

NOTICE OF
CHANGE IN PROPOSED 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
Jennie Jonsson	801-530-6763		jjonsson@utah.gov

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

Rule Information

DAR file no: 41644 Date filed: 08/15/2017 09:29 AM
 State Admin Rule Filing Key: 159283
 Utah Admin. Code ref. (R no.): R 746 - 360 - 4
 Changed to Admin. Code ref. (R no.): --

Title

2. Title of rule or section (catchline):
Application of Fund Surcharges to Customer Billings

Notice Type

3. Type of notice: Change in Proposed Rule
Changes original
proposed rule file 41644
no.:

Rule Purpose

4. Purpose of the rule or reason for the change:
To respond to comments submitted during, and following, the comment period.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
Yes

Rule Summary

6. Summary of the rule or change:
(1) The term "connection" is defined by reference to Utah Code Subsection 54-8b-15(1)(c).
(2) Terminology is introduced to foster concision within the rule. (3) Language regarding an end-user surcharge as the funding mechanism for the Utah Universal Service Fund is modified to clarify that the surcharge may be included in an all-inclusive billing plan. (4) Where a provider administers a multi-line service, the provider is required to apply the surcharge, on a monthly basis, to the total number of concurrent real-time voice communication call sessions that end-users can place to or receive from the public switched telephone network. (5) The surcharge may be waived for any end-user who is paying a similar surcharge to a different state.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:
A) State budget:
Affected: No
The PSC and the Division of Public Utilities have been administering the UUSF for many years and have the budget to continue doing so. The changes proposed to the surcharge mechanism through the original filing and this change to proposed rule will not have a fiscal impact on the state budget.
B) Local government:

Affected: No

Local governments are not required to comply with or enforce the rules through which the UUSF is funded. No fiscal impact to local government is anticipated.

C) Small businesses:

Affected: Yes

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

The analysis set forth in the original filing is unaffected by this change to proposed rule. That analysis is as follows: "Small businesses that provide access lines will be required to adjust their billing in order to assess and remit a per-access line surcharge (as opposed to remitting a percentage of their revenues). To comply, these businesses might need to change or modify their billing software. All such costs were considered by the Legislature in determining to allow migration to a per-connection surcharge. Further, such costs will vary and cannot be estimated by the PSC. However, the PSC notes that most of the small businesses affected by this rule have historically assessed a per-access line surcharge in order to fund a program that provides telephony assistance to individuals who are deaf, hard of hearing, or severely speech challenged. Therefore, the PSC anticipates that, for the majority of affected businesses, the migration from a revenue-based remittance to a connection-based remittance will not pose a meaningful fiscal burden."

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)

The analysis set forth in the original filing is unaffected by this change to proposed rule. That analysis is as follows: "Customers of businesses that provide access lines will be charged \$0.36 per month per access line."

Compliance Cost Information

8. Compliance costs for affected persons:

The analysis set forth in the original filing is unaffected by this change to proposed rule. That analysis is as follows: "To comply, affected persons must collect from their customers and remit to the PSC a monthly per-connection surcharge. Providers of access lines will need to obtain or modify billing software accordingly. The associated costs will vary and cannot be anticipated. However, where most providers have historically collected a per-connection surcharge to comply with other statutory requirements, it is anticipated that the associated costs will be minimal."

Department Head Comments

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

The comments provided in the original filing are unaffected by this change to proposed rule. Those comments are as follows: "As stated in the rule analysis, the fiscal impact to businesses will result from IT programming or software that might be necessary in order

to comply with a per-connection surcharge requirement rather than a revenue-based remittance requirement. It is anticipated that the conversion costs will be minimal and well within the regulatory budget of Utah's access line providers."

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) :

54-3-1

54-8b-15

54-4-1

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) :

10/02/2017

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): 10/09/2017

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")):

- affordable base rate
- public utilities
- telecommunications
- universal service fund

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): 08/14/2017
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