

## **COMMUNICATIONS NETWORK, IOWA[751]**

[Prior to 7/23/25, see Telecommunications and Technology Commission, Iowa[751]]

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CHAPTER 1  
DESCRIPTION OF ORGANIZATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—1.1(17A,8D) Purpose.** The Iowa telecommunications and technology commission and the Iowa communications network were established by Iowa Code chapter 8D to coordinate communications of state government, effect maximum practical consolidation and joint use of communications services and manage, develop, operate and ensure compatibility of the fiberoptic network.

**751—1.2(17A,8D) Organization.** The commission's structure consists of five commissioners and the state auditor and the chief information officer as ex officio 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 executive director's designee. The executive director has rulemaking authority.

[ARC 8924C, IAB 2/19/25, effective 3/26/25]

**751—1.3(17A,8D) Advisory committees.** The commission may establish or dissolve committees and advisory groups from time to time as necessary.

[ARC 9600B, IAB 7/13/11, effective 8/17/11]

**751—1.4(17A,8D) Education telecommunications council.** Rescinded ARC 4983C, IAB 3/11/20, effective 4/15/20.

**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.

[ARC 8924C, IAB 2/19/25, effective 3/26/25]

**751—1.6(17A,8D) Location of offices.**

**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. The toll-free number is 1.877.426.4692. The fax number is 515.725.4727. The email address is [ICN.info@iowa.gov](mailto:ICN.info@iowa.gov). The home page Internet address is [icn.iowa.gov](http://icn.iowa.gov).

**1.6(2) Network.** The hub for the network is located in the Joint Forces Headquarters (JFHQ) Armory, 6100 N.W. 78th Avenue, Johnston, Iowa 50131.

[ARC 8924C, IAB 2/19/25, effective 3/26/25]

**751—1.7(8D) Business hours.**

**1.7(1) Normal business hours.** The normal business hours of the main office are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. The Network Operations Center (NOC) operates on a 24-hour, seven-day-a-week basis at the network hub in the JFHQ Armory in Johnston, Iowa.

**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 or 515.725.4400.

[ARC 8924C, IAB 2/19/25, effective 3/26/25]

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.

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CHAPTER 2  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—2.1(17A,22) Purpose and scope.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.2(17A,22) Definitions.** As used in this chapter:

“*Commission*” means the Iowa telecommunications and technology commission.

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the commission is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7 or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” means the commission or a person lawfully delegated authority by its executive director to act for the commission in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

“*Personally identifiable information*” means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system.

“*Record*” in these rules means the whole or a part of a “public record” as defined in Iowa Code section 22.1.

“*Record system*” means any group of records under the control of the commission from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol or other unique retriever assigned to an individual.

“*Subject*” means that person identified in a record.

**751—2.3(17A,22) Requests for access to records.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.4(17A,22) Access to confidential records.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.6(17A,22) Procedure by which additions, dissents or objections may be entered into certain records.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.7(17A,22) Consent to disclosure by the subject of a confidential record.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.8(17A,22) Notice to suppliers of information.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.9(17A,22) Disclosures without the consent of the subject.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.10(17A,22) Routine use.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.11(17A,22) Consensual disclosure of confidential records.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.12(17A,22) Release to subject.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.13(17A,22) Availability of records.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—2.14(17A,22) Personally identifiable information.** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the commission by personal identifier in record systems as defined in rule 751—2.2(17A,22). For each record system, this rule describes the legal authority for the collection of that information and the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the commission are:

- 2.14(1) Payroll and personnel information system.\*
- 2.14(2) Vendor files.
- 2.14(3) Certificates of insurance for contractors performing work for the commission.
- 2.14(4) Referrals to the attorney general.
- 2.14(5) Contract and lease files.
- 2.14(6) Accounts receivable and accounts payable system.\*
- 2.14(7) Various grant planning files, confidential trade secrets, litigation files.

All of the above-listed records are collected pursuant to the authority of Iowa Code Supplement chapter 8D. All are stored in paper form with those items noted by an asterisk (\*) also stored in electronic form. Supplementary records in these categories are stored in paper form or on microfilm or microfiche. None of the information stored can be matched, collated or compared.

**751—2.15(17A,22) Other groups of records.** This rule describes groups of records maintained by the commission other than record systems as defined in rule 751—2.2(17A,22). These records are routinely available to the public. However, the commission's files of these records may contain confidential information designated as confidential by the originator of the records in conformance with Iowa Code chapter 22. In addition, some records may contain information about individuals. All storage is in paper form with those items noted by an asterisk (\*) also stored in electronic form. None of the information can be matched, collated or compared.

**2.15(1) Rule making.** Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

**2.15(2) Commission records.** Agendas, minutes and materials presented to the commission are available from the office of the executive director, except these records concerning closed sessions which are confidential under Iowa Code section 21.5 or which are otherwise confidential by law.

**2.15(3) Meeting participants.** Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored in an automated data processing system.

**2.15(4) Publications.** News releases, annual reports, project reports, and commission newsletters, for example, are available from the commission offices for public information. Commission news releases, project reports, and newsletters may contain information about individuals, including commission staff or members of the commission, the councils or committees.

**2.15(5) Statistical reports.** Periodic reports for various commission programs are available from the commission offices for public information.

**2.15(6) Published materials.** The commission uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

**2.15(7) Policy manuals.** The commission's policy manual, containing the policies and procedures for programs administered by the commission, is available in the office of the commission. Policy manuals do not contain information about individuals.

**2.15(8) Asset files.** Asset management database and inventory database contain a listing of the assets owned by the network.\*

**2.15(9) Mailing lists/contact lists.** Names, mailing addresses, and telephone numbers of state employees, commission members, officials in government of other states, and members of the general public\*, for example, may be used for distribution of informational material, such as newsletters, policy directives or educational bulletins. They are also used to provide contacts for coordination of services or as reference information sources.

**2.15(10) Authorized user lists.** The network maintains a list of persons authorized to use the network.

**2.15(11) Bid/purchasing process.** For example, specifications, proposals, bid documents, awards, contracts, agreements, leases, performance bonds, requisitions, purchase orders, supply orders, and correspondence.

**2.15(12) Project files.** For example, plans, specifications, contracts, studies, drawings, photos, blueprints, requests for services, lease/rental files, and 28E agreements.

**2.15(13) Data processing files.** For example, operations logs, data base user requests, job number maintenance/update, data entry format book, integrated data dictionary, computer output forms designations, system software, hardware/software documentation and configurations, problem determinations and resolutions records, and incident reports.

**2.15(14) Administrative records.**

- a. Reports: For example, weekly, monthly, annual, biennial, statistical, analysis, and activity.
- b. Correspondence: For example, public, interdepartmental, and internal.
- c. Policies and procedures.
- d. Organizational charts, and table of authorized positions.
- e. Memberships: Professional/technical organizations.
- f. Planning: Disaster recovery plans, emergency operation plans.
- g. Budget and financial records.
- h. Accounting records such as accounts receivable, accounts payable, receipts, invoices, claims, vouchers, and departmental billings.
- i. Legislative files such as pending bills, enrolled bills, legislative proposals, and copies of amendments.

**2.15(15) Other records.** All other records that are not exempted from disclosure by law are open.

These rules are intended to implement Iowa Code section 22.11, Iowa Code Supplement section 8D.3(3) "b," and 1996 Iowa Acts, House File 2407.

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CHAPTER 3  
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4  
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.



CHAPTER 5  
PURCHASING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—5.1(8D) Applicability of competitive bidding.**

**5.1(1)** The commission shall use competitive bidding to purchase goods and services from private agencies when the estimated annual value of the contract is equal to or greater than \$5,000 or when the estimated value of the multiyear service contract in the aggregate, including any renewals, is equal to or greater than \$15,000, unless there is adequate justification for a sole-source procurement pursuant to subrule 5.1(2) or another provision of law.

*a.* When the estimated annual value of the contract is equal to or greater than \$5,000, but less than \$50,000, or the estimated value of the multiyear contract in the aggregate, including any renewals, does not exceed \$150,000, the commission, in its sole discretion, shall use either a formal or informal competitive selection process to procure the goods or services.

*b.* When the estimated annual value of the contract is equal to or greater than \$50,000 or the estimated value of the multiyear contract in the aggregate, including any renewals, exceeds \$150,000, the commission shall use a formal competitive bidding process to procure the goods or services.

*c.* For any single item, the commission may spend up to the maximum amount permitted by Iowa Code Supplement section 8D.11 to acquire the item. This maximum amount is not applicable to purchases under the contracting authority permitted by Iowa Code section 8D.13 or any other authority of the commission.

**5.1(2)** The commission shall avoid sole-source procurements unless clearly necessary and justifiable. The commission may purchase goods or services using a sole-source procurement under the following circumstances:

*a.* The executive director or commission's designee determines that one vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the goods or perform the services; or

*b.* The goods or services being purchased involve work that is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity to the project, or ownership of intellectual property rights, could most satisfactorily provide the service; or

*c.* The commission is hiring the services of experts, advisors, counsel, or consultants to assist in any type of legal proceeding including but not limited to testifying or assisting in the preparation of quasi-judicial or judicial proceedings; or

*d.* The federal government or other provider of funds for the service being purchased, other than the state of Iowa, has imposed clear and specific restrictions on the commission's use of the funds in a way that restricts the commission to only one service provider; or

*e.* Applicable law requires, provides for, or permits the use of a sole-source procurement; or

*f.* There is an immediate or emergency need for the item or service; or

*g.* The item is maintenance services for the network for which the vendor supplies remote maintenance service for network components or software or the vendor supplies software upgrades, patches, modifications or the like electronically or for which the service will preserve equipment or software warranties.

**5.1(3)** When the annual value of the contract exceeds \$5,000 or when the estimated value of the multiyear contract in the aggregate, including renewals, is equal to or greater than \$15,000, the commission shall complete a sole-source justification form. The sole-source justification form shall be reviewed, approved and signed by both the executive director and the chief financial officer before the commission proceeds with the sole-source procurement.

[ARC 3958C, IAB 8/15/18, effective 9/19/18]

**751—5.2(8D) Methods of obtaining bids or proposals used by the commission.** The commission shall obtain bids or proposals by one of the following methods. If more than one method is applicable to the purchase of a particular item, the commission shall choose the method of bidding to be utilized. For any

method used, the commission may provide notice of the solicitation electronically and vendors may submit proposals electronically unless the bidding documents provide otherwise.

**5.2(1) *Formal invitations to bid.***

*a.* A formal invitation to bid may be required for any item if cost is the major criterion for selection. Other criteria may also be used, provided that the commission describes the criteria in the bid documents. The commission shall prepare a written invitation-to-bid form and shall transmit the form either by mail, electronically, or digitally to selected vendors in the business of providing the goods or services sought by the commission.

*b.* The invitation to bid shall contain the due date and time of the bid opening, a complete description of the item needed, and any other necessary or proper items. The price quoted by the vendors shall remain binding throughout the applicable time period.

**5.2(2) *Informal selection process.***

*a.* The commission may use an informal selection process when permitted by rule 5.1(8D). An informal selection process is a streamlined competitive bidding process in which the commission makes an effort to contact at least three prospective vendors to solicit bids or proposals to provide the goods or services sought by the commission. Informal bids or proposals may be obtained by the commission through use of a written bid form faxed or mailed to selected vendors, email, posting a notice on the commission's website and inviting bids or proposals electronically or over the telephone.

*b.* Written informal bids and proposals shall be opened as received, and informal telephone bids shall be recorded as received. If a bid is received over the telephone, a telephone bid form shall be used to record the bid received. If a bid is received by email, the email shall be printed or stored in a secure electronic format so that the bid can be retrieved and read in machine-readable form. The information contained in the email shall be recorded on a form similar to the telephone bid form. If an informal bid is received by fax, the information on the fax shall be recorded on a form similar to the form used for telephone bids.

**5.2(3) *Formal requests for proposals.***

*a.* Whenever a requirement exists for an item and cost may not be the sole criterion for selection and rule 5.1(8D) requires the commission to conduct a formal competitive selection process, the commission shall issue a formal request for proposal. The purpose of a request for proposal is to provide the vendor with sufficient information about the commission's requirements and goals to allow the vendor to propose a solution to the commission's requirements.

*b.* The terms quoted by the vendor shall remain binding throughout the applicable time frame.

*c.* The commission may request best and final offers as part of the request-for-proposal process.

**5.2(4) *Auctions and reverse auctions.***

*a.* The commission may purchase items at auction when the auction is conducted electronically, digitally or otherwise. For any single item, the commission may spend up to the maximum amount permitted by Iowa Code section 8D.11 as amended by 2007 Iowa Acts, House File 851, section 2, to acquire the item. However, the commission shall not make a bid for any item for which the bid price at the auction exceeds the reasonable market price of an item. The commission shall perform a market analysis prior to the auction to determine the market price for items available by auction. The commission shall retain the market analysis with any other documentation for the purchase of the item at the auction.

*b.* The commission may purchase items using a reverse auction. A reverse auction is a price negotiation technique using secure Internet-based technology. This technique involves posting a requirement on an Internet site accessible by the public that allows vendors to post bids publicly. The buyer offers to purchase a product or service for a maximum amount (reserve price), and then the sellers or suppliers bid down the purchase price the buyer will actually pay for fulfillment. Vendors are able to see the current bids (but not the identity of the bidders) and post new or revised bids that are lower, thus increasing competition. When the commission conducts a reverse auction, the following requirements shall be met:

(1) The invitation to bid or the request for proposals shall provide notification of the intent to use the reverse auction process and provide instructions for participating in that process. The bidding documents shall also provide notification that a bidder's consent to disclosure of the bidder's bid price as part of the auction process is required in order to participate.

- (2) The commission shall determine the specifications and requirements of the items to be acquired.
- (3) The commission shall identify and provide notice to potential vendors concerning the proposed acquisition.
- (4) The commission shall establish prequalification requirements to be met by a vendor in order to be eligible to participate in the reverse auction. The prequalification requirements shall be included in the bidding documents.
- (5) Prior to conducting a reverse auction, the commission shall establish a threshold amount, which shall be the maximum amount that the commission is willing to pay for the items to be acquired.
- (6) Evaluation factors other than price shall be clearly listed and explained. The commission may direct bidders to supply technical proposals or other information in order to evaluate other factors and to use the reverse auction only as a price negotiation tool.
- (7) The commission shall set the time of the auction.
- (8) The commission shall establish minimum bid decrements.
- (9) The commission shall establish the currency for the offering of bids.
- (10) The commission shall establish the language for the bids.
- (11) The commission may purchase additional quantities of the item if there are additional funds left at the end of the auction. The commission shall purchase additional quantities from the successful vendor.

**751—5.3(8D) Items purchased through the department of administrative services.** Goods and services may be obtained by the commission through the department of administrative services whenever procurement through administrative services is appropriate and in the best interests of the commission. Items procured through administrative services may be obtained by administrative services in any manner deemed appropriate by administrative services.

**751—5.4(8D) Notice of bids or requests.**

**5.4(1)** The commission shall post solicitations of formal bids or requests on the commission's Internet web page.

**5.4(2)** The commission expressly adopts 11 IAC 105.7(1) and shall enforce the notice requirements and consequences for insufficient notice contained therein.

**5.4(3)** All contracts of the commission shall comply with the legal notice requirements relating to targeted small businesses.

**751—5.5(8D) Contract purchases.** The commission may enter into contract purchase agreements for items, groups of items, or services. Contract purchase agreements are subject to the competitive bidding requirements previously outlined where applicable. The commission may also purchase items from other contracts obtained by other governmental entities if the law or the contract allows.

**751—5.6(8D) Blanket purchase agreements.** If the commission foresees a requirement for frequent purchases of off-the-shelf items, the commission may establish blanket purchase agreements. A blanket purchase agreement is a formally approved charge account that is designed to reduce paperwork and the number of checks issued. Blanket purchase agreements are subject to the competitive bidding requirements previously outlined where applicable.

**751—5.7(8D) Prospective vendor selection.**

**5.7(1)** Any firm or business legally transacting business within Iowa at the time the contract for goods or services is executed, may request placement on the approved vendor list for a particular service or commodity by filing a vendor application form with the commission. The commission may mail copies of solicitation documents to vendors on the list for a particular item or to any other vendor which the commission chooses to contact. A vendor may be refused placement on the list or suspended or permanently removed from the list for any of the following reasons:

- a. Failure to respond to three consecutive solicitations;
- b. Failure to deliver within specified delivery dates;
- c. Failure to deliver in accordance with specifications;

- d. Attempts to influence the decision of any state employee involved in the procurement process;
- e. Evidence of agreements by the vendor to restrain trade or impede competitive bidding;
- f. Any other activities of the vendor which the commission determines would render the vendor unsuitable; and
- g. Failure to pay subcontractors.

**5.7(2)** The executive director shall notify a vendor in writing prior to refusing placement on the list, suspending the vendor from the list, or permanently removing the vendor from the list. The vendor shall be provided a reasonable opportunity to explain and cure any misconduct identified by the executive director. If the executive director ultimately refuses placement on the list or removes the vendor from the list, the vendor may appeal the executive director's action to the commission pursuant to the criteria for vendor appeals contained in these rules.

**5.7(3)** The commission shall select vendors to receive solicitation documents based on the commission's knowledge of the vendors in the particular market. The initial vendor selection shall be designed to promote the competitive bidding process, the set-aside procurement programs, and the best interests of the commission. The commission shall also provide solicitation documents to qualified vendors upon request when the request is made during the solicitation period. The vendor is solely responsible for ensuring that solicitation documents are received by the vendor.

**751—5.8(8D) Bids and proposals to conform with specifications.** All bids and proposals must conform to the specifications indicated by the commission. Bids and proposals which do not conform to the specifications stated may be rejected. The commission reserves the right to waive deficiencies in the bids or proposals if in the judgment of the commission the best interests of the commission would be served by the waiver.

**751—5.9(8D) Time of delivery.** When evaluating bids or proposals the commission may consider the time of delivery when determining the successful vendor.

**751—5.10(8D) Cash discounts.** When evaluating bids or proposals the commission may consider cash discounts.

**751—5.11(8D) Tie bids.** The commission shall resolve ties among bids or proposals which are equal in all respects by drawing lots unless only one of the tied bidders is an Iowa business. If only one of the bidders tied for an award is an Iowa business, the Iowa business shall be given preference over all tied out-of-state businesses. An Iowa business is a resident of the state of Iowa. If it is necessary to draw lots, the drawing shall be held in the presence of the vendors who submitted the tied bids or proposals whenever practical. If the tied vendors are not present, the drawing shall be held in front of at least two persons, and the commission shall document the drawing.

**751—5.12(8D) Time of submission.** Vendors shall submit all formal bids and proposals in sufficient time to actually reach the commission prior to the date and time set for the opening of the bids or proposals. Vendors shall submit all informal bids in time to reach the commission prior to the time specified by the commission. Bids and proposals received after the date and time set for opening or for submission shall be returned to the vendor unopened. The commission shall notify all vendors to which invitations to bid or requests for proposals were sent of any changes in the time of submission. If a formal invitation to bid or request for proposal is canceled prior to the time set for opening the bids or proposals, the commission shall return unopened any responses already received. If an informal invitation to bid is canceled prior to the time set for receiving bids, the commission shall destroy any bids already received.

**751—5.13(8D) Modification or withdrawal of bids or proposals.** Vendors may modify or withdraw bids or proposals prior to the time and date set for the bid or proposal opening. Modifications or withdrawals shall be in writing and delivered in a sealed envelope which properly identifies the correct bid or proposal to be modified or withdrawn. Vendors may withdraw a bid or proposal after opening only with the approval of the commission if the commission finds that an honest error was made by the vendor which will cause

undue financial hardship to the vendor and which will not cause undue financial hardship or inconvenience to the commission.

**751—5.14(8D) Financial security.** The commission may require bid security, litigation security, and performance security on formal bids or proposals. When required, security may be by certified check, cashier's check, certificate of deposit, or letter of credit made payable to the commission, or any other form specified by the commission.

**751—5.15(8D) Rejection of bids and proposals.** The commission reserves the right to reject any or all bids or proposals. The commission may reject bids and proposals because of faulty specifications, abandonment of the project, insufficient funds, evidence of unfair or flawed bidding procedures, failure of a vendor to meet the commission's requirements, insufficient evidence of a vendor's financial capability to perform the contract, or for any other reason if the commission determines that the best interests of the commission will be served by rejecting any or all bids. Following the rejection of bids or proposals, the commission may request new bids or proposals at any time deemed convenient by the commission.

**751—5.16(8D) Background and informational statements.** Bidders may be required to describe their organizational structure, to identify key personnel and to submit personnel to criminal history checks and background investigations. Any changes in key personnel during the bidding process or during the contract term must be reported to the commission before the change occurs.

**751—5.17(8D) Vendor appeals.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—5.18(8D) Procedures for vendor appeal.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—5.19(8D) Review of proposed decision.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**751—5.20(8D) Purchasing cooperative or consortium.**

**5.20(1) Membership.** The commission may join a purchasing cooperative or consortium composed of public or private entities, or both, for the purpose of reducing overall telecommunications business costs for the commission and its authorized users.

**5.20(2)** Prior to joining a purchasing cooperative or consortium, the commission shall review membership obligations to ensure that the commission's membership obligations are not inconsistent with the laws and rules governing the commission.

**5.20(3)** Notwithstanding the provisions of subrules 5.20(1) and 5.20(2), the commission may purchase goods and services through the cooperative or consortium without conducting a separate competitive bidding process so long as the cooperative or consortium uses or used a competitive bidding process or procedure.

These rules are intended to implement Iowa Code sections 8D.3(3) "b" and 8D.11.

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CHAPTER 6  
CONTRACTS FOR PROFESSIONAL SERVICES  
Rescinded IAB 12/22/04, effective 1/26/05



CHAPTER 7  
AUTHORIZED USE AND USERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—7.1(8D) Definitions.** For the purposes of interpreting these rules, the following definitions are applicable.

*“Authorized facility”* means a site operated by an authorized user that is consistent with the written mission of the authorized user.

*“Authorized use”* means use of the network by an authorized user or by persons acting on behalf of an authorized user as provided in this chapter for the following purposes of the authorized user: (1) state or federal communications as defined in this chapter; (2) education or educational purposes as defined in this chapter; (3) training programs provided under state law and training programs developed by authorized users; (4) telemedicine or related purposes as defined in this chapter; (5) official governmental use by a state agency or a federal agency as defined in this chapter consistent with authorized purposes under applicable state or federal law; (6) establishing and operating a shared data only network for law enforcement, emergency management, disaster services, emergency warning and other emergency information dissemination services to federal, state and local law enforcement agencies and local emergency management offices; or (7) city of Des Moines.

*“Authorized user”* means a private or public agency except for a public or private agency which was required pursuant to Iowa Code section 8D.9(1) to certify to the commission not later than July 1, 1994, of the agency’s intent to become a part of the network and which did not provide such certification. Agencies that obtain legislative approval to join the network after July 1, 1994, will be treated as a public or private agency for purposes of this definition and all provisions of Iowa Code chapter 8D.

*“Commission”* means the Iowa telecommunications and technology commission.

*“Dial-up access”* means the ability of an authorized user using technical or mechanical means to access a computer network using a telecommunications facility and modem.

*“Direct connection”* means a connection to the network by an authorized facility using owned, leased or contracted telecommunications facilities.

*“Educational use”* means a use that is within the written mission of an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, an institution under the control of the board of regents, a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, and a county library as provided in Iowa Code chapter 336.

*“Federal agency”* means each board, commission, department, or agency of the executive, legislative, and judicial branches of the United States, or the U.S. Post Office which receives a federal grant for pilot or demonstration projects or the independent establishments and corporations of the federal government as identified from time to time in The United States Government Manual, the official handbook of the federal government, published on an annual basis by the Office of the Federal Register as a special edition of the Federal Register. The Manual includes comprehensive information on the agencies of the legislative, judicial, and executive branches. The Manual also includes information on quasi-official agencies; international organizations in which the United States participates and boards, commissions and committees of the federal government. For example, independent establishments and corporations may include the following:

- Central Intelligence Agency
- Commodity Futures Trading Commission
- Consumer Product Safety Commission
- Defense Nuclear Facilities Safety Board
- Environmental Protection Agency
- Export-Import Bank of the United States
- Federal Communications Commission
- Federal Deposit Insurance Corporation
- Federal Election Commission

Federal Emergency Management Agency  
Federal Reserve System  
Federal Trade Commission  
Federal Trade Commission's Consumer Line  
General Services Administration  
National Aeronautics and Space Administration  
National Archives and Records Administration  
National Credit Union Administration  
National Foundation on the Arts and the Humanities  
National Endowment for the Arts  
National Endowment for the Humanities  
National Railroad Passenger Corporation (Amtrak)  
National Science Foundation  
Nuclear Regulatory Commission  
Peace Corps  
Pension Benefit Guaranty Corporation  
Railroad Retirement Board  
Securities and Exchange Commission  
Selective Service System  
Small Business Administration  
Social Security Administration  
Tennessee Valley Authority  
United States Arms Control and Disarmament Agency  
United States Information Agency  
United States International Development Cooperation Agency  
United States International Trade Commission  
United States Postal Service  
United States Trade Representative

*"Internet access"* means access to the Internet and its successors.

*"Internet service provider"* means a private for-profit or a not-for-profit service provider who acts as a gateway to the Internet and its successors.

*"Library"* means a city library, a regional library as provided in Iowa Code chapter 256, or a county library as provided in Iowa Code chapter 336, or a library that is part of an authorized user facility and which may be a center for lifelong learning within a community, provides equity of access to information and publications in all formats whether actually stored at the library or off site, to enhance the lives of its customers regardless of age, color, creed, national origin, race, religion, marital status, gender, physical disability or familial status, economic or social status, or location, and is a place for people to gather for meetings, classes and discussion groups.

*"Network"* means the Iowa communications network, the fiberoptic network owned and leased by the state of Iowa and operated by the commission.

*"Part I"* means the communications connections between the central switching hub of the network located at joint forces headquarters (JFHQ) armory and the 15 community colleges, the universities governed by the board of regents and Iowa public television and the other regional switching centers for the remainder of the network. These are state-owned facilities.

*"Part II"* means the communications connections between the Part I regional switching centers and each of the 99 counties located in the state. These are state-owned facilities.

*"Part III"* means the communication connections between the secondary switching centers and the school districts and libraries and any other private or public agency authorized by the general assembly to connect to the network. Part III consists of primarily leased equipment and telecommunications facilities except that some sites are owned by the state as designated by the general assembly.

*"Person"* means an individual, corporation, limited liability company, or any other legal entity.

“*Private agency*” means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, a hospital licensed pursuant to Iowa Code chapter 135B or a physician clinic to the extent provided in Iowa Code section 8D.13, subsection 16, or the Iowa Hospital Association.

“*Public agency*” means a state agency, an institution under the control of the board of regents, the judicial department as provided in Iowa Code section 8D.13, subsection 17, a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, a county library as provided in Iowa Code chapter 336, or a judicial district department of correctional services established in Iowa Code section 905.2 to the extent provided in Iowa Code section 8D.13, subsection 15, an agency of the federal government, or a U.S. Post Office which receives a federal grant for pilot and demonstration projects. “Public agency” also includes any homeland security or defense facility or disaster response agency established by the administrator of the homeland security and emergency management division of the department of public defense or the governor, or any facility connected with a security or defense system or disaster response as required by the administrator of the homeland security and emergency management division of the department of public defense or the governor.

“*Requesting authorized user*” means an authorized user initiating a network video scheduling request regardless of the specific site from which the event originates.

“*School*” means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, an institution under the control of the board of regents, or a school corporation.

“*State agency*” means each board, commission, or department of the executive, legislative, or judicial branches of the state of Iowa and other entities created or authorized by the general assembly.

“*State communications*” refers to the transmission of voice, data, video, the written word or other visual signals by electronic means but does not include radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the public broadcasting division of the department of education, or the department of transportation distributed data processing and mobile radio network.

“*Telecommunications facility*” means a collection of fibers which originates at an access point and ends at the fiberoptic termination connector attached to other electronic and optronic equipment necessary to transmit voice, video or data transmissions across the fiberoptic network.

“*Telemedicine*” means use of a telecommunications system for diagnostic, clinical, consultative, data, and educational services for the delivery of health care services or related health care activities by licensed health care professionals, licensed medical professionals, and staff who function under the direction of a physician, a licensed health care professional, or hospital for the purpose of developing a comprehensive, statewide telemedicine network or education.

[ARC 3959C, IAB 8/15/18, effective 9/19/18]

**751—7.2(8D) Internet access provided by the network.** The commission may offer Internet access to authorized users as permitted by these rules as one of the services of the network.

**751—7.3** Reserved.

**751—7.4(8D) Authorized facility connectivity.** The following facilities used by authorized users shall be permitted to connect directly to the network.

**7.4(1) Educational facilities.** The following educational facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a. Public or private K-12 schools;
- b. Public or private school administration facilities;
- c. Area education agencies;
- d. Local school board offices;
- e. Accredited private nonprofit colleges or universities eligible for tuition grants;
- f. Regents facilities;
- g. Community colleges;
- h. Off-site, dedicated classrooms, wherever located;
- i. Iowa law enforcement academy;

*j.* University-affiliated research facilities.

**7.4(2) State agency facilities.** The following state agency facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a.* State departments, agencies, and field offices;
- b.* Iowa National Guard facilities;
- c.* Judicial branch facilities;
- d.* Community-based correction facilities;
- e.* Buildings owned or leased by the state;
- f.* Iowa state fairgrounds;
- g.* Legislative branch facilities.

**7.4(3) Federal government facilities.** The following federal agency facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a.* Federal departments and agencies including regional, territorial, zone and state offices;
- b.* Federal judicial branch facilities;
- c.* Federal legislative branch facilities;
- d.* Buildings owned or leased by the federal government.

**7.4(4) U.S. Post Office.** A U.S. Post Office may have a direct connection to the network for voice, video and data transmissions if it receives a federal grant for a pilot or demonstration project.

**7.4(5) Telemedicine connectivity.**

*a.* The following telemedicine facilities may connect directly to the network for video and data transmissions including Internet access.

- (1) Hospitals licensed pursuant to Iowa Code chapter 135B;
- (2) Physician clinics to the extent provided in Iowa Code section 8D.13(16).

*b.* Access is offered to the Iowa Hospital Association for the purposes of collection, maintenance, and dissemination of health and financial data for hospitals and for hospital education services.

**7.4(6) Library connectivity.** The following libraries may connect to the network for voice, video and data transmissions including Internet access.

- a.* City public libraries;
- b.* Regional public libraries as provided in Iowa Code chapter 256;
- c.* County libraries as provided in Iowa Code chapter 336.

**7.4(7) County and local government facilities.** The following county and local government facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a.* County courthouses or other state judicial facilities to the extent the courthouse or other state judicial facilities are used by state judicial branch employees or its vendors or service providers;
- b.* The city of Des Moines governmental facilities.

**7.4(8) Emergency services for county and local government facilities.** The following facilities may be connected to the network for data transmissions only:

- a.* Emergency management facilities;
- b.* Federal, state and local enforcement agency facilities as provided in Iowa Code section 80.9;
- c.* Disaster services sites or facilities;
- d.* Emergency warning sites, facilities, or telecommunications facilities;
- e.* Other emergency information dissemination service sites, facilities, or telecommunications facilities;
- f.* Local emergency management offices established under the authority of Iowa Code sections 29C.9 and 29C.10.

**751—7.5(8D) Use or access to all services.** The following persons may use or access the network for voice, video and data transmissions including Internet access that exist or may be available in the future at the facility of an authorized user if the use is consistent with the written mission of the authorized user allowing access to the network at its site:

- 1. All students;
- 2. Faculty and educational staff;

3. Educational board members and staff;
4. School foundation members;
5. Alumni organization members;
6. State and federal employees;
7. State and federal members of boards, commissions, councils, advisory groups and committees;
8. State and federal elected officials;
9. State and federal appointed officials;
10. State and federal judges, judiciary employees, administrative law judges, associate judges, magistrates, referees, mediators and participants;
11. State and federal judicial board or commission members;
12. Employees of the city of Des Moines;
13. Community-based corrections employees;
14. Library employees or volunteer staff members;
15. Library board and staff members;
16. Library users.
17. Persons under the care, control or custody of the department of corrections, judicial district department correctional services, the department of human services, or their agents serving persons under the care, control or custody of the agent.

**751—7.6(8D) Use or access to voice and data services.** The following persons may use or access the network for voice and data transmissions including Internet access that exists or may be available in the future at the facility of an authorized user if the use is consistent with the written mission of the authorized user and the person or persons are acting on behalf of the authorized user:

1. Alumni of educational institutions;
2. Educational member associations;
3. Parent-teacher organizations, for example, parent-teacher associations, home and school associations;
4. Professional boards where educational employees serve, for example, a university professor serves on the board of the Iowa Association of Economists;
5. State and federal government-sponsored entity employees, for example, Federal Home Loan Bank Board employees, Federal Deposit Insurance Corporation employees;
6. Vendors and service providers;
7. State or federal governmental association members;
8. State or federal governmental employee union members;
9. Other state governmental employees;
10. Professional boards where state or federal employees serve, for example, state employees serving on the Association of Business and Industry;
11. City and county employees;
12. Local elected officials;
13. Local boards, commissions, advisory councils or committees;
14. Fire department employees and staff whether paid or volunteer;
15. Local government associations, for example, League of Cities, ISAC.

**751—7.7(8D) Use or access to full motion interactive video services—prerequisites.** The full motion interactive video services may be used by certain persons and entities if the use meets the following conditions:

1. The use is within the requesting authorized user's written mission; and
2. A representative of the authorized user is present and participating in the session; or
3. The authorized user has a written contract with the person accessing the network; and
4. The use does not facilitate or enable a private person or entity to use the network for direct pecuniary gain.

**7.7(1)** *Use or access to full motion interactive video services.* The following persons may access the network for video transmissions at the facility of an authorized user if the use satisfies the conditions outlined above:

- a. Alumni of educational institutions;
- b. Educational member associations;
- c. Parent-teacher organizations, for example, parent-teacher associations, home and school associations;
- d. Professional boards where educational employees serve, for example, a university professor serves on the board of the Iowa Association of Economists;
- e. State and federal government-sponsored entity employees, for example, Federal Home Loan Bank Board employees, Federal Deposit Insurance Corporation employees;
- f. Vendors and service providers;
- g. State or federal governmental association members;
- h. State or federal governmental employee union members;
- i. Other state governmental employees;
- j. Professional boards where state or federal employees serve, for example, state employees serving on the Association of Business and Industry;
- k. City and county employees;
- l. Local elected officials;
- m. Local boards, commissions, advisory councils or committees;
- n. Fire department employees and staff whether paid or volunteer;
- o. Federal, state and local law enforcement employees and staff;
- p. Emergency management employees and staff;
- q. County sheriff's office employees and staff;
- r. Local government associations, for example, League of Cities, ISAC;
- s. Patients acting under the direction of a licensed health care professional;
- t. Health care employees of facilities that have a contractual agreement with a hospital or physician clinic;
- u. Health care employees of facilities that do not have a contractual agreement with a hospital or physician clinic;
- v. Medical association members, for example, members of the Association of Iowa Hospitals and Health Systems, members of Iowa Medical Society, members of the Iowa Osteopathic Medical Association, members of the Iowa Chiropractic Society, members of the Iowa Nurses Association;
- w. Professional boards on which health professionals serve, for example, a physician serving on the board of the American Cancer Society.

**7.7(2)** Reserved.

**751—7.8(8D) Use or access for home-schooled students with dual enrollment.** A home-schooled student with dual enrollment may use the ICN at the school district at which the student is enrolled subject to a written local school district policy for serving home-schooled students with dual enrollment.

**751—7.9(8D) Use or access for U.S. Post Office employees.** U.S. Post Office employees acting under a contractual pilot or demonstration project may use or access the voice, data, and video services of the network including Internet access if the use or access is part of an authorized or contractual pilot or demonstration project.

**751—7.10(8D) Use or access by shared data network users.** The following persons may use or access the shared data network described in Iowa Code section 8D.13(19) if the use is for the purpose of establishing and operating a shared data only network providing law enforcement, emergency management, disaster service, emergency warning, and other emergency information dissemination services to federal, state, and local law enforcement agencies as provided in Iowa Code section 80.9, and local emergency management offices established under the authority of Iowa Code sections 29C.9 and 29C.10:

1. Federal, state or local law enforcement personnel;

2. Emergency management personnel;
3. Disaster management site and facility personnel;
4. Other emergency information dissemination personnel;
5. Local emergency management personnel.

**751—7.11(8D) Use or access to telemedicine users.** The following persons and entities may use or access the network for data and video services including access to the Internet if the use is for telemedicine or educational purposes:

1. Licensed health care professionals or licensed health care professionals who function under the direction of or in collaboration with a physician or a hospital, or both, for example, other doctors, students, nurses, physician's assistants, therapists, clinical social workers, psychologists;
2. Hospital or physician clinic staff members;
3. Professional boards on which health professionals serve, for example, a nurse serving on the board of the American Cancer Society;
4. Patients acting under the direction of a licensed health care professional;
5. Health care employees of facilities that have a contractual agreement with the hospital or physician;
6. Health care employees of facilities that do not have a contractual agreement with the hospital or physician clinic;
7. Employees of health care associations for various health care employees, for example, Association of Iowa Hospitals and Health Systems, Iowa Medical Society, Iowa Osteopathic Medical Association, Iowa Chiropractic Society, Iowa Nurses Association;
8. Professional board members where a health care professional serves as a member of a board, for example, a physician serving on the board of the American Cancer Society.

This chapter is intended to implement Iowa Code sections 8D.2, 8D.3(1), 8D.3(3) "b," and 8D.13(14) to 8D.13(17).

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CHAPTER 8  
SCHEDULING DISPUTES  
Rescinded **ARC 4983C**, IAB 3/11/20, effective 4/15/20



CHAPTER 9  
REQUESTS FOR WAIVER  
OF NETWORK USE BY  
CERTIFIED USERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—9.1(8D) Request for waiver.** A certified user is entitled to file a request for a waiver pursuant to Iowa Code section 8D.9(2). For the purposes of this chapter, “certified user” means an area education agency or community college that has certified with the commission that it is or will be a part of the network.

**9.1(1) Conditions.**

*a.* One of the following conditions shall be satisfied in the request:

(1) The costs to the certified user for services provided by the network are not competitive with the same services available from another provider.

(2) The certified user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The certified user shall use the network for video, data, and voice requirements that are not provided pursuant to such contract.

*b.* A certified user shall have the burden of proof regarding the question of whether the services provided by the network are not competitive with the same services available from another provider.

**9.1(2) Waiver submission.** A request for waiver must be received at the ICN main office location as listed in 751—subrule 1.6(1) not less than 15 days prior to the next regularly scheduled commission meeting. A request for waiver renewal must be submitted not less than 15 days prior to the next scheduled commission meeting preceding the expiration of the current waiver. A listing of certified users not meeting this submission requirement shall be included in the commission’s annual report related to the network.

[ARC 0409C, IAB 10/17/12, effective 11/21/12; ARC 5828C, IAB 8/11/21, effective 9/15/21]

**751—9.2(8D) Request for proposal, direct negotiation.** A certified user may issue a request for proposals (RFP) or a request for information (RFI) or negotiate directly with public and private vendors for the provision of telecommunication services.

If a certified user seeks a waiver and is unable to supply the information necessary for the commission to make a determination as to the competitiveness of its services and the services provided by the certified user’s proposed vendor, for whatever reason, including but not limited to restrictions imposed by a nondisclosure agreement, the commission may deny the request for a waiver. An affidavit from the certified user indicating that the commission’s services are not competitive will not be sufficient to support a grant of waiver under these rules or Iowa Code section 8D.9.

**751—9.3(8D) Contents for waiver petition.** Upon receipt of a request for a waiver pursuant to Iowa Code section 8D.9(2), commission staff members will forward a copy of the request to the commission members along with any supplemental information filed by the petitioner. The petitioner shall specifically address each reason for which it is seeking a waiver, and recite any facts supporting its response. The petitioner shall enclose copies of all related letters, records, or other documents in support of its request. Filing a request for a waiver shall not commence a contested case proceeding.

**751—9.4(8D) Waiver investigation, limited discovery.** The commission staff shall commence a waiver investigation upon receipt of the petition for a waiver. The commission staff may make requests for supporting data from the petitioner or propound interrogatories to the petitioner or conduct depositions of relevant persons regarding information possessed by the petitioner relative to the waiver petition. Data requests or interrogatories served by commission staff shall either be responded to or objected to, with a concisely stated ground for relief, within seven days of receipt. The commission chair shall rule on all objections. Depositions of relevant persons must be conducted within 30 days after the petition for waiver is filed unless the parties agree otherwise.

**751—9.5(8D) Notice of hearing and discovery.** Within 20 days after the petition for a waiver has been filed with the commission, the staff will notify the petitioner of the time and place for a hearing before the commission. Any information the staff has assembled for the commission to consider shall be made available to the petitioner at least 30 days before a meeting of the commission where the petitioner's request for waiver will be considered. The petitioner shall have the right to pose interrogatories or depose staff members involved in the development of any information for the commission to consider. The hearing to consider the waiver shall be held within 90 days after receipt of the request for the waiver unless the parties agree otherwise.

**751—9.6(8D) Hearing.** At the commission meeting where the petition is considered, the petitioner and the commission staff will have an opportunity to present any relevant evidence to the commission bearing on the appropriateness of the petition. The hearing will be informal. The hearing will be mechanically recorded. The recording shall constitute the official record of the hearing. Either party may at its own expense have a certified court reporter present to record the hearing. In the event of an appeal, the appealing party shall, at its cost, be responsible for transcribing the record of the meeting for judicial review.

**9.6(1) Official record and in camera requests.** All of the information received by the commission from the staff and the petitioner including the petition and attachments will be included in the record of the hearing. The petitioner may ask the commission to examine any proprietary information in camera and in conformance with Iowa Code chapter 22. The tape recording for the hearing and the evidence presented to the commission will constitute the record of the proceeding.

**9.6(2) Decision.** The commission members, the petitioner and the staff will be afforded an opportunity to ask questions regarding the information presented at the time of the meeting. At the close of the meeting, the commission will issue a decision that is dictated into the record or the matter will be taken under advisement to be discussed and decided at a subsequent public meeting. The commission's decision shall be reduced to writing and shall constitute final agency action.

[ARC 5828C, IAB 8/11/21, effective 9/15/21]

**751—9.7(8D) Evaluation criteria.** In considering the evidence regarding competitive service, the commission may consider any of the following:

**9.7(1)** The type of third-party service being offered to the petitioner versus the type of service the commission can offer.

**9.7(2)** The direct costs of service being offered to the petitioner versus the direct cost of the service offered by the commission, including but not limited to the following:

- a. The unit cost of individual services;
- b. The cost for bundled services;
- c. The costs of leased lines to access an individual service;
- d. The cost of installation charges;
- e. The cost of coordination fees;
- f. The costs of equipment necessary to access a service;
- g. The costs of setup fees;
- h. Any other direct cost related to the service sought by the certified user and identified in the evidence presented to the commission.

**9.7(3)** The indirect costs of service being offered to the petitioner versus the indirect cost of service offered by the commission, including but not limited to the following:

- a. Service availability;
- b. Protection from fraudulent use of the service;
- c. Availability of advanced billing services;
- d. Response time to service outages;
- e. Redundancy to ensure continuous service;
- f. Disaster recovery plan;
- g. Any other indirect cost related to the service sought by the certified user and identified in the evidence presented to the commission.

**9.7(4)** Any discounts the petitioner has been offered versus the discounts the commission can offer.

**9.7(5)** Any other enhanced value items included in the offer of service by a service provider selected by the petitioner versus the enhanced value items the commission can offer including but not limited to the entire range of services the commission offers to an authorized user.

**9.7(6)** Any other relevant information included in the evidence before the commission regarding the petition for waiver.

**751—9.8(8D) Voluntary decertification.** A certified user may voluntarily withdraw its certification to use the services of the commission. The certified user must give the commission 60 days' prior written notice before the withdrawal will take effect. In the event the commission has property located on the property of the certified user, the commission and the certified user may enter into an agreement allowing the property to remain in place to serve the network. In the event the certified user decides to apply for certification after a voluntary withdrawal, the certified user will have to seek permission of the general assembly to recertify or as otherwise provided by law.

This chapter is intended to implement Iowa Code sections 8D.3(3)“b” and 8D.9(2)“b.”

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CHAPTER 10  
USE OF THE NETWORK—NOT A VESTED RIGHT  
AND WRITTEN WARNING, SUSPENSION,  
PROBATION, DECERTIFICATION, AND REVOCATION  
OF USE OF THE NETWORK

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—10.1(8D) Authorized use not a vested right.** The ability to use the fiberoptic network is a privilege conferred by law to any person who qualifies as an authorized user.

**751—10.2(8D) Written warning, suspension, probation or revocation of authorization to use the network.** The commission may provide a written warning, suspend, place on probation, or revoke the authorization of any authorized user to use the network or a requesting authorized user sponsoring an event on the network or disconnect any authorized facility or disconnect an originating authorized facility for one or more of the following reasons:

1. In the case of a video transmission, a requesting authorized user allows a use of the network by an unauthorized user;
2. In the case of a data or voice transmission, an authorized user allows use of the network by an unauthorized user;
3. Selling or reselling network time to an authorized user or an unauthorized user;
4. Failure to pay the appropriate rate for services rendered by the commission;
5. Failure to adhere to any terms or conditions contained in any agreement between the commission and the authorized user;
6. Failure to be present or participate in or have a contract authorizing originating use for a full motion interactive video session;
7. Any fraud, deceit, misrepresentation or other conduct prejudicial to the commission in the operation of network;
8. Any violation of federal, state or local law or allowing the violation of any of these laws on premises occupied by or controlled by any person over whom the authorized user has substantial control;
9. Obtaining use of the network by fraud, misrepresentation, or concealment;
10. Making a knowing misrepresentation of fact to the commission or its staff on any report, application form or questionnaire required to be submitted to the commission or its staff;
11. Denying the commission or its authorized representatives access to a fiberoptic termination site or any other access to fiberoptic cable or optronics equipment deemed necessary for the operation of the network;
12. Failure to promptly produce for inspection or audit within a reasonable time any book, record, document or other item required to be produced by law, these rules, or the terms of any agreement between the commission and the authorized user related to the use of the network;
13. Failure to follow the instructions of the commission for the operation of the equipment in the commission's portion of a shared fiberoptic termination site room;
14. Failure to notify the commission of a material change of circumstances regarding the organizational structure of an authorized user that would change the status of an authorized user or authorized user of the network;
15. Any other activity or action related to the use of the fiberoptic network by an authorized user or by an authorized facility that the commission determines is in violation of state or federal law or these rules.

**751—10.3(17A,8D) Notice of the violation.** In the event the commission determines that an authorized user has violated any of the provisions of these rules, the commission will provide a written notice by certified mail, return receipt requested, to the authorized user describing the violation and the penalty for the violation.

**751—10.4(17A,8D) Effective date and length of suspension, probation or revocation.** The effective date of the suspension, probation or revocation of the use or access to the network shall be 20 days following service of the notice of suspension, probation or revocation. An aggrieved authorized user may request a stay of the commission's action regarding use and ask the commission to reconsider its decision. The commission at its discretion may reconsider its decision based upon any further information or evidence the aggrieved party may offer to the commission. The commission may take oral testimony to supplement the evidence presented. The commission's decision shall be reduced to writing and shall constitute final agency action. The decision shall be mailed to the aggrieved parties. In the event the authorized user is a state agency or an institution governed by the board of regents, the provisions of Iowa Code section 679A.19 shall govern any appeal. In the case of a suspension or probation, the commission has the discretion to fix the length of the suspension or probation relative to the severity of the violation by the authorized user.

**751—10.5(17A,8D) Methods of service.** The notice shall be served upon the authorized user by certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the authorized user may accept service personally or through authorized counsel. The notice shall set forth the reasons for the suspension, probation, or revocation and provide for an opportunity for a hearing.

**751—10.6(17A,8D) Decertification.** In the event a certified user violates the provisions of Iowa Code section 8D.9(2) and fails to obtain a waiver from the commission to use another service provider, and uses services from another provider, the commission after notice and hearing in conformance with these rules, may decertify the user. In the event decertification becomes final, the commission will remove all of its equipment from the fiberoptic termination site located at the user's site and terminate all services to the user.

This chapter is intended to implement Iowa Code sections 8D.2, 8D.3(3)“b,”8D.9 and 8D.13(14) to 8D.13(17).

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CHAPTER 11  
ASSET ALLOCATION AND OWNERSHIP

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**751—11.1(8D) Ownership of the Part I and Part II equipment.** All of the facilities, cable, optronics and other equipment and replacements thereof installed to operate and maintain as Part I and Part II sites are property of the state of Iowa unless the equipment was purchased by a regents institution or a state agency. The commission and the state of Iowa do not own the interconnect from the fiberoptic termination site to the classroom nor any of the equipment or furnishings located within the video classroom. The commission has the duty to maintain all aspects of the telecommunication facilities, cable, optronics and other equipment and replacements thereof if these items are attached to Part I and Part II sites. The equipment purchased by the regents is subject to separate agreements between the commission and regents and those agreements will govern ownership and maintenance of the equipment purchased by the regents, this rule notwithstanding.

**751—11.2(8D) Access defined.** For the purpose of this chapter, access means those persons or entities allowed to enter the fiberoptic termination site room and place equipment or other items in the fiberoptic termination site room.

**751—11.3(8D) Access to fiberoptic termination site room.** For Part I and Part II fiberoptic termination sites, the commission shall determine which entities shall have access to the fiberoptic termination site room and shall notify each authorized facility in writing as to the extent and nature of equipment placement in the fiberoptic termination site room or as otherwise allowed by written agreements in existence prior to December 1, 1996, or by state or federal law. Unauthorized equipment will be disconnected from any connections contained in the fiberoptic termination site room after 30 days' written notice to the owner sent by certified mail return receipt requested from the commission advising the owner that the presence of its equipment in the fiberoptic termination site room is unauthorized. Unauthorized equipment must be removed by the equipment owner within 90 days of written notice sent by the commission to the owner. If the equipment is not removed within this time period, the commission will remove the equipment and charge the owner the cost of the removal. When a commission fiberoptic termination site room is co-located in shared use facilities, the commission will negotiate an agreement with the authorized user that determines which entities have access and the procedures for access. Preexisting agreements (before December 1, 1996) for commission equipment placement between authorized users and the commission (or the department of general services) will be honored. The commission and authorized users may negotiate new agreements for equipment placement.

**751—11.4(8D) Access to fiberoptic termination site room for Part III.** For Part III sites, the commission shall determine which entities may have access to the fiberoptic termination site room at the site in a manner consistent with written agreements in existence prior to December 1, 1996, or state or federal law.

**751—11.5(8D) Authorized connections to the network.** The commission shall have the sole and exclusive authority to determine whether any person or entity may use the commission's point of presence sites to connect in any location in the state where the commission has established a network connection as otherwise permitted by state or federal law. In the event the commission determines that some other person or entity has attempted to connect to a network location, the commission may demand removal of the unauthorized equipment within 90 days upon written notice to the owner of the equipment. In the event the equipment is not removed within 90 days, the commission may disconnect the equipment at the owner's expense and prevent any further connectivity pending a hearing in conformance with 751—Chapter 4 to determine whether the use of the network's site is appropriate.

**751—11.6(8D) Power source to the fiberoptic termination site room.** The authorized facility shall maintain a constant source of power and adequate heating and cooling for the fiberoptic termination site room and for the equipment contained therein.

This chapter is intended to implement Iowa Code section 8D.3.

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CHAPTER 12  
RATES AND RATE DISPUTES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—12.1(8D) Purpose.** The commission shall establish rates to be charged to all authorized users for the use of the network.

**751—12.2(8D) Definitions.** For the purposes of interpreting these rules, the following definitions are applicable.

“*Educational or training event*” on the network means any event designed to have an instructional outcome.

“*Meeting event*” means any event on the network that is designed to achieve a decisional outcome including but not limited to meetings, hearings, mediations, discussion groups, public meetings or other adjudicatory proceedings.

**751—12.3(8D) Notice of rates.** Upon approval of rates to be charged to authorized users for use of any network services offered by the commission, the commission shall provide written notice to the affected users.

**12.3(1)** A rate increase for voice and data transmissions shall become effective upon the date established by the commission.

**12.3(2)** Video rates shall be established in September of each fiscal year with an effective date of July 1 of the next following fiscal year.

**751—12.4(8D) Rates for educational users.** Rates for educational access shall among other things ensure that rural communities have access to comparable services to the services provided in urban areas resulting from any plans to construct, install, repair, or maintain any part of the network. Educational rates for K-12 and area education agencies shall include meeting events for authorized users. All other meeting events for other educational users shall be charged at the administrative rate established for state agencies for meeting events. Educational use for state agencies shall be charged at the higher educational rate. The purpose of the meeting event shall determine the charge for the session not the originating or receiving sites for the meeting event itself. If the training or meeting event is for federal authorized users or telemedicine authorized users, the rate applicable to these users shall apply. An educational user and area education agency users other than K-12 users must certify the type of use it intends at the time an event is scheduled on the network.

**751—12.5(8D) Rates for telemedicine and the federal government.** A fee established by the commission to be charged to a hospital licensed pursuant to Iowa Code chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection to or use of the network related to such user. The fees charged for use of the network shall be based on the ongoing expenses of the network.

**751—12.6(8D) Rate dispute resolution.**

**12.6(1) Definitions.** A rate dispute shall exist when the payor disagrees with the rate charged by the commission for the service used by the user. A rate dispute shall not be a contested case proceeding.

**12.6(2) Factors in rate dispute.** In the event of a rate dispute, the executive director, or the commission’s designee (decision maker) shall decide which rate is applicable for the network service used. In making such a decision, the executive director or the commission’s designee shall consider all relevant factors known to the decision maker supplied by the commission staff or the user including, but not limited to, the following:

- a. Nature, frequency or duration of the use requested;
- b. The purpose of the use;
- c. The audience for the use;

- d. Whether the use is for training, testing, a meeting or other use;
- e. Whether the use is an educational use;
- f. Any other factor deemed relevant by the decision maker based upon the evidence presented.

**12.6(3) *Written decision.*** In the event that the decision maker makes a decision regarding the rate dispute, the decision maker shall prepare a memorandum regarding the conflict and its resolution. No oral testimony shall be taken regarding the rate dispute. The memorandum shall identify the authorized user or users involved, the nature of the rate dispute, the decision maker's decision, the factors considered by the decision maker and the reasons for the decision. The memorandum shall be created within 24 hours after the decision is made and shall be maintained by the decision maker for at least 12 months after the decision is made. A copy of the memorandum shall be faxed and mailed to each authorized user affected by the decision. The memorandum shall include a notice regarding the time within which an aggrieved party may appeal with filing instructions included in the notice.

**12.6(4) *Notice of appeal.*** Any authorized user affected by the decision regarding a rate dispute may appeal that decision to the commission by filing written notice of appeal thereof either by fax, hand delivery or by regular or overnight mail with the decision maker within five days after the authorized user receives a copy of the decision. The notice of appeal shall identify the decision in question and the authorized user making the appeal.

**12.6(5) *Filing supporting documents for appeal.*** Within seven days following filing of the notice of appeal, the aggrieved party shall file with the executive director or the commission's designee, a written statement of evidence identifying all reasons or evidence upon which the aggrieved party relies in support of its appeal. The appealing user may attach to the statement of evidence any documents or information which the user wishes to submit, provided that no more than 25 pages of attachments shall be submitted unless the aggrieved party obtains permission of the commission to attach additional documentation for good cause shown. The commission may allow oral arguments.

**12.6(6) *Time for appeal decision.*** Within seven days after the statement of evidence is filed, the commission or the commission's designee shall file a written appeal decision affirming, reversing or modifying the decision of the decision maker regarding the rate dispute.

**12.6(7) *Final agency action for appeal.*** The appeal decision shall state the factors considered by the commission and the reasons for the decision. The decision shall be delivered to each authorized user affected by the decision. The appeal decision shall constitute final agency action for the purposes of Iowa Code chapter 17A.

This chapter is intended to implement Iowa Code section 8D.3.

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CHAPTER 13  
SITE CHARGES AND OTHER FEES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—13.1(8D) Site charges.** The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the requesting authorized user for a video transmission provided on the network. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall be reduced by an amount received by the receiving site pursuant to a state appropriation for such costs, or federal assistance received for such costs. Fees established under this chapter shall be paid by the originating site directly to the receiving site. For purposes of this rule, “operating costs” include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.

**13.1(1)** Site fee. The hourly charge for a site may be up to \$12.50 per hour for use of a classroom for interactive video transmission.

**13.1(2)** Notwithstanding the provisions of the introductory paragraph of rule 13.1(8D), if an entity requests a receiving site location in a video classroom facility which is authorized by, but not funded by the originator of the session, the video classroom facility shall bill the requesting entity directly for the operating costs relating to the site.

**751—13.2(8D) Other fees.** The commission shall charge the following fees based on the ongoing operational costs of the network:

**13.2(1)** *Staff time devoted to a cable cut.* An administrative fee shall be added to the cost of repair for a cable cut. The fee shall be charged to the person or entity who caused the cable cut. The fee shall be a minimum of \$150. In the event commission staff members must devote more than ten hours to the cable cut repair, the actual hourly rate of a telecommunications technician shall be added to the cost of the cable cut for the total time all staff members are required to devote to the cable cut and repair.

**13.2(2)** *Informal resolution of cable cuts.* Commission staff members are authorized to resolve cable cut repair costs informally including making adjustments to the administrative fees attributable to the cable cut and repair or the revenue lost from the cable cut. Any settlement of a disputed claim must be reduced to writing.

**13.2(3)** *Estimate for cable relocation cost.* An administrative fee equaling the commission’s cost to provide an estimate for a cable move for a property owner shall be charged to the property owner. Notwithstanding the foregoing, if the commission has preexisting agreements in effect prior to December 1, 1996, that refer specifically to the cost of a cable relocation, those agreements will be honored. The commission and authorized users may enter into new agreements for construction and maintenance of the fiberoptic network.

This chapter is intended to implement Iowa Code sections 8D.3(3)“b” and 8D.13.

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CHAPTER 14  
ACCESS TO FACILITIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—14.1(8D) Access policy.** An authorized user shall develop written policies or rules governing the use of the network by authorized users as identified by 751—Chapter 7. These policies must be consistent with the Iowa Code and these rules. These policies shall be filed with the commission and reviewed by the commission upon written request.

**14.1(1) Contents of the written policy.** Each authorized user facility shall develop at a minimum use and access policies that address the following:

- a. The network is a limited access network and cannot be used for a profit-making venture.
- b. The use of the network must be consistent with the written mission of the authorized user.
- c. The user may not resell time on the network. However, consistent with Iowa Code section 8D.13, the user may charge a site or usage fee to cover operational costs of the facility or as established by the commission. A usage fee shall include the fees charged by a university or college for services offered by the university or college, for example, student housing or a computer lab fee.
- d. The user may not enable for-profit persons or entities to use the network for the pecuniary advantage of the for-profit entity. This provision is intended to apply to video use of the network only. This rule is not intended to limit the ability of the board of regents to fully support various research programs and other initiatives performed under the written mission statements of the regents institutions. The rule is not intended to limit other authorized users from performing their missions when the use of the network is otherwise authorized by these rules.

**14.1(2)** Reserved.

**751—14.2(8D) Use of a video classroom.** The primary use of an interactive video classroom is to accomplish the written mission of the authorized user. The commission, through its various advisory councils, shall establish request for usage procedures that address the use and availability of video classrooms, including hours of operation, availability for other authorized users, discretion of authorized facilities to deny or cancel requested use, and other non-network related usage of classrooms connected to the network. The intent of such request for usage procedures will be to encourage the greatest allowable use of interactive video classrooms while preserving appropriate local authority and control over authorized facilities. The procedures shall be forwarded to the commission upon completion. The procedures shall be completed by January 1, 1998.

**751—14.3(8D) Hours of operation.** A video classroom shall be open during the normal hours of operation for an authorized user unless other hours of operation are arranged by the user and the site. Sites shall, at a minimum, support access and facilities use Monday through Friday, 7 a.m. to 10:30 p.m., and Saturday, 8 a.m. to 4 p.m. For sites where the institution has used its own funding for the fiberoptic connection and the fiberoptic termination site equipment, the institution may permit or deny accessibility to other authorized users.

**751—14.4(8D) Charges and financial responsibility.** Except as provided for by subrule 13.1(2), the requesting authorized user is financially responsible for all commission-established site and site usage charges incurred for the use of the classroom.

**751—14.5(8D) Accommodations for the disabled.** Each authorized user site shall comply with the Americans With Disabilities Act and the Iowa Civil Rights Act regarding access to and use of the video classroom or video conference room. The requesting authorized user of any service offered by the commission shall comply with the Americans With Disabilities Act and the Iowa Civil Rights Act. The requesting authorized user is responsible for providing qualified interpreters or auxiliary aids if requested. The cost of reasonable accommodation is assumed by the requesting authorized user.

**751—14.6(8D) No smoking policy.** The fiberoptic termination site room is a smoke-free area. No smoking is permitted.

**751—14.7(8D) No endorsement.** Use of the network does not imply endorsement of, or agreement with, the purpose(s) or the expression of any person or entity by the commission or the state of Iowa or its employees or staff.

**751—14.8(8D) Copyrighted material.** Use of copyrighted materials shall be consistent with current U.S. copyright laws and definitions of fair use. Appropriate use of copyrighted material is the responsibility of the user, and not the commission.

This chapter is intended to implement Iowa Code section 8D.3.

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CHAPTER 15  
ADVISORY COUNCILS, COMMITTEES  
AND GROUPS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—15.1(8D) Meetings for advisory councils, committees and groups.** Any advisory councils, committees or groups established by Iowa Code chapter 8D or at the direction of the commission must meet at least twice annually. If any of these groups fail to meet and advise or provide recommendations to the commission, the commission may appoint new members to the advisory councils, committees or groups or as otherwise provided by law.

**751—15.2(8D) Attendance by members.** Each advisory council shall establish attendance policies for its members subject to approval by the commission. In the event the commission, through the recommendations of an advisory council, a committee or group, removes a member from an advisory council, a committee or group, the commission may replace that member immediately.

**751—15.3(8D) Duties of advisory councils, committees and groups.** The advisory councils, committees and groups at a minimum shall have the following duties:

**15.3(1) Develop rules.** Develop proposed rules for commission consideration regarding use of and access to the network. The commission may refuse to approve and adopt a proposed rule, and upon such refusal, shall return the proposed rule to the advisory group proposing the rule with a statement indicating the commission's reason for refusing to approve and adopt the rule.

**15.3(2) Prepare reports.** As requested from time to time by the commission, provide information, reports and perform special projects to assist the commission in completing its mission.

**15.3(3) Provide notices of meetings and minutes of meetings.**

*a.* Each advisory council, committee or group shall prepare minutes of its meetings and submit the minutes to the commission within 60 days of the date of the meeting for posting on the Iowa communications network Web site.

*b.* Each advisory council, committee or group shall provide notice of its meetings to interested parties identified by the commission or the advisory council, committee or group. An advisory council, committee or group shall submit an electronic agenda and notice to the ICN one week prior to a scheduled meeting for posting on the Iowa communications network Web site.

**15.3(4) Develop mission statement.** Each advisory council, committee or group shall prepare a written mission statement. The mission statements shall be filed with the commission.

**15.3(5) Scheduling and site usage policies.** Subject to approval by the commission, the advisory councils, committees and groups shall establish site and usage policies for authorized users of the network.

[ARC 0409C, IAB 10/17/12, effective 11/21/12]

**751—15.4(8D) Additional duties of education telecommunications council.** Rescinded ARC 4983C, IAB 3/11/20, effective 4/15/20.

**751—15.5(8D) Additional duties of regional educational telecommunications council.** Rescinded ARC 4983C, IAB 3/11/20, effective 4/15/20.

This chapter is intended to implement Iowa Code sections 8D.3, 8D.5, 8D.6, and 8D.7.

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CHAPTER 16  
UNIFORM WAIVER RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.



CHAPTER 17  
MISCELLANEOUS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**751—17.1(8D) Content of transmissions.** The commission and the commission's staff shall not monitor the content of transmissions on the network. From time to time, it may be necessary to monitor transmissions on the network to effect trouble isolation and correction. This type of monitoring will be kept to an absolute minimum and used only to efficiently and effectively manage the network. Each authorized user shall have responsibility that the use of the network is consistent with the mission of the authorized user and consistent with the law and these rules. Discovery of an unauthorized monitoring must be reported back to the authorized user.

**751—17.2(8D) Areas of responsibility for the commission.** Consistent with and in addition to the duties and obligations imposed upon the commission by Iowa Code sections 8D.1, 8D.2(6), 8D.3 and 8D.13, the commission's areas of responsibility include but are not necessarily limited to the following:

**17.2(1)** Management of the network for state communications;

**17.2(2)** Telephone service for state-owned buildings located on the capitol complex ending at the intermediate distribution frame located on each floor of the buildings;

**17.2(3)** Access devices for the distribution of state communications.

**751—17.3(8D) Transfer and disposal of assets.**

**17.3(1)** The commission may dispose of its property under its ownership or control when it becomes unnecessary or unfit for further use by the commission. The commission may dispose of unnecessary or unfit property under its control by sale, auction, broker, trade, consignment or any manner which the commission determines will fairly dispose of the property. Proceeds from the disposition of the property will be retained by the commission.

**17.3(2)** Notice of the disposition of unnecessary or unfit property will be noticed in a newspaper of general circulation, trade journals or on the commission's home page on the Internet. The commission will attempt to advertise its unnecessary or unfit property on other home pages maintained by other state agencies.

**17.3(3)** In the event of a purchase of unnecessary or unfit property, payment for the unnecessary or unfit property shall be by certified check, electronic funds transfer, or an irrevocable letter of credit and must be in U.S. dollars. Any sale to an entity in a foreign country shall be in conformance with the policies and procedures of the U.S. State Department, the U.S. Department of Commerce and the U.S. Department of Defense. Before title is transferred or the property is delivered, the commission must receive good funds for the purchase of the property. Upon receipt of good funds, the commission shall issue a bill of sale for the property and the item or items of property will be removed from the commission's inventory. In the event of a trade of property, the commission will issue a bill of sale relinquishing ownership of its property upon receipt of the property exchanged. The commission shall require the trader to provide a document transferring ownership to the commission and the state of Iowa.

**17.3(4)** Notwithstanding any contrary provision in this chapter or these rules, and consistent with Iowa Code section 8D.12, the commission may dispose of unnecessary or unfit property under its ownership or control by sale, auction, broker, trade, consignment, gift, transfer, or any manner in which the commission determines will fairly dispose of the property to any branch of the government of the state of Iowa, any Iowa state agency, or any institution under the control of the Iowa board of regents. Contrary provisions of subrules 17.3(1) to 17.3(3) do not apply to the disposition of property pursuant to this subrule. Dispositions pursuant to this subrule are valid so long as the executive director of the Iowa communications network determines that the transfer is in the best interests of the state of Iowa.

**17.3(5)** Notwithstanding any contrary provision in this chapter or these rules, upon request by an authorized user, the commission may procure, in accordance with all applicable administrative rules and provisions of Iowa Code chapter 8D, any telecommunications equipment, devices or services requested by or on behalf of an authorized user. The commission may further transfer the title to, or benefit

of, the telecommunications equipment, devices or services to the authorized user. The commission may accordingly bill the authorized user through the commission's regular process for the telecommunications equipment, devices or services or for the use of such telecommunications equipment, devices or services. Nothing in this subrule shall permit the commission to purchase or transfer title to Part III fiber as defined in Iowa Code section 8D.13(2) "c" unless such purchase or transfer is authorized by Iowa Code chapter 8D or an Act of the legislature approved by the governor.

**751—17.4(8D) Partnerships with private or public entities.** The commission may enter into partnership or other arrangements in order to maximize income for the network. The following agreements are specifically permitted by this rule:

**17.4(1)** Agreements to use space in the fiberoptic termination site rooms in a manner consistent with law.

**17.4(2)** Agreement to use the rights-of-way obtained by the commission for the construction and maintenance of the network in a manner consistent with law.

**17.4(3)** Agreements to share equipment, any telecommunications facilities, or any other real or personal property used to operate a telecommunications network or single communication site in a manner consistent with law.

**751—17.5(8D) Circuit testing.** Circuit testing is authorized on the network by the commission's maintenance contractor or Iowa public television personnel or network staff. Any other request for a test of the network must be made through commission staff.

**751—17.6(8D) Billing services on behalf of authorized user.**

**17.6(1)** Pursuant to an agreement between the commission and an authorized user, the commission may provide billing services on behalf of the authorized user and charge another entity that receives services from the authorized user pursuant to the network if all of the following conditions are satisfied:

*a.* The services provided by the authorized user to the other entity must be consistent with the mission of the authorized user.

*b.* The services provided by the authorized user to the other entity must be consistent with the following requirements and limitations:

(1) The services provided by the authorized user are the services of the authorized user and are not communications services that the commission is authorized to provide only to its authorized users.

(2) The services provided by the authorized user to the other entity are being delivered to the other entity through the network.

(3) The services provided by the authorized user to the other entity are not being provided in a manner that is contrary to any other restrictions contained in Iowa Code chapter 8D.

**17.6(2)** This rule is not intended to limit the ability of the commission to recover damages from another entity on behalf of an authorized user for damage to the authorized user's network that is being managed or maintained by the commission on behalf of the authorized user.

This rule is intended to implement Iowa Code section 8D.11.

[ARC 6246C, IAB 3/23/22, effective 4/27/22]

These rules are intended to implement Iowa Code sections 23A.2, 8D.3 and 8D.11.

[Filed 3/21/97, Notice 1/15/97—published 4/9/97, effective 5/14/97]

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CHAPTER 18  
PROCEDURE FOR RULEMAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.