

**State of Utah**  
**Administrative Rule Analysis**  
 Revised December 2019

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New <u> X </u> ; Amendment <u> </u> ; Repeal <u> </u> ; Repeal and Reenact <u> </u>		
<b>Title No. - Rule No. - Section No.</b>		
<b>Utah Admin. Code Ref (R no.):</b>	R747-1	<b>Filing No. (Office Use Only)</b>
<b>Changed to Admin. Code Ref. (R no.):</b>	R	

**Agency Information**

<b>1. Department:</b>	Public Service Commission	
<b>Agency:</b>	Public Service Commission, Utility Facility Review Board	
<b>Room no.:</b>		
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S, 4th Floor	
<b>City, state:</b>	Salt Lake City, Utah 84111	
<b>Mailing address:</b>	PO Box 4558	
<b>City, state, zip:</b>	Salt Lake City, Utah 84114-4558	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Hammer	801-530-6729	michaelhammer@utah.gov

Please address questions regarding information on this notice to the agency.

**General Information**

<b>2. Rule or section catchline:</b>
Utility Facility Review Board
<b>3. Purpose of the new rule or reason for the change</b> (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The Utility Facility Review Board unanimously agreed to submit this proposed rule for publication in the Utah State Bulletin during a noticed public hearing on March 31, 2020. The proposed rule allows the Board to conduct electronic meetings, which have been increasingly necessary owing to the State's response to COVID-19. Staff of the Public Service Commission make this filing in accordance with its obligation to provide administrative support to the Board pursuant to Utah Code Ann. § 54-14-302.
<b>4. Summary of the new rule or change:</b>
The rule establishes the Board's authority to schedule electronic meetings and interested parties' opportunity to request electronic meetings.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
\$0. There are no anticipated costs or savings to the State budget.

**B) Local governments:**

There are no meaningful anticipated costs or savings to local governments. Local governments occasionally appear as parties in proceedings before the Board and allowing alternatives, in appropriate circumstances, for their electronic participation may allow them to avoid expenses they would otherwise incur to be physically present. Such savings may or may not materialize in any given year and are not reliably quantifiable.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

There are no anticipated costs or savings to small businesses.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There are no anticipated costs or savings to non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no meaningful anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities. Utilities occasionally appear as parties in proceedings before the Board and allowing alternatives, in appropriate circumstances, for their electronic participation may allow them to avoid expenses they would otherwise incur to be physically present. Such savings may or may not materialize in any given year and are not reliably quantifiable.

**F) Compliance costs for affected persons:**

No anticipated compliance costs exist.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

Utility Facility Review Board Chair Thad LeVar has reviewed and approved this fiscal analysis.

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

The rule should not have a meaningful fiscal impact on businesses. When businesses that are public utilities participate in a proceeding before the Board, they may realize some fiscal benefit in the event the Board holds an electronic meeting. Such benefit would be limited to the avoided costs associated with physical attendance and are not reliably quantifiable.

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

Thad LeVar, Chair

**Citation Information****7. 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):**

Utah Code Section 54-14-104	Utah Code Subsection 52-4-207(2)	

**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables.)

**8. A) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**B) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**Public Notice Information****9. 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** (mm/dd/yyyy): 06/15/2020**B) A public hearing (optional) will be held:**

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

**10. This rule change MAY become effective on** (mm/dd/yyyy): 06/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date

designated in Box 10, 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.

**Agency Authorization Information**

**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.

<b>Agency head or designee, and title:</b>	Thad LeVar, Chair	<b>Date (mm/dd/yyyy):</b>	04/30/2020
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# **Public Service Commission, Utility Facility Review Board**

## **R747. Administration.**

### **R747-1. Utility Facility Review Board Rule.**

#### **R747-1-101. Title and Definitions.**

(1) This rule R747-1 is known as the “Utility Facility Review Board Rule.”

(2) As used in this rule R747-1, “Board” means the Utility Facility Review Board created in Utah Code Section 54-14-301.

#### **R747-1-102. Authority.**

This rule is adopted pursuant to Utah Code Section 54-14-104.

#### **R747-1-103. Electronic Meetings.**

(1) An electronic meeting may be scheduled:

(a) by the Board on its own initiative; or

(b) at the request of an interested person who is unable to attend in person.

(2) A person who requests an electronic meeting pursuant to R747-1-103(1)(b) shall submit the request to the Board at least three business days prior to the scheduled meeting date and time.

(3) A quorum of the Board is not required to be present at a single anchor location for an electronic meeting.

(4) Any number of separate connections for participants is allowed for an electronic meeting, unless the Board limits the number of separate connections based on available equipment capability or other relevant and reasonable considerations.

(5) An electronic meeting will not be separately noticed solely to inform the public that one or more participants, including Board members, will participate telephonically.

**KEY: Utility Facility Review Board, public utilities, electronic meetings**

**Date of Enactment or Last Substantive Amendment: April 30, 2020**

**Authorizing, and Implemented or Interpreted Law: 54-14-104; 52-4-207(2)**