

RA 26-114

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 9
“Certification of Use and Waivers”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2370

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa 50319

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Communications Network no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the Iowa Communications Network proposes to rescind Chapter 9 and adopt a new chapter in lieu thereof. The chapter describes the certification use and waivers for use of the statewide network. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

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

There is no direct cost associated with the proposed rulemaking.

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

All individuals within the State benefit from a well-run and organized State communications network.

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:**

There is no quantitative impact; this chapter simply provides network use and waivers for the Iowa Communications Network.

- **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on network use and waivers.

3. Costs to the State:

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

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

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

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

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

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.

6. Alternative methods considered by the agency:

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

No other methods were considered because the rules are required to establish the basic regulatory framework mandated by Iowa Code chapter 8D.

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

Not applicable.

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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 9 and 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 a regularly scheduled meeting.

9.2(2) *Content.* The request must include a brief explanation of why the alternative telecommunications service is more cost-effective, is more 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 Iowa Code sections 8D.3(3) "*b*" and 8D.9(2) "*b*."