TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Regulatory Analysis

Notice of Intended Action to be published: 751—Chapters 1 and 18
"Description of Organization; Procedure for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D.4
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2385

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 21, 2024 10 to 11 a.m.	ICN Director's Conference Room Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Telecommunications and Technology Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

2024 Iowa Acts, Senate File 2385, moves rulemaking authority from the Iowa Telecommunications and Technology Commission to the Iowa Communications Network (ICN) Executive Director. This proposed rulemaking implements this change and makes some corrective changes regarding the ICN's organizational description.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no expected additional costs to the State or individuals.

- **Classes of persons that will benefit from the proposed rulemaking:**

Empowering the Executive Director to adopt rules will allow the agency to respond to potential rulemaking issues in a more timely fashion while still enabling the Commission to perform its oversight role through updates received and providing input at its regular meetings.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This rulemaking imposes no costs.

- **Qualitative description of impact:**

No qualitative impact is discerned.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There is no increased implementation or enforcement costs.

- **Anticipated effect on state revenues:**

There is no fiscal impact.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 751—1.2(17A,8D) as follows:

751—1.2(17A,8D) Organization. The commission's structure consists of five commissioners and the state auditor and the chief information officer as ~~an~~ ex officio ~~member~~ members of the commission. The commission has the sole authority to manage, develop, operate and ensure compatibility of the state communications network. The network is supervised by the commission and operated by the executive director of the network or the ~~commission's~~ executive director's designee. The ~~commission~~ executive director has ~~rule-making~~ rulemaking authority.

ITEM 2. Rescind rule 751—1.5(17A,8D) and adopt the following **new** rule in lieu thereof:

751—1.5(17A,8D) Administrative elements.

1.5(1) *Executive director.* The executive director or the executive director's designee administers the programs and the services of the commission in compliance with the Iowa Code and the rules adopted by the executive director.

1.5(2) *Administrative elements.* In order to carry out the functions of the commission, the agency consists of the divisions as established by the executive director, and bureaus within each division as

deemed necessary to fulfill the functions of the agency. Additionally, the executive director may from time to time reorganize the agency in order to more efficiently and effectively carry out the functions of the commission. The major functions of the agency include but are not limited to:

a. Networking and engineering, including network operations, engineering, and project management. The bureau is responsible for all operational aspects of the fiberoptic network.

b. Facilities, including outside plant and technical assistance.

c. Financial management, including budgeting, accounts receivable and payable, and internal auditing.

d. Procurement and contracting.

e. Business services, including customer sales and customer relations.

ITEM 3. Amend subrule 1.6(1) as follows:

1.6(1) *Main office.* The main office is located in the Grimes State Office Building, 400 E. 14th Street, Des Moines, Iowa 50319. The telephone number is ~~(515)725-4692~~ 515.725.4692. The toll-free number is ~~1-877-426-4692~~ 1.877.426.4692. The fax number is ~~(515)725-4727~~ 515.725.4727. The ~~E-mail~~ email address is ICN.info@iowa.gov. The home page Internet address ~~on the World Wide Web~~ is ~~http://www.icn.state.ia.us~~ icn.iowa.gov.

ITEM 4. Amend subrule 1.7(2) as follows:

1.7(2) *Emergency incident reports.* The 24-hour emergency telephone number for reporting cable cuts, system failures or other incidents is ~~1-800-572-3940~~ 1.800.572.3940, or ~~(515)323-4400~~ 515.725.4400.

ITEM 5. Amend **751—Chapter 1**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 17A.3(1)*"a,"*8D.1, 8D.3(3)*"b,"* 8D.4, 8D.5 and 8D.6.

ITEM 6. Rescind 751—Chapter 18 and adopt the following **new** chapter in lieu thereof:

CHAPTER 18
PROCEDURE FOR RULEMAKING

The executive director adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the general assembly's website.

751—18.3(17A) Public rulemaking docket.

18.3(2) Anticipated rulemaking. In lieu of the words "(commission, board, council, director)", insert "executive director".

751—18.4(17A) Notice of proposed rulemaking.

18.4(3) Copies of notices. In lieu of the words "(specify time period)", insert "six months".

751—18.5(17A) Public participation.

18.5(1) Written comments. In lieu of the words "(identify office and address)", insert "ICN executive director, 400 East 14th Street, Des Moines, Iowa 50319-9000".

18.5(5) Accessibility. In lieu of the words "(designate office and telephone number)", insert "ICN executive director at 515.725.4692".

751—18.6(17A) Regulatory analysis.

18.6(2) Mailing list. In lieu of the words "(designate office)", insert "ICN executive director".

751—18.10(17A) Exemptions from public rulemaking procedures.

18.10(2) This subrule is not adopted.

751—18.11(17A) Concise statement of reasons.

18.11(1) General. In lieu of the words "(specify the office and address)", insert "ICN executive director, 400 East 14th Street, Des Moines, Iowa 50319-9000".

751—18.13(17A) Agency rulemaking record.

18.13(2) Contents. In lieu of the words "(agency head)", insert "executive director".

These rules are intended to implement Iowa Code chapters 8D and 17A.