

NOTICE OF  
PROPOSED RULE AMENDMENT

- 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
Michael Hammer	801-530-6729		michaelhammer@utah.gov

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

Rule Information

DAR file no: 42265 Date filed: 10/25/2017 04:18 PM  
 State Admin Rule Filing Key: 159574  
 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: Amendment

Rule Purpose

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

To respond to comments submitted after Change in Proposed Rule (DAR 41644) was filed August 15, 2017 and made effective October 11, 2017.

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:

(1) The definition of "access line" is amended to include consistency with federal law. (2) The ability of a provider to include the surcharge within an end-user's rate plan is clarified. (3) The requirement to remit the surcharge explicitly includes providers of prepaid access lines that permit access to the public telephone network, for services purchased on or after January 1, 2018. (4) A provider may omit the surcharge with respect to: a) any access line that generates revenue that is subject to another state's UUSF surcharge, or b) any access line that has not been used to access Utah intrastate telecommunications services during the month in question. (5) In light of (4), above, the process for an end user to petition the Commission for a waiver of the surcharge is eliminated.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The Public Service Commission and the Division of Public Utilities have been administering the UUSF for many years and have the budget to continue doing so. The proposed rule amendment 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: No

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

The rule that is being amended applies to providers of access lines and connections. This rule amendment merely clarifies, by making explicit, that providers of prepaid access lines that permit access to the public telephone network are subject to the rule.

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 proposed amendment does not alter the access charge already imposed by the rule or the persons to whom it applies.

Compliance Cost Information

8. Compliance costs for affected persons:

This amendment will result in no new compliance costs because it only clarifies the existing rule.

Department Head Comments

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

The proposed amendment simply clarifies what the existing rule already implies, i.e., that providers of prepaid access lines that permit access to the public telephone network are subject to the rule's requirements because they are providers of access lines. Consequently, the amendment creates no new fiscal impact.

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-15

54-3-1

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) :

12/15/2017

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):

12/22/2017

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
- universal service fund
- public utilities
- 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:

Michael Hammer  
Administrative Law Judge

Date (mm/dd/yyyy): 10/25/2017