

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 Division 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:
Sandy Mooy	801-530-6708	801-530-6796	smooy@utah.gov

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

Rule Information

DAR file no: 32867 Date filed: 07/30/2009 04:36  
 State Admin Rule Filing Key: 148732  
 Utah Admin. Code ref. (R no.): R 746 - 100 - 16  
 Changed to Admin. Code ref. (R no.): R - -

Title

2. Title:  
 Use of information Claimed to Be Confidential in Commission Proceedings

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change :  
 To provide by rule provisions the same treatment in Public Service Commission proceedings for information claimed to be confidential as is done through separate protective orders issued in individual proceedings. This will facilitate the exchange of information as is currently done in Commission proceedings without having to wait for a party to request a protective order, wait for responses to the request and then proceed to issue a protective order.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.  
No

Rule Summary

6. Summary of the rule change:  
The amendment adds a new section, number 16, to the Commission's R746-100 rule. The proposed amended places in the rule the same or similar provisions as the Commission has included in individual protective orders issued in Commission proceedings.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:
- A) State budget:  
Affected: No  
There are no additional cost anticipated for state agencies as the rule replicates the process currently followed in the normal course of Commission proceedings in issuing individual protective orders in a proceeding. There will be some savings, although minimal, as the Commission will not need to issue separate protective orders in individual proceedings, relying instead on the provisions of the proposed rule amendment to obtain the same result.
- B) Local government:  
Affected: No  
There are no cost or savings for local governments as the rule has no application to local government activities.
- C) Small businesses:  
Affected: No  
("small business" means a business employing fewer than 50 persons)  
There are no costs and minimal savings anticipated for small business. The savings potential arises from the ability for any small business that may participate in a Commission proceeding to rely upon the proposed rule amendment's provisions rather than having to request an individual protective order or follow a separate protective order in a Commission proceedings. Historically, few, if any small businesses participate in Commission proceedings. Special interest advocacy groups, with less than 50 employees, have occasionally participated, and these will have the same potential for minimal 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)  
There are no costs and minimal savings anticipated for other participants. The savings potential arises from the ability of a participant that may participate in a Commission proceeding to rely upon the proposed rule amendment's provisions rather than having to request an individual protective order or follow a separate protective order in a Commission proceedings.

Compliance Cost Information

8. Compliance costs for affected persons:  
There are no compliance costs for affected persons as the proposed amendment places in administrative rule the same or similar processes and procedures currently followed in Commission proceedings relating to the availability and use of information claimed to be confidential.

Department Head Comments

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

There are no anticipated fiscal impacts from the rule. The rule follows existing practice of the Commission dealing with information claimed to be confidential and places in one rule what the Commission uniformly does in individual proceedings.

B) Name and title of department head commenting on the fiscal impacts: Ted Boyer, Chairman

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) :

54-1-1

54-3-21

54-1-3

54-4-2

54-4-1.5

Incorporated Materials

11. 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 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) : 09/15/2009

B) A public hearing (optional) will be held:

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

C) Public hearing(s) added after the publication of the rule in the Bulletin:

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

**Indexing Information**

13. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- government hearings
  - confidential information
  - rules and procedures
  - public utilities

**File Information**

14. 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:                      Sandy Mooy                      Date (mm/dd/yyyy): 07/29/2009