

http://erules.rules.utah.gov/erules/secure/ruleFilingEdit.action?ruleId=1...
NOTICE OF
PROPOSED NEW RULE

- 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
Melanie Reif	801-530-6709	801-530-6796	mreif@utah.gov

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

Rule Information

DAR file no: 42424 Date filed: 01/02/2018 09:34 AM
State Admin Rule Filing Key: 159748
Utah Admin. Code ref. (R no.): R 746 - 8 -

Title

2. Title of rule or section (catchline):
Utah Universal Public Telecommunications Service Support Fund (UUSF).

Notice Type

3. Type of notice: New Rule

Rule Purpose

4. Purpose of the rule or reason for the change:

During the 2017 General Session, the Utah Legislature enacted S.B. 130, Universal Service Fund Amendments. That legislation made numerous changes to the laws governing the Utah Universal Service Fund ("UUSF"). This rule filing represents the third round of rulemaking the Public Service Commission ("PSC") has engaged in to fully implement the legislation. This filing will create a new rule, R746-8, that will replace three existing rules that are being simultaneously filed for repeal: R746-341, R746-343, and R746-360. The PSC began a stakeholder process by issuing a draft rule for informal comment in July 2017. The PSC received and considered all of the comments received in that informal process before initiating this rulemaking process. All of those comments, including additional explanation of this rule filing by the PSC, are available on this website: <https://psc.utah.gov/2017/07/06/docket-no-17-r008-01/>

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:

In conjunction with the separately filed rule repeals for R746-341, R746-343, and R746-360, this rule enacts the necessary provisions of those rules while making changes to update the rules to be consistent with S.B. 130. The rule provides updated definitions to be consistent with both state and federal law governing universal service. The rule reenacts current rule language regarding the contribution method for the UUSF, adding new provisions clarifying that prepaid wireless providers are not required to submit more than one surcharge per access line per month, and establishing reporting requirements for exemptions claimed. The rule allows providers to remit assessments every six months, instead of every month, if assessments total less than \$1,000 per month. The rule implements references to statutory requirements enacted by S.B. 130 for UUSF distributions. The rule establishes procedures for wireless eligible telecommunications providers to receive distributions from the Lifeline program, as provided in S.B. 130. The rule reenacts, without modification, the existing rules governing UUSF support for a deaf, hard of hearing, or severely speech impaired person.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

None. The Public Service Commission and the Division of Public Utilities are already administering the UUSF programs. These changes, in conjunction with the changes made by S.B. 130, did not increase the costs to those two agencies to administer the UUSF programs.

B) Local government:

Affected: No

None. Local governments do not pay into, or receive distributions from, any UUSF programs. Local governments do not play any role in administering any UUSF programs.

C) Small businesses:

Affected: No

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

This rule may provide financial benefit to some small businesses. Some providers of telecommunications service will be eligible for UUSF low-income Lifeline disbursements where they were not eligible for those disbursements before. This rule does not impact UUSF surcharge amounts, but simply reenacts already existing rule language relating to the surcharge pursuant to S.B. 130. The provision allowing UUSF remittances every six months instead of monthly in some instances should reduce UUSF compliance costs for some telecommunications providers.

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)

This rule may provide financial benefit to some large businesses. Some providers of telecommunications service will be eligible for UUSF low-income Lifeline disbursements where they were not eligible for those disbursements before. This rule does not impact UUSF surcharge amounts, but simply reenacts already existing rule language relating to the surcharge pursuant to S.B. 130. The provision allowing UUSF remittances every six months instead of monthly in some instances should reduce UUSF compliance costs for some telecommunications providers. Low income customers of some types of telecommunications service will have the opportunity for a Lifeline benefit to which some of those customers are not currently eligible.

Compliance Cost Information

8. Compliance costs for affected persons:

This rule may provide financial benefit to some businesses. Some providers of telecommunications service will be eligible for UUSF low-income Lifeline disbursements where they were not eligible for those disbursements before. This rule does not impact UUSF surcharge amounts, but simply reenacts already existing rule language relating to the surcharge pursuant to S.B. 130. The provision allowing UUSF remittances every six months instead of monthly in some instances should reduce UUSF compliance costs for some telecommunications providers. Low income customers of some types of telecommunications service will have the opportunity for a Lifeline benefit to which some of those customers are not currently eligible.

Department Head Comments

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

This rule filing does not create a negative fiscal impact to any affected person or business. The changes are necessary to implement S.B. 130, and will reduce compliance costs to some impacted by the rule, and will provide UUSF benefits to some who are not currently eligible for those benefits.

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

Thad LeVar, Commission 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) :

54-8b-10

54-3-1

54-4-1

54-8b-15

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) :

02/14/2018

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): 02/21/2018

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")):

- Utah universal service fund
- speech/hearing challenges
- surcharges and disbursements
- assistive devices and technology

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:

Michael Hammer
Administrative Law Judge

Date (mm/dd/yyyy): 01/02/2018