

REGULATORY PLAN FOR 2013  
Iowa Utilities Board

This plan is intended to comply with Executive Order Number Nine, issued September 14, 1999. Section IV of that order defines a “regulatory action” as a potential rule that is currently under active consideration or development within the agency that the agency reasonably expects to issue in proposed or final form. Based upon that definition, the Board is considering the following regulatory actions for 2013.

Universal Service Rules. The existing rules in 199 IAC 39 address the means by which a telecommunications carrier may be designated by the Board as an ETC (eligible telecommunications carrier) as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. ETC designation allows a carrier to receive money from the federal universal service fund (USF) for high-cost support for the provision of voice and broadband networks and also Lifeline support for the provision of voice services to low-income customers. The rules also address the annual reporting requirements for ETCs that receive high-cost support. The FCC’s November 2011 Transformation Order and the FCC’s February 2012 Lifeline Reform Order comprehensively reformed, and added to, the federal requirements for ETCs. The Board’s rules in 199 IAC 39 will need to be revised to reflect the recent federal ETC rule changes.

These rules would be adopted pursuant to the FCC orders and Iowa Code chapter 476, including but not limited to sections 476.1, 476.2, 476.15, 476.29, 476.100, 476.101, and 476.102.

This rule change reflects the Board’s statutory obligations and the Governor’s priorities because revising the Iowa rules will help ensure that ETCs continue to receive federal USF support to develop and maintain high-speed broadband networks necessary for modern business and education and to receive Lifeline reimbursement for providing voice services to low-income Iowans, furthering the goal of universal availability of telecommunications services.

It is expected that a notice of intended action will be issued in the Fall of 2012.

Contact Person: Mike Balch, 725-7303

Utility Pole Attachment Rules. The Board is considering the adoption of rules that will ensure communications utilities and similar providers attach lines to utility poles in a safe manner. The Board has considered whether a rule is necessary since there are already safety rules in place; however, the electric utilities have asked the Board to consider a rule making to ensure all pole attachments from non-regulated entities meet established safety requirements. There should be only minimal additional costs, if any, from adoption of such a rule since those entities attaching to utility poles should be meeting the established safety requirements now.

If the Board decides to adopt such a rule, it will benefit the public by ensuring that utility poles and those lines attached to the poles are maintained in a safe manner. This also has the potential to enhance the reliability of electric and communications services, which is important for continued economic growth.

The rules would be adopted pursuant to rule making authority in Iowa Code chapters 476, 478 and 477A.

It is expected that a notice of intended action will be issued in the Fall of 2012.

Contact Person: Cecil Wright, 725-7361.

Five-Year Rolling Review of Agency Rules. Section 19 of House File 2456 from the 2012 session of the Legislature requires that each state agency conduct an ongoing and comprehensive review of all of the agency's rules every 5 years. The goal is to eliminate outdated and redundant rules and rules that are inconsistent with statutes or other rules. The process must start with consultation with major stakeholders and constituent groups.

The rolling review will benefit the public by streamlining agency rules and eliminating unnecessary regulations, which will promote economic growth and development.

The review will be conducted pursuant to the Board's rulemaking authority in Iowa Code chapter 476 and subsequent chapters.

The Board intends to begin the five-year process as soon as it has received guidance from the administrative rules coordinator regarding the standards and practices the agency is expected to use for this process.

Contact Person: David Lynch, 725-7333.

Respectfully submitted,

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Elizabeth S. Jacobs  
Chair