

BEFORE THE DEPARTMENT OF PUBLIC SERVICE REGULATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 38.5.3403 pertaining to operator ) PROPOSED AMENDMENT  
service provider allowable rates )

TO: All Concerned Persons

1. On September 8, 2015, at 10:00 a.m., the Department of Public Service Regulation will hold a public hearing in Bollinger Room, 1701 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Service Regulation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Service Regulation no later than 5:00 p.m. on September 1, 2015, to advise us of the nature of the accommodation that you need. Please contact Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service (406) 444-4212; or e-mail [asolem@mt.gov](mailto:asolem@mt.gov).

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

38.5.3403 ALLOWABLE RATE (1) remains the same.

(2) Except for cost-based allowable rates provided in ARM 38.5.3404 the allowable rate for each category and type of service provided by operator service providers will be established by the commission annually. The allowable rate for each category and type of service will be the average of the intrastate rates charged for each category and type of operator service provider service by AT&T, MCI, ~~sprint~~, and ~~US west~~ CenturyLink, plus 50%.

(3) and (4) remain the same.

AUTH: 69-3-103, 69-3-1103, MCA

IMP: 69-3-201, 69-3-1101, 69-3-1102, 69-3-1105, MCA

REASON: The amendment of ARM 38.5.3403 is necessary to update the operator service provider rate calculation formula to reflect the three current major carriers that provide these services. Sprint no longer provides these services. U.S. West no longer exists and CenturyLink, the successor, will replace them in the calculation.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax

(406) 444-7618; or e-mail [asolem@mt.gov](mailto:asolem@mt.gov), and must be received no later than 5:00 p.m., September 11, 2015.

5. The commission, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ JUSTIN KRASKE  
Justin Kraske  
Rule Reviewer

/s/ BRAD JOHNSON  
Brad Johnson  
Chairman  
Department of Public Service Regulation

Certified to the Secretary of State August 3, 2015.