

http://erules.rules.utah.gov/erules/secure/ruleFilingEdit.action?ruleId=1...  
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
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Jennie Jonsson	801-530-6763		jjonsson@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 41645 Date filed: 05/15/2017 12:57 PM  
State Admin Rule Filing Key: 158857  
Utah Admin. Code ref. (R no.): R 746 - 343 - 15

Title

2. Title of rule or section (catchline):  
Rule for Deaf, Severely Hearing or Speech Impaired Person - Surcharge

Notice Type

3. Type of notice: Repeal

#### Rule Purpose

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

To comply with S.B. 130, which was passed during the 2017 General Legislative Session, and which requires that the telecommunications support program for deaf, hard of hearing, and severely speech impaired persons be funded from the Utah Universal Public Telecommunications Service Support Fund (UUSF) rather than through a separate, dedicated surcharge.

#### 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:

The rule requiring telecommunications corporations to assess their customers \$0.02 per month for each residential and business telephone number is repealed. The Public Service Commission (PSC) emphasizes that S.B. 130 goes into effect on July 1, 2017, on which date R746-343-15 will be preempted by the statute. Therefore, even though the first possible effective date for this repeal is July 10, 2017, telecommunications providers that have been collecting the \$0.02 dedicated surcharge may terminate that collection as of July 1, 2017.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

For many years, the PSC and the Division of Public Utilities have been administering the program through which deaf, hard of hearing, and severely speech impaired persons are provided with assistive telecommunications devices and other telephony support. The agencies have the budget necessary to continue administering this program. The Legislature's decision to change the program's funding source is not anticipated to impact the state budget.

B) Local government:

Affected: No

Local governments are not required to comply with or administer R746-343-15. Its repeal is not anticipated to pose a fiscal impact to local government.

C) Small businesses:

Affected: Yes

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

Small businesses that are required to contribute to the UUSF will be required to comply with the PSC's associated rules. This rule repeal is part and parcel of the Commission's compliance with S.B. 130. In order to comply with the new legislation, the Commission has determined to impose a \$0.36 monthly per-connection surcharge to fund both the UUSF and the program for deaf, hard of hearing, and severely speech impaired individuals. The fiscal impact of the adjusted per-connection surcharge is discussed in a companion filing, DAR #41644.

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

Affected: Yes

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

Affected persons that are required to contribute to the UUSF will be required to comply with the PSC's associated rules. This rule repeal is part and parcel of the Commission's compliance with S.B. 130. In order to comply with the new legislation, the Commission has determined to impose a \$0.36 monthly per-connection surcharge to fund both the UUSF and the program for deaf, hard of hearing, and severely speech impaired individuals. The fiscal impact of the adjusted per-connection surcharge is discussed in a companion filing, DAR #41644.

Compliance Cost Information

8. Compliance costs for affected persons:

Affected persons that are required to contribute to the UUSF will be required to comply with the PSC's associated rules. This rule repeal is part and parcel of the Commission's compliance with S.B. 130. In order to comply with the new legislation, the Commission has determined to impose a \$0.36 monthly per-connection surcharge to fund both the UUSF and the program for deaf, hard of hearing, and severely speech impaired individuals. The fiscal impact of the adjusted per-connection surcharge is discussed in a companion filing, DAR #41644.

Department Head Comments

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

As stated in the rule analysis, no fiscal impact to businesses is anticipated from the repeal of this rule. Affected businesses will continue to contribute to the program through the UUSF surcharge, the fiscal impact of which is discussed in a companion filing, DAR #41644.

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

Thad LeVar, Public Service 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

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) :

07/03/2017

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):

07/10/2017

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")):

- assistive devices and technology
- speech/hearing assistance
- telecommunications

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): 05/12/2017