

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
Jennie Jonsson	801-530-6763		jjonsson@utah.gov

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

Rule Information

DAR file no: 40685 Date filed: 08/18/2016 02:55 PM  
 State Admin Rule Filing Key: 157827  
 Utah Admin. Code ref. (R no.): R 746 - 343 - 16  
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):  
 New Technology Equipment Distribution Program (NTEDP)

Notice Type

3. Type of notice: Amendment

#### Rule Purpose

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

The Public Service Commission of Utah (Commission) is charged by statute to administer a program through which low-income Utahns with hearing and speech challenges are provided with equipment to assist them in accessing telecommunications services. Some of the equipment currently in use, particularly the equipment used by those with severe speech and hearing challenges, is quickly becoming obsolete, and the Commission has identified the need to explore using current technology and devices. This rule creates a pilot program to determine how such technology and devices might be adopted.

#### 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:

The pilot program will begin with the effective date of this rule and conclude no later than 12/31/2018. All individuals interested in participating must submit an application to provide information about the nature of the applicant's hearing/speech challenge, to document the applicant's income level, and to confirm that the applicant is willing and able to provide feedback to the Commission during the pilot program. Initially, up to 25 participants will be selected to test tablet devices or cellular telephones. Additional participants may be included in the pilot program over time. Participants will be required to complete surveys, follow instructions from the Commission, and protect against loss of and damage to the devices provided under the pilot program. The Commission notes that the rule uses the terms "speech-impaired" and "hearing-impaired" to identify potential participants. The term "impaired" carries negative connotations, and the Commission regrets having to use it. However, where the term is included in the definition section of the statute under which this rule is promulgated, the Commission is hesitant to introduce a different term in rule.

#### Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: Yes

It is anticipated that each device provided under the pilot program will cost approximately \$1,200. The Commission has the necessary budget in place.

B) Local government:

Affected: No

Local governments are not required to participate in or administer the pilot program. No fiscal impact to local government is anticipated.

C) Small businesses:

Affected: No

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

This rule filing establishes a pilot program under which the Commission will distribute tablets or cellular telephones to low-income Utahns who have hearing or speech challenges and, therefore, need assistive devices in order to access telecommunications services. While it is possible that the needed devices will be purchased from one or more small businesses, there will be no fiscal impact to small businesses in general (i.e., no fees or compliance costs).

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)

A person who is selected to participate in the pilot program will have no financial obligations unless the person loses or damages the device through misconduct or negligence. Should such circumstances arise, the costs to repair or replace a device will vary and, therefore, cannot be estimated.

#### Compliance Cost Information

8. Compliance costs for affected persons:

To comply, a person who is selected to participate in the pilot program must complete surveys and follow instructions from the Commission. No costs are associated with these obligations. Should a device be lost or damaged due to a participant's misconduct or negligence, the participant will be required to cover the cost of repair or replacement. Such costs will vary and cannot be estimated.

#### Department Head Comments

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

As stated in the rule analysis, the vendor(s) chosen to provide tablets and cellular telephones will receive revenue from those sales. Otherwise, no fiscal impact to businesses is anticipated.

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 54-8b-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:
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) : 10/17/2016

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): 10/24/2016

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")):

- telecommunications
- assistive devices and technology
- speech/hearing impairments
- surcharges

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:

Jennie Jonsson  
Administrative Law Judge

Date (mm/dd/yyyy): 08/18/2016