

## Red Tape Review Rule Report (Due: September 1, 20 26 )

<b>Department Name:</b>	Iowa Communications Network (ICN)	<b>Date:</b>	5/13/2026	<b>Total Rule Count:</b>	3
<b>IAC #:</b>	751	<b>Chapter/ SubChapter/ Rule(s):</b>	Chapter 9	<b>Iowa Code Section Authorizing Rule:</b>	8D.3(3)b, 8D.9(2)b
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

The chapter describes the certification of use and waivers for use of the statewide network, providing a streamlined process for a certifying user to request a waiver to use an alternative telecommunications provider

**Is the benefit being achieved? Please provide evidence.**

Yes. The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on network use and waivers. It successfully transitions the agency away from clunky, quasi-judicial waiver investigations into a simplified framework while strictly preserving the Commission's statutory review and approval authority mandated by Iowa Code section 8D.9

**What are the costs incurred by the public to comply with the rule?**

There is no direct cost associated with the proposed rulemaking.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

There are no costs to the State or the agency associated with this rulemaking.

**Do the costs justify the benefits achieved? Please explain.**

Yes. This rulemaking ensures the agency provides a clear, streamlined process and has no costs associated with it

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run state communications network. No other methods were considered as the proposed rulemaking is necessary to comply with Executive Order 10's mandate to streamline and modernize existing rules.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

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**Yes. 751—Chapter 9 (Entire legacy chapter).** The previous iteration of the chapter contained overly restrictive, adversarial procedures simulating formal litigation. This included pre-hearing conferences, staff interrogatories,

formal discovery, and heavy burden-of-proof requirement to simply to process standard network service waivers. This unnecessary and outdated administrative language was fully eliminated.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

Rescind 751—Chapter 9 in its entirety

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

**Adopt the following new chapter in lieu thereof:**

**CHAPTER 9 Certification of Use and Waivers**

**751—9.1(8D) Purpose.** This chapter establishes the process for a certifying user, as defined in Iowa Code section 8D.9, to request a waiver to use a telecommunications provider other than the network.

**751—9.2(8D) Waiver request process.**

**9.2(1) Submission.** A certifying user seeking a waiver from the use of the network shall submit a written request to the commission 15 days prior to the regularly scheduled meeting.

**9.2(2) Content.** The request must include a brief explanation of why the alternative telecommunications service is more cost-effective, operationally efficient, or better meets the specific technical needs of the user compared to the services available via the network.

**751—9.3(8D) Review and approval.**

**9.3(1)** The commission shall review the waiver request at a regularly scheduled meeting.

**9.3(2)** If the request demonstrates that the alternative service is in the best operational or financial interest of the certifying user, the commission shall grant the waiver.

**9.3(3)** A written determination shall be issued to the user following the commission's decision.

These rules are intended to implement sections 8D.3(3)b and 8D.9(2)b.

**\*For rules being re-promulgated with changes, you may attach a document with suggested changes.**

**METRICS**

<b>Total number of rules repealed:</b>	<b>5</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>898</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>23</b>

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

Yes. We recommend a comprehensive update to Iowa Code Chapter 8D to modernize the statute, streamline legacy code, and align the agency's authorizing framework with current technology and state government structures. We recommend all language regarding certified users is struck.