

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
DAPHNE HUANG

FROM: KARL KLEIN
DEPUTY ATTORNEY GENERAL

DATE: JULY 28, 2016

SUBJECT: STAFF RECOMMENDATIONS TO INITIATE FORMAL PROPOSED
RULEMAKING REGARDING TRS RULES, IDAPA DOCKET NO. 31-
4602-1602 (RUL-T-16-02)

The Staff of the Idaho Public Utilities Commission recommends that the Commission initiate formal rulemaking procedures in this docket. By way of background, the Commission's Notice of Intent to Promulgate Rules – Negotiated Rulemaking in this docket was published in the July 2016 Administrative Bulletin. The Notice notified the public that the Commission plans to amend its Telecommunication Relay Services (TRS) Rules to: (1) delete obsolete references; (2) correct misspellings and outdated e-mail addresses; (3) improve the clarity or readability of rules; and (4) simplify the Administrator's process for requesting proposals from TRS providers. The Notice explained that the Commission was soliciting public input on the amendments before initiating formal rulemaking procedures, and invited the public to express their views by telephone, e-mail, or written comments by July 27, 2016.

As of July 28, 2016, no one has responded to the Notice. Due to the lack of public interest expressed to date, Staff recommends that the Commission:

- A. Find that the lack of public interest to date has rendered further negotiated rulemaking infeasible, and that the Commission should proceed directly to formal rulemaking; and
- B. Direct the Commission Staff and Secretary to take all necessary steps to initiate and complete the formal rulemaking, such as:
 - (1) Preparing and publishing in the next available Administrative Bulletin a

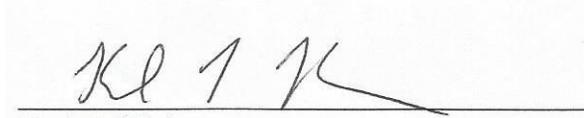
Notice of Proposed Rulemaking that (a) offers to schedule hearings if, within 14 days after the Notice is published, at least 25 persons, a political subdivision, or another state agency ask the Commission to schedule hearings; and (b) sets at least a 21-day comment period; and

- (2) Filing a memorandum that discusses the comments received, whether they warrant modifying the proposed rule, and whether the Commission should adopt a Pending Rule.

COMMISSION DECISION

Does the Commission wish to:

1. Find that the lack of public interest to date has rendered further negotiated rulemaking infeasible, and that the Commission should proceed directly to formal rulemaking using the process outlined by Commission Staff?
2. Anything else?



Karl T. Klein
Deputy Attorney General

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