

CHAPTER 17
MISCELLANEOUS

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.

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

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