

### *Purpose and Summary*

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 24 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the broadband forward and telecommuter forward certification program administered pursuant to Iowa Code section 15E.167.

The updated chapter is more concise throughout. Language that duplicates statute has been omitted.

### *Analysis of Impact*

#### **1. Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Political subdivisions interested in applying for or receiving certifications through the program will bear the costs of the rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Political subdivisions interested in applying for or receiving certifications through the program will benefit from the rulemaking.

#### **2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Political subdivisions interested in applying for certification may require staff time to complete an application. Political subdivisions that receive a certification may similarly incur costs to ensure continued compliance with the requirements of certification. Some applicants

may choose to rely on an external service provider to complete these tasks. The amount of the costs will vary depending on the compensation of staff or service providers involved.

- **Qualitative description of impact:**

The purpose of the broadband forward certification is to encourage political subdivisions to further develop broadband infrastructure and access to broadband. The purpose of the telecommuter forward certification is to encourage political subdivisions to further develop and promote the availability of telecommuting.

### **3. Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

To implement the program, the Authority would need to contract with a consultant with expertise in broadband since that expertise is outside the scope of the Authority's responsibilities. Authority staff time would also be required to administer any functions not delegated to a consultant.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues. No funds have been appropriated for this purpose.

### **4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Only the entities that will potentially benefit from certifications bear the costs of the rulemaking.

**5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

**6. Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Authority did not consider any other methods.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Authority did not consider any other methods.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking’s compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

The proposed rules do not have a substantial impact on small business. The rules do not establish compliance or reporting requirements for businesses. The rules do not establish design or operational standards.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 261—Chapter 24 and adopt the following **new** chapter in lieu thereof:

CHAPTER 24

BROADBAND FORWARD AND TELECOMMUTER FORWARD CERTIFICATIONS

**261—24.1(15E) Definitions.**

“*Applicant*” means a political subdivision that submits an application to the authority for a broadband forward certification or telecommuter forward certification.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Broadband*” means the same as defined in Iowa Code section 8.76.

“*Broadband infrastructure*” means the same as defined in Iowa Code section 8.76.

“*Certification*” means a certificate issued to a political subdivision pursuant to this chapter.

“*Political subdivision*” means the same as defined in Iowa Code section 15E.167.

“*Program*” means the broadband forward and telecommuter forward certification program established pursuant to Iowa Code section 15E.167 and this chapter.

**261—24.2(15E) Application, review, and approval.**

**24.2(1)** *Application.* The authority will develop a standardized application process and make information on applying available on the authority’s website at www.opportunityiowa.gov. To apply for certification under the program, a political subdivision shall submit an application to the authority in the form and manner prescribed by the authority. A political subdivision may apply for broadband forward certification and telecommuter forward certification concurrently.

**24.2(2)** *Review.* The authority will review each complete application to determine whether an applicant meets the criteria for certification.

**24.2(3)** *Approval.* The authority may approve, deny or defer applications for certification. If the authority approves an application for certification, the authority will issue a broadband forward or telecommuter forward certificate and assist the political subdivision in publicizing its certification.

**261—24.3(15E) Broadband forward certification.**

**24.3(1)** To obtain broadband forward certification, a political subdivision shall submit to the authority an application that meets the criteria in Iowa Code section 15E.167(3).

**24.3(2)** A political subdivision applying for certification shall designate a single point of contact with the responsibilities described in Iowa Code section 15E.167(4).

**24.3(3)** The authority will evaluate whether the applicant demonstrates that its efforts or proposed efforts to develop broadband infrastructure and access to broadband will have a sufficient impact that warrants certification.

**261—24.4(15E) Telecommuter forward certification.**

**24.4(1)** A political subdivision that meets the criteria for broadband forward certification may apply for telecommuter forward certification. To obtain telecommuter forward certification, a political subdivision shall submit to the authority an application that meets the criteria in Iowa Code section 15E.167(6).

**24.4(2)** A political subdivision applying for certification shall designate a single point of contact designated with the responsibilities described in Iowa Code section 15E.167(7).

**24.4(3)** The authority will evaluate whether the applicant demonstrates that its efforts or proposed efforts to further develop and promote the availability of telecommuting will have a sufficient impact that warrants certification.

**261—24.5(15E) Maintenance of certification.**

**24.5(1)** *Reports.* A political subdivision certified pursuant to this chapter shall submit an annual report to the authority verifying its continued eligibility for certification pursuant to Iowa Code section 15E.167. If applicable, the report will also address a political subdivision's compliance with the restrictions in Iowa Code section 15E.167(5).

**24.5(2)** *Revocation of certification.* The authority shall revoke the certification of a political subdivision that does not comply with the requirements of Iowa Code section 15E.167 or that the authority otherwise determines is no longer eligible for certification pursuant to this chapter.

These rules are intended to implement Iowa Code section 15E.167.