

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** DAPHNE HUANG  
DEPUTY ATTORNEY GENERAL

**DATE:** OCTOBER 18, 2016

**SUBJECT:** PENDING TRS RULE, IDAPA DOCKET NO. 31-4602-1602 (RUL-T-16-02)

The Commission published a Notice of Intent to Promulgate Rules – Negotiated Rulemaking in the July 2016 Administrative Bulletin. The Notice notified the public that the Commission plans to amend its Telecommunications Relay Services (TRS) Rules to: (1) delete obsolete references; (2) correct misspellings and outdated e-mail addresses; (3) improve the clarity or readability of rules; and (4) simplify the Administrator’s process for requesting proposals from TRS providers. Staff now recommends that the Commission adopt the pending rule, which includes a non-substantive change correcting an error brought to light in the sole comment received.

### BACKGROUND

The Commission’s Notice in the July 2016 Administrative Bulletin explained that the Commission was soliciting public input on amendments to the TRS Rules before initiating formal rulemaking procedure, 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 had responded to the Notice. Accordingly, the Commission found that lack of public interest rendered further negotiated rulemaking infeasible, and that the Commission should proceed to formal rulemaking. *See* Minutes of Decision Meeting, August 3, 2016.

The Commission published a Notice of Rulemaking – Proposed Rule in the August 2016 Administrative Bulletin. The Notice included the same descriptive summary from the Commission’s July 2016 Notice (above), but explained that requests for hearing must be made in

writing by 25 persons no later than September 21, 2016, and that written comments must be delivered on or before September 28, 2016.

### **PUBLIC COMMENT**

The Commission received no requests for hearing, and one comment from Kenneth McClure of Givens Pursley LLP. The comment identified an error in the proposed rule, in newly numbered subsection 103.b, referencing the “Idaho Telephone Association.” Mr. McClure stated that the Idaho Telephone Association (ITA) has changed its name to “Idaho Telecom Alliance.” McClure Comment. Mr. McClure indicated that ITA’s “functions and membership have not changed; only its name is new.” McClure Comment.

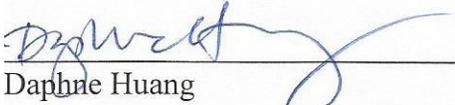
Staff alerted the Department of Administration regarding the incorrect entity name in the renumbered IDAPA 31.46.02.103.01.b of the pending rule, which is also in IDAPA 31.46.02.103.01.c of the current rule. On October 18, 2016, the Administrative Rules Coordinator indicated that the error has been corrected as a non-substantive change to the current rule, and also to the pending rule in the legislative rules review book.

### **STAFF RECOMMENDATION**

Staff recommends that the Commission adopt the (corrected) pending rule at open meeting.

### **COMMISSION DECISION**

Does the Commission wish to adopt the (corrected) pending rule?



Daphne Huang  
Deputy Attorney General

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