

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.
- 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.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 160749
 Utah Admin. Code ref. (R no.): R746-8

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:	Remove:
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 Title

2. Title of rule or section (catchline):

Utah Universal Public Telecommunications Service Support Fund (UUSF).

Notice Type

3. Type of notice: Amendment

Rule Purpose

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

This rule amendment extends the pilot program for the New Technology Equipment Distribution Program (NTDEP), and clarifies eligibility requirements so they are consistent between that program and other telecommunications devices available to individuals who are deaf, hard of hearing, or speech impaired.

Response Information

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

No Yes

Rule Summary

6. Summary of the rule or change:

Section R746-8-405(3) has been amended so that an applicant applying for a hearing assistive communication device can prove the applicant's eligibility by showing the applicant receives assistance from a low-income public assistance program administered by a state agency or has an income of 200% or less than the Federal Poverty Guidelines for the current year. Section R746-8-405a(2) New Technology Distribution Program has been extended to 2021, and the eligibility requirements are clarified to be consistent with those under 405(3).

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

These rule changes may have an impact on state government because it amends the eligibility guidelines for telecommunication devices. There is no way to estimate how many individuals applying for a telecommunication device will meet the amended requirements.

B) Local government:

Affected: No Yes

This amendment will not have an impact on local governments because local governments do not play any role in the administration of this program, and are not recipients of the benefits.

C) Small businesses:

Affected: No Yes

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

This amendment will not have an impact on small businesses except for the two vendors who work with the PSC to provide hearing assistive devices to applicants. It is not possible to anticipate the extent to which participation in the program will change with these amendments.

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

Affected: No Yes

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

This amendment may impact the eligibility of potential applicants for hearing assistive devices, but because the amendments are primarily clarifications rather than substantive modifications, any impacts should be negligible for individuals who met the previous requirements.

Compliance Cost Information

8. Compliance costs for affected persons:

There should be no compliance costs for affected individuals. Eligibility requirements are substantively unchanged, but the two programs are clarified so that the methods of establishing an applicant has met those requirements is consistent.

Department Head Comments

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

The Public Service Commission does not anticipate any fiscal impact on businesses as a result of these amendments. This clarifies the eligibility requirements for an applicant applying for a telecommunication assistive device through the Relay Utah program and extends the NTEDP program to 2021.

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) :
54-3-1, 54-4-1, 54-8b-15, 54-8b-10

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 (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

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) : 12/17/2018

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): 12/24/2018

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, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
utah universal service fund, assistive devices and technology, surcharges and disbursements, speech/hearing challenges

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 Michael Hammer
title: Administrative Law Judge Date (mm/dd/yyyy): 10/24/2018