

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  IOWA BROADBAND INITIATIVE	DOCKET NO. RMU-03-9
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**SUMMARY OF REGULATORY ANALYSIS AND ORDER EXTENDING TIME FOR  
WRITTEN COMMENTS AND CHANGING DATE FOR ORAL COMMENTS**

(Issued August 29, 2003)

On July 3, 2003, the Utilities Board (Board) issued an “Order Commencing Rule Making” in this docket, pursuant to the authority of Iowa Code §§ 17A.4 and 476.2, and 2003 Iowa Acts, Senate File 368, Section 6. The proposed rules add new chapter 199 IAC Chapter 43(476), and are intended to implement the broadband initiative created in Senate File 368. The proposed rules have been identified as ARC 2620B.

On August 12, 2003, the Administrative Rules Review Committee (Committee) voted to request a regulatory analysis concerning ARC 2620B, pursuant to its authority set forth in Iowa Code § 17A.4A. In lieu of the factors set out in Iowa Code § 17A.4A, the regulatory analysis took the form of 13 specific questions to which responses were requested. The Board has submitted complete responses to the questions posed by the Committee and a copy of the complete regulatory analysis is available on the Board’s website at [www.state.ia.us/iub](http://www.state.ia.us/iub).

Pursuant to Iowa Code § 17A.4A(4), the Board submits the attached concise summary of the regulatory analysis for publication in the Iowa Administrative Bulletin. Iowa Code § 17A.4A(4) also provides that the end of the period during which persons may file written comments on the proposed rule should be extended to 20 days after the publication of the concise summary of the regulatory analysis in the administrative bulletin. Therefore, the existing deadline for written comments of October 3, 2003, will be extended to October 8, 2003. An original and ten copies of written statements, submitted in a form substantially complying with 199 IAC 2.2(2), should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa, 50319-0069.

Due to a scheduling conflict, the public hearing date for receiving oral comments on the proposed rule scheduled for October 21, 2003, will be changed to October 22, 2003. The public hearing will be held in the Board's hearing room at the address listed above, beginning at 10 a.m. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

**IT IS THEREFORE ORDERED:**

1. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin, the concise summary of the regulatory analysis requested by the Administrative Rules Review Committee on August 19, 2003, attached to and incorporated by reference in this order.

2. The existing deadline for the submission of written comments regarding the proposed rule, ARC 2620B, is extended to October 8, 2003, as described in this order.

3. The public hearing for receiving public comments regarding the proposed rule, ARC 2620B, is rescheduled to October 22, 2003, as described in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 29<sup>th</sup> day of August, 2003.

## **UTILITIES DIVISION [199]**

### **Summary of Regulatory Analysis and Amended Notice of Intended Action**

On July 3, 2003, the Utilities Board (Board) issued an “Order Commencing Rule Making” in this docket, pursuant to the authority of Iowa Code §§ 17A.4 and 476.2, and 2003 Iowa Acts, Senate File 368, Section 6. The proposed rules add new chapter 199 IAC Chapter 43(476), and are intended to implement the broadband initiative created in Senate File 368. The proposed rules have been identified as ARC 2620B.

On August 12, 2003, the Administrative Rules Review Committee (Committee) voted to request a regulatory analysis concerning ARC 2620B, pursuant to its authority set forth in Iowa Code § 17A.4A. In lieu of the factors set out in Iowa Code § 17A.4A, the regulatory analysis took the form of 13 specific questions to which responses were requested. The Board has submitted to the Committee complete responses to the questions posed in the regulatory analysis. The responses include a general description of the nature and extent of competition in the telecommunications industry in Iowa and a discussion of the proposed rules and their relationship to Senate File 368 and federal law. The responses emphasize the need for regulatory flexibility in order to balance the sometimes-conflicting goals of competitive neutrality and enhanced broadband

deployment. A copy of the complete regulatory analysis is available on the Board's website at [www.state.ia.us/iub](http://www.state.ia.us/iub).

Pursuant to Iowa Code § 17A.4A(4), the end of the period during which persons may file written comments on the proposed rule should be extended to 20 days after the publication of this concise summary of the regulatory analysis in the administrative bulletin. Therefore, the existing deadline for written comments of October 3, 2003, will be extended to October 8, 2003. An original and ten copies of written statements, submitted in a form substantially complying with 199 IAC 2.2(2), should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

Due to a scheduling conflict, the public hearing date for receiving oral comments on the proposed rule scheduled for October 21, 2003, will be changed to October 22, 2003. The public hearing will be held in the Board's hearing room at the address listed above, beginning at 10 a.m. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

August 29, 2003

/s/ Diane Munns

Diane Munns,  
Chairman