

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:
Michael Hammer	801-530-6729		michaelhammer@utah.gov
Melissa Paschal	801-530-6769		mpaschal@utah.gov

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

Rule Information

- DAR file no: 43811 Date filed: 06/14/2019 01:44 PM  
 State Admin Rule Filing Key: 161290  
 Utah Admin. Code ref. (R no.): R 746 - 460 -

Title

2. Title of rule or section (catchline):  
 Rules Governing Customer Information and Marketing for Large-Scale Electric and Gas Utilities.

Notice Type

3. Type of notice: New Rule

Rule Purpose

4. Purpose of the rule or reason for the change:  
 This new rule is the result of the Public Service Commission's rulemaking docket to address proper use of utility customer lists, appropriate utility-related solicitation communications, use of monopoly utility branding, and other related issues. This new rule addresses use of utility customer lists and customer-related data, utility-related solicitation communications, use of a utility logo for unsolicited marketing to utility customers, and other associated issues. The rule resulted as a consensus draft from extensive work of all interested stakeholders.

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:

This rule is intended to clarify the requirements for use of utility customer lists and customer-related data, utility-related solicitation communications, use of a utility logo for unsolicited marketing to utility customers, and other associated issues. This rule defines terms, identifies provisions under which customer information may be shared and used and how utility customers may opt out of information sharing, addresses the treatment of shared data as confidential, and identifies penalty provisions.

Aggregate Cost Information

- 7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

There are no anticipated costs or savings to the state budget because this rule does not impose any affirmative obligations on state agencies, and the agencies involved in monitoring compliance will be able to do so within the regular course of existing dockets.

B) Local government:

Affected: No

There are no anticipated costs or savings to local government because this rule does not impose any requirements or obligations on local governments.

C) Small businesses:

Affected: No

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

There are no anticipated costs or savings to small businesses. To the extent a small business might engage in information sharing or marketing with a utility, compliance with the rule will involve refraining from prohibited practices which should not impose any costs or savings.

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)

Generally, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. A large scale electric or gas utility, as defined under the proposed rule, that wishes to share customer information may incur some cost to obtain the customers' consent. Such costs will vary contingent on, among other things, the number of customers whose information the utility wishes to share and cannot be estimated. However, no utility will incur any costs as a consequence of the rule unless it seeks to share customer information under conditions that require consent for such sharing under the rule.

Compliance Cost Information

- 8. Compliance costs for affected persons:

There are no compliance costs for affected persons other than those addressed in questions 7.C) and 7.D).

Department Head Comments

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

This rule is the consensus result of an extensive process that involved significant work and input from all interested stakeholders. Generally, compliance involves refraining from prohibited conduct, which should not carry a fiscal impact. To the extent a utility chooses to share customer information, the utility may incur costs to obtain customer consent. Those costs are not measurable and will depend on the choices and desired uses of customer information by the utility.

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) :

Section 54-4-1

Section 54-3-7

Section 54-3-1

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) :

07/31/2019

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):

08/07/2019

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")):

- public utilities
- electric and gas utility customer information
- utility regulation
- marketing to utility customers

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): 06/14/2019