs shall be calculated  
279 through:

280 ~~(A)~~ ~~the a~~ single-asset straight-line methodology; or  
281 ~~(iiB)(I)~~ ~~a group depreciation methodology that complies with~~  
282 ~~FCC Part 32, Subpart 32.2000(g);~~

283 ~~(iii) or any other method of depreciation allowed by the~~  
284 ~~FCC.] (1)(i); and~~

285 ~~(II) regardless of the methodology used, be calculated so as~~  
286 ~~to depreciate each individual unit within an asset group at an even~~  
287 ~~rate and over the full period of time prescribed in the provider's~~  
288 ~~Commission approved depreciation schedules.]~~

289 (4) Beginning July 2017, and yearly thereafter, unless the  
290 provider files with the Commission a petition for review of its UUSF  
291 disbursement, the Division shall adjust each provider's monthly  
292 distribution according to:

- 293 (i) the current FCC rate of return as set forth in  
294 R746-8-401(3)(a); and
- 295 (ii) the provider's financial information from its last UUSF  
296 review.

297  
298 **R746-8-402. Non-rate-of-return Regulated ~~Incumbent~~ Providers.**

299 ~~(1) A non-rate-of-return regulated provider may be eligible~~  
300 ~~for ongoing UUSF support for the deployment and management of networks~~  
301 ~~capable of providing access lines, connections, or broadband internet~~  
302 ~~access, upon application to the Commission, if the provider:~~

- 303 ~~(a) is a carrier of last resort;~~
- 304 ~~(b) is in compliance with Commission orders and rules.~~

305 ~~(2) Upon receipt of an application brought under this section,~~  
306 ~~the commission shall establish the appropriate criteria for the~~  
307 ~~entitlement to, and the disbursement of, UUSF funds to~~  
308 ~~non-rate-of-return regulated providers.~~

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**PLACEHOLDER**

**Commented [k12]:** This language is not consistent with group depreciation methodology permitted by the FCC.

**Commented [k13]:** Should this be January 1, 2018?

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314 **R746-8-403. Lifeline Support.**  
315 (1) In addition to any disbursement calculated under R746-8-401  
316 or R746-8-402, an ETC may receive an ongoing distribution through  
317 ongoing participation in a Commission-approved Lifeline program upon  
318 a specific finding of public interest by the Commission.  
319 (2) The support claimed under this Subsection R746-8-403 may  
320 not exceed the following limits:  
321 (a) \$3.50 per Lifeline subscriber per month of subscription  
322 to a service that:  
323 (i)(A) meets FCC broadband Lifeline requirements as set forth  
324 in 47 CFR 54.408; and  
325 (B) for wireless Lifeline, allows, at no charge beyond the basic  
326 monthly fee, unlimited texting and at least 750 voice minutes per  
327 month.  
328 (b) \$2.00 per Lifeline subscriber per month of subscription  
329 to a service that:  
330 (i) meets FCC broadband Lifeline requirements as set forth in  
331 47 CFR 54.408; and  
332 (ii) does not include a voice component.  
333 (C) The support claimed under this Subsection R746-8-403 may  
334 be offset by the per access line surcharge for UUSF identified in  
335 Subsection R746-8-301.  
336 (3) An ETC that is approved to participate in the Commission  
337 Lifeline program shall:  
338 (a) provide potential Lifeline subscribers with application  
339 materials and information;  
340 (b) provide service to any customer who is verified as eligible  
341 for participation through the FCC's national verifier system;  
342 (c) waive, for Lifeline subscribers, the following charges:  
343 (i) customer security deposits, if the customer voluntarily  
344 elects to receive toll blocking; and  
345 (ii) within any 12-month period, the first nonrecurring service  
346 charge for:  
347 (A) changing local exchange usage service to Lifeline service;  
348 and  
349 (B) changing from flat rate service to message rate service;  
350 (d)(i) add the Lifeline discount to a customer's account within  
351 five (5) business days of notification of the customer's eligibility  
352 under FCC broadband Lifeline requirements; and;  
353 (ii) remove the Lifeline discount from a Lifeline subscriber's  
354 account within five (5) business days of notification of the Lifeline  
355 subscriber's ineligibility under FCC broadband Lifeline requirements;  
356 and  
357 (e) submit the following reports to the Division:  
358 (i) a monthly report setting forth the number of:  
359 (A) Lifeline subscribers who have changed their residence  
360 locations (addresses);  
361 (B) Lifeline subscribers who have switched carriers; and  
362 (C) Lifeline subscribers who no longer receive telephone  
363 service;  
364 (ii) a semi-annual report, for the periods from January 1



365 through June 30 and from July 1 through December 31 of each year,  
366 setting forth monthly data as to:  
367 (A) the ~~Lifelineforgone~~ revenue received from the UUSF for  
368 ~~resulting from the discounts provided to~~ Lifeline subscribers, if  
369 any;  
370 (B) the total administrative expenses;  
371 (C) interest accrual amounts on Lifeline funds, if any;  
372 (D) the number of Lifeline telephone service subscribers by  
373 exchange area per month;  
374 (E) a detailed report of outreach efforts; and  
375 (F) any other data required or requested by the Division; and  
376 (iii) by May 1 of each year, a complete Lifeline subscriber  
377 list, as defined by the FCC.  
378 (4) An ETC participating in the Commission Lifeline program  
379 may not:  
380 (a) disconnect Lifeline telephone service for nonpayment of  
381 toll service;  
382 (b) require a Lifeline subscriber to purchase additional  
383 services from the ETC; or  
384 (c) prohibit a Lifeline subscriber from purchasing additional  
385 services from the ETC, unless the participant fails to comply with  
386 the ETC's terms and conditions for those additional services.  
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389 **R746-8-404. One-time UUSF Distribution.**

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391 **PLACEHOLDER**  
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394 **R746-8-405. UUSF Support for Deaf, Hard of Hearing, or Severely**  
395 **Speech Impaired Person.**

396 (1) This rule governs a program to provide telecommunication  
397 devices and services to qualifying deaf, hard of hearing, or severely  
398 speech impaired persons  
399 (2) Definitions.  
400 (a) "Applicant" means a person applying for:  
401 (i) a telecommunication device for the deaf, hard of hearing,  
402 or severely speech impaired;  
403 (ii) a signal device; or  
404 (iii) another assistive communication device.  
405 (b) "Audiologist" means a person who:  
406 (i)(A) has a master's or doctoral degree in audiology; or  
407 (B) is licensed in audiology in Utah; and  
408 (ii) holds a Certificate of Clinic Competence in Audiology from  
409 the American Speech/Language/Hearing Association or its equivalent.  
410 (c) "Deaf" means hearing loss that requires the use of a TDD  
411 to communicate effectively on the telephone.  
412 (d). "Hard of hearing" means a hearing loss that requires use  
413 of a TDD to communicate effectively on the telephone.  
414 (e) "Otolaryngologist" means a licensed physician specializing  
415 in ear, nose, and throat medicine.  
416 (f) "Recipient" means a person who is approved to receive a

**Commented [k14]:** URTA supports repeal of the existing rules, and permitting the Commission to take more time developing this rule after technical conferences or working groups/workshops.

417 TDD, signal device, personal communicator, or other assistive  
418 communication device.

419 (g) "Speech language pathologist" means a person who:  
420 (i) has a master's or doctoral degree in Speech Language  
421 Pathology; and  
422 (ii) holds a Certificate of Clinical Competence in  
423 Speech/Language Pathology from the American Speech Language Hearing  
424 Association or its equivalent.

425 (h) "Severely Speech Impaired" means a speech handicap or  
426 disorder that renders speech on an ordinary telephone unintelligible.

427 (i) "Signal device" means a mechanical device that alerts a  
428 deaf, deaf-blind, or hard of hearing person of an incoming telephone  
429 call.

430 (j) "Telecommunications Device for the Deaf" or "TDD" means  
431 an electrical device for use with a telephone that utilizes:  
432 (i) a key board;  
433 (ii) an acoustic coupler;  
434 (iii) a display screen;  
435 (iv) a braille display; or  
436 (v) a tablet device or unlocked cellular telephone that is  
437 equipped with applications that allow a user to transmit and receive  
438 messages.

439 (3) Eligibility.

440 (a) At a minimum, applicants shall demonstrate that they:  
441 (i) live within the State of Utah;  
442 (ii) are  
443 (A) deaf;  
444 (B) hard of hearing; or  
445 (C) severely speech impaired;  
446 (iii) are eligible for assistance under a low-income public  
447 assistance program; and  
448 (iv) are able to send and receive messages with a TDD or other  
449 appropriate assistive device.

450 (b) Qualification under Subsection R746-8-405(3)(a)(ii) shall  
451 be established by the certification of:  
452 (i) a person who is licensed to practice medicine;  
453 (ii) an audiologist;  
454 (iii) an otolaryngologist;  
455 (iv) a speech/language pathologist; or  
456 (v) qualified personnel within a state agency.

457 (4) Distribution process.

458 (a) If approved by the Commission to receive an assistive  
459 device, the applicant shall:  
460 (i) unless Subsection R746-8-405(4)(b) applies, sign an  
461 agreement and conditions of acceptance form supplied by the  
462 Commission; and  
463 (ii) report, as instructed by the Commission, for training and  
464 receipt of the approved device.

465 (b) If the recipient is a minor or is unable to sign the agreement  
466 and conditions of acceptance form, the recipient's legal guardian  
467 may sign.

468 (5) Ownership and Liability.

469 (a)(i) An assistive device provided under this rule remains  
470 the property of the State of Utah.  
471 (ii) A recipient shall not remove an assistive device from the  
472 state of Utah for a period of time longer than 90 days unless the  
473 recipient obtains the written consent of the Commission.  
474 (b) A recipient shall be solely responsible for the costs of:  
475 (i) repair of an assistive device, other than for normal wear  
476 and tear;  
477 (ii) replacement of an assistive device;  
478 (iii) paper required by an assistive device;  
479 (iv) telephone and internet service; and  
480 (v) light bulbs required by an assistive device.  
481 (c) If an assistive device requires repair, the recipient shall  
482 return it to the Commission and may not make private arrangements  
483 for repair.  
484 (6) Termination of Use. A recipient, or if applicable, the  
485 recipient's guardian, shall return an assistive device to the  
486 Commission if the recipient:  
487 (a) no longer intends to reside in Utah;  
488 (b) becomes ineligible pursuant to R746-8-405(3); or  
489 (c) is notified by the Commission to return the device.

490  
491

492 **R746-8-405a. New Technology Equipment Distribution Program (NTEDP).**

493 (1) Authority and Purpose.  
494 (a) This rule section is promulgated pursuant to Utah Code  
495 Subsection 54-8b-10(3)(b).  
496 (b) The purposes of the NTEDP are:  
497 (i) to explore the feasibility of using tablet devices and/or  
498 unlocked cellular telephones to address the telecommunication needs  
499 of the deaf, hard of hearing, and severely speech-impaired  
500 communities;  
501 (ii) to determine how best to manage a program in which tablet  
502 devices and/or unlocked cellular telephones are provided; and  
503 (iii) to determine the level of support services that would  
504 be required if tablet devices and/or unlocked cellular telephone  
505 devices are provided.  
506 (2) Duration. The NTEDP shall terminate no later than December  
507 31, 2018.  
508 (3) Participation.  
509 (a) An individual who wishes to participate in the NTEDP shall:  
510 (i) submit a completed application form to the Relay Utah  
511 office;  
512 (ii) provide medical documentation of:  
513 (A) deafness;  
514 (B) hardness of hearing; or  
515 (C) severe speech impairment;  
516 (iii) demonstrate that the individual is receiving assistance  
517 from a low-income public assistance program administered by a state  
518 agency;  
519 (iv)(A) if applying for a tablet, certify that the individual  
520 has consistent access to a WiFi network; or

521 (B) if applying for an unlocked cellular telephone, certify  
522 that the individual has a service plan in place with a wireless  
523 telecommunications provider; and  
524 (v) certify that the individual is able and willing to comply  
525 with Subsection (4).  
526 (b) Priority may be given to applicants who have previously  
527 participated in the Commission's Relay Utah program.  
528 (c) An applicant who is not selected to participate may request  
529 to be placed on a waiting list.  
530 (d) Participation shall be limited as follows:  
531 (i) From the inception of the program through June 30, 2017,  
532 no more than 25 participants, as follows:  
533 (A) no more than 8 deaf individuals who are at least 13 years  
534 old;  
535 (B) no more than 8 hard of hearing individuals who are at least  
536 13 years old;  
537 (C) no more than 8 severely speech impaired individuals who  
538 are at least 13 years old; and  
539 (D) at least one deaf, hard of hearing, or severely speech  
540 impaired individual who is under 13 years of age.  
541 (ii) From July 1, 2017 through the conclusion of the program,  
542 up to 10 additional participants in each six-month period.  
543 (4) Participant obligations.  
544 (a) An individual who is chosen to participate in the NTEDP  
545 shall:  
546 (i) participate in an entrance interview with the Relay Utah  
547 office;  
548 (ii) complete online surveys as instructed by the Relay Utah  
549 office;  
550 (iii) promptly comply with all instructions from the Relay Utah  
551 office to download apps;  
552 (iv) promptly respond to requests from the Relay Utah office  
553 for information and feedback;  
554 (v) maintain the device in the storage case provided;  
555 (vi) retain all original device packaging, instructions, and  
556 information;  
557 (vii) contact the manufacturer's customer service department  
558 for assistance with technical support;  
559 (viii) promptly report to the Relay Utah office:  
560 (A) software and hardware failures; and  
561 (B) damage to the device;  
562 (ix) take financial responsibility for loss of, or damage to,  
563 the device if caused by the individual's misuse or negligence; and  
564 (x) immediately return the device to the Relay Utah office if  
565 the individual:  
566 (A) moves from the State of Utah;  
567 (B) is disqualified by the Relay Utah office from further  
568 participation in the NTEDP; or  
569 (C) chooses to terminate the individual's participation in the  
570 NTEDP.  
571 (b) An individual who is chosen to participate in the NTEDP  
572 may not:

573 (i) reformat or attempt to reformat the device;  
574 (ii) allow any other person to use the device, except as  
575 necessary to assist the participant with telecommunications; or  
576 (iii) install software, apps, or other programs not authorized  
577 by the Relay Utah office.  
578 (c) A participant who fails to comply with this Subsection (4)  
579 may be disqualified from further participation in the NTEDP.  
580 (5) All devices distributed as part of the NTEDP shall remain  
581 the property of the State of Utah Public Service Commission.  
582  
583 **KEY: Utah universal service fund, surcharges and disbursements,**  
584 **speech/hearing challenges, assistive devices and technology**  
585 **Date of Enactment or Last Substantive Amendment:**  
586 **Notice of Continuation:**  
587 **Authorizing, and Implemented or Interpreted Law: 54-3-1; 54-4-1;**  
588 **54-8b-15; 54-8b-10**