

**PUBLIC SERVICE COMMISSION AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill amends a provision related to telecommunications.

**Highlighted Provisions:**

This bill:

- ▶ allows the Public Service Commission to issue an order exempting a telecommunications corporation or public telecommunications service from a requirement of the Public Utilities Code after an informal adjudication, without a hearing, under certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**54-8b-3**, as last amended by Laws of Utah 1995, Chapter 269

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **54-8b-3** is amended to read:

**54-8b-3. Exemptions from requirements.**

(1) (a) The commission, on its own initiative or in response to an application by a



28 telecommunications corporation, a public agency, or a user of a public telecommunications  
29 service, may, after public notice and a hearing, issue an order exempting any  
30 telecommunications corporation or public telecommunications service from any requirement of  
31 this title, including any requirement or limitation relating to a telecommunication corporation's  
32 earnings, rate base, or pricing of public telecommunications services.

33 (b) The commission may issue an order described in Subsection (1)(a), after an  
34 informal adjudication, without a hearing if:

35 (i) the matter is not a proceeding described in Subsection 54-1-3(2)(a);

36 (ii) a party to an application submitted under Subsection (1)(a) requests an informal  
37 adjudication; and

38 (iii) no person opposes the request for informal adjudication before 10 business days  
39 after the day on which the party files the request.

40 (2) The commission shall specify in the order any requirements, terms, or conditions  
41 which may apply to any exemption.

42 (3) An exemption may be granted for the entire service territory of a  
43 telecommunications corporation or for a specific geographic area of the service territory.

44 (4) The commission may issue an order for an exemption only if it finds that:

45 (a) the telecommunications corporation or service is subject to effective competition;

46 and

47 (b) the exemption is in the public interest.

48 (5) In determining if the telecommunications corporation or service is subject to  
49 effective competition, the commission shall consider all relevant factors, which may include:

50 (a) the extent to which competing telecommunications services are available from  
51 alternative telecommunications providers;

52 (b) the ability of alternative telecommunications providers to offer competing  
53 telecommunications services that are functionally equivalent or substitutable and reasonably  
54 available at comparable prices, terms, quality, and conditions;

55 (c) the market share of the telecommunications corporation for which an exemption is  
56 proposed;

57 (d) the extent of economic or regulatory barriers to entry;

58 (e) the impact of potential competition; and

59 (f) the type and degree of exemptions to this title that are proposed.

60 (6) In determining if the proposed exemption is in the public interest, the commission  
61 shall consider, in addition to other relevant factors, the impact the proposed exemption would  
62 have on captive customers of the telecommunications corporation.

63 (7) (a) The commission shall approve or deny any application for exemption under this  
64 section within 240 days, except that the commission may by order defer action for an additional  
65 30-day period.

66 (b) If the commission has not acted on any application within the permitted time  
67 period, the application is considered granted.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**