

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY CHILD SUPPORT ENFORCEMENT

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per the Governor's Regulatory Review Plan memorandum, January 22, 2009. (See a copy of the memorandum in this issue on page 685.) The Governor's Office authorized the notice to proceed through the rulemaking process on March 6, 2009.

PREAMBLE

[R09-38]

1. Sections Affected

R6-7-101
R6-7-601
R6-7-610
R6-7-611
R6-7-701
R6-7-703
R6-7-705
R6-7-713

Rulemaking Action

Amend
Amend
New Section
New Section
Amend
Amend
Amend
Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing Statute: A.R.S. § 41-1954(A)(3)

Implementing Statute: A.R.S. §§ 25-320, 25-510, 25-528

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 15 A.A.R. 601, April 10, 2009

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Beth Broeker

Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

or

P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

E-mail: bbroeker@azdes.gov

5. An explanation of the rules, including the agency's reasons for initiating the rule:

The rules explain how all child support monies received by the Title IV-D Agency in Title IV-D child support cases are distributed and disbursed under the federally mandated child support distribution laws. The distribution and disbursement process conforms to federal distribution and disbursement law requirements. The rules do not apply to non-Title IV-D child support cases.

Notices of Proposed Rulemaking

On February 8, 2006, the Deficit Reduction Act of 2005, P.L. 109-171, was signed into law by the President. This federal legislation made changes that modify the distribution and disbursement of child support in child support cases governed by Title IV-D of the Social Security Act.

The Deficit Reduction Act requires all states to impose an annual fee of \$25 on recipients who have never received Temporary Assistance for Needy Families (TANF) in child support cases with collections of at least \$500. A.R.S. § 25-528 was passed in 2007 to support this federal requirement. In addition, the Deficit Reduction Act mandates that, effective October 1, 2009, the state's assignment of support rights is now limited to support that accrues during the period when families receive TANF assistance.

The 2008 Arizona legislative session resulted in two legislative changes that affect the distribution and disbursement of child support in child support cases governed by Title IV-D of the Social Security Act. A.R.S. § 25-510 was amended to eliminate interest from accruing on judgments for past support ordered September 26, 2008 and after. In addition, A.R.S. § 25-320 was amended to require that the courts establish a monthly cash medical support order to be paid when medical insurance for the child is not accessible or available at a reasonable cost.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

These rules do not impose any additional costs or requirements on small businesses. Support monies disbursed to obligees may be spent in the business sector for various services or products. The economic impact of the expenditure of support monies received for goods and services in the private sector is estimated to be substantial, but cannot be quantified.

The rules provide a clear listing of the order in which support-related payments are distributed and disbursed in current assistance, never assistance, and former assistance cases. This will enhance understanding by obligees of this process. The rules also provide the details of the distribution and disbursement process and conform to the federally prescribed distribution and disbursement requirements for Title IV-D child support cases. Compliance with these requirements is necessary to obtain federal funds for the child support program. The rules do not impose any costs on obligees or obligors in Title IV-D cases.

The rules do not have an adverse economic impact on the public.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in item 4 within 30 days after this notice is published. The Department will accept written comments on the proposed rules for 30 days after the date of this publication.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rule:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ENFORCEMENT**

ARTICLE 1. GENERAL PROVISIONS

Section
R6-7-101. Definitions

ARTICLE 6. TITLE IV-D DISTRIBUTION

Section
R6-7-601. Distribution
R6-7-610. Distribution of Cash Medical Support in Title XIX Cases
R6-7-611. Distribution of the Mandatory Annual Fee on and after October 1, 2007

ARTICLE 7. TITLE IV-D DISBURSEMENT

Section
R6-7-701. Disbursement
R6-7-703. Disbursement in Never Assistance Cases on and after January 1, 2003
R6-7-705. Disbursement in Current Assistance Cases on and after January 1, 2003
R6-7-713. Past Support Judgments

ARTICLE 1. GENERAL PROVISIONS

R6-7-101. Definitions

The following definitions apply in this Chapter unless otherwise provided in a specific Article of this Chapter:

1. "Allocation" means the prorated division of collections.
2. "Annual fee" means the amount owed by the recipient of services when the Title IV-D Agency has collected \$500.00 of support in a federal fiscal year.
- ~~2-3.~~ "Arrearages" means unpaid amounts of support owed.
- ~~3-4.~~ "Assistance unit" means a group of persons whose needs, income, resources, and other circumstances are considered as a whole for the purpose of determining eligibility and benefit amount for cash assistance.
- ~~4-5.~~ "Business day" means a day on which state offices are open for regular business. A.R.S. § 46-408.
- ~~5-6.~~ "Caretaker" means an individual other than a parent in a Title IV-D case who has physical custody of a child and may have the right to support of that child under A.R.S. § 46-444.
- ~~6-7.~~ "Cash assistance" means temporary payments for needy families paid to a recipient for the purpose of meeting basic living expenses, as described by the Department at 6 A.A.C. 12.
8. "Cash Medical Support" means the court ordered monthly amount to be paid as an alternative when medical insurance is not accessible or available at a reasonable cost in accordance with A.R.S. § 25-320.
- ~~7-9.~~ "Child Not on Grant" means a child who:
 - a. Resides with an assistance unit receiving cash assistance,
 - b. Is not eligible for cash assistance due to the receipt of ~~social security~~ Social Security income, and
 - c. Is exempt from the assignment under A.R.S. § 46-407.
- ~~8-10.~~ "Child Support Case Registry" or "Registry" means certain automated records of all Title IV-D cases, and all other cases in which a support order is established, modified, or registered in Arizona on or after October 1, 1998.
- ~~9-11.~~ "Conditionally assigned arrearages" are arrearages that:
 - a. Do not exceed the total cumulative amount of unreimbursed cash assistance paid to a family as of the date the family stops receiving cash assistance,
 - b. Were temporarily assigned arrearages, and
 - c. Became conditionally assigned on the date that the family stopped receiving cash assistance or October 1, 2000, whichever date is later.
- ~~10-12.~~ "Current assistance case" means a Title IV-D case in which an assistance unit is currently receiving cash assistance.
- ~~11-13.~~ "Current support" means the monthly amount of money ordered by a court or an administrative entity for the support of a child, spouse, or former spouse and may include cash medical support.
- ~~12-14.~~ "Department" means the Department of Economic Security.
- ~~13-15.~~ "Disbursement" means the payment of monies to an obligee or other authorized recipient.

- ~~14-16.~~ “Distribution” means application of support and related collections to one or more specific obligations or debts.
- ~~15-17.~~ “F.A.A.” means the Family Assistance Administration, the entity within the Department responsible for administering the Department’s Cash Assistance Program.
18. “Federal fiscal year” means the 12 consecutive months beginning October 1 and ending September 30 for which the Office of Child Support Enforcement in the United States Department of Health and Human Services plans the use of its funds.
- ~~16-19.~~ “Federal income tax refund offset” means the intercept of Internal Revenue Service income tax refunds to pay support as provided in 26 U.S.C. 6402 and 42 U.S.C. 664.
- ~~17-20.~~ “Fees and costs” means amounts ordered by the court or administrative entity or agreed to be paid to the Title IV-D Agency for genetic testing, service of process, or other expenses.
- ~~18-21.~~ “Former assistance case” means a Title IV-D case in which an assistance unit formerly received cash assistance and is no longer receiving cash assistance.
- ~~19-22.~~ “Futures” means an amount of support received by the Title IV-D Agency, excluding any federal or state income tax refund offset, which when received exceeds the amount of current support owed in a Title IV-D case with no arrearages or other unpaid obligations as stated in 45 CFR 302.51(b) (Office of the Federal Register, National Archives and Records Administration, October 1, 2004), which is incorporated by reference and on file with the Department. This incorporation by reference does not include any later amendments or editions. Futures do not include prepaid support.
- ~~20-23.~~ “Handling fee” means the monthly charge prescribed in A.R.S. § 25-510, which is payable to the Title IV-D Agency’s Clearinghouse.
- ~~21-24.~~ “Income withholding order” means an order that directs an obligor’s employer, payor, or the obligor to withhold monies from the obligor’s income.
- ~~22-25.~~ “Initiating state” means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under A.R.S. Title 25, Chapter 9 or a law or procedure substantially similar to that Chapter, the uniform reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support act. A.R.S. § 25-1202.
- ~~23-26.~~ “Injured spouse claim” means a written request from the spouse of an obligor stating that the spouse has an interest in an income tax refund based on a joint federal income tax return.
- ~~24-27.~~ “IRS tax reversal” means a rescission by the Internal Revenue Service of a federal income tax refund offset that was previously received by the Title IV-D Agency.
- ~~25-28.~~ “Issuing state” means the state in which a tribunal issues a support order or renders a judgment determining parentage. A.R.S. § 25-1202.
- ~~26-29.~~ “Medical assistance” means benefits received from a state agency under Title XIX of the Social Security Act.
- ~~27-30.~~ “Medical support judgment” means a judgment for the costs of medical insurance coverage or uncovered medical expenses of the child.
- ~~28-31.~~ “Never assigned arrearages” means arrearages that:
- Accrue in a never assistance case, or in a former assistance case after an assistance unit’s most recent period of cash assistance ends, and;
 - Are not assigned.
- ~~29-32.~~ “Never assistance case” means a Title IV-D case in which a family never received cash assistance, but could be receiving or has received medical assistance under Title XIX of the Social Security Act.
- ~~30-33.~~ “Nonobligated spouse” means the spouse who filed an Arizona state income tax return jointly with an obligor.
- ~~31-34.~~ “Non-periodic payment” means a non-recurring amount or an amount that is not paid at regular intervals.
- ~~32-35.~~ “Obligee” means a person or agency entitled to receive support. A.R.S. § 25-500.
- ~~33-36.~~ “Obligor” means a person obligated to pay support. A.R.S. § 25-500.
- ~~34-37.~~ “OCSE” means the Office of Child Support Enforcement in the United States Department of Health and Human Services.
- ~~35-38.~~ “Order” means a legal directive issued by an officer or entity legally authorized to issue orders.
- ~~36-39.~~ “Past support” means the amount of support reduced to a written judgment for the care and support of a child for the period before a current child support order is established.
- ~~37-40.~~ “Permanently assigned arrearages” means arrearages that do not exceed the total cumulative amount of unreimbursed cash assistance paid to an assistance unit at the time the assistance unit leaves assistance and:
- Accrued before the family received assistance and were assigned to the state before October 1, 1997, or;
 - Accrue during any period in which the assistance unit received cash assistance and were assigned to the state on or after October 1, 1997.
- ~~38-41.~~ “Pregnancy and childbirth expenses” means the costs of pregnancy and childbirth, which may be reduced to a written judgment under A.R.S. § 25-809.
- ~~39-42.~~ “Pregnancy and childbirth judgment” means a final court order for the costs of pregnancy and childbirth.
- ~~40-43.~~ “Prepaid support” means payments for monthly support that the obligor or the obligor’s agent designate in writing

- as payments for support in future months, even in cases with arrearages.
- ~~41-44.~~ "Related payments" means monies other than support received under an order or agreement.
- ~~42-45.~~ "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under A.R.S. §§ 25-1201 et seq. A.R.S. Title 25 Chapter 9 or a law substantially similar to ~~that this Chapter, the uniform reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support act.~~ A.R.S. § 25-1202.
- ~~43-46.~~ "Spousal maintenance" or "spousal support" means an amount of money ordered under A.R.S. § 25-319 or a similar law of another state, for the support or maintenance of a spouse or former spouse.
- ~~44-47.~~ "State" has the meaning in A.R.S. § 25-1202(22).
- ~~45-48.~~ "Support" means the provision of maintenance or subsistence and includes medical insurance coverage, or cash medical support, and uncovered medical costs for the child, arrearages, interest on arrearages, past support, interest on past support and reimbursement for expended public assistance. In a Title IV-D case, support includes spousal maintenance or spousal support that is included in the same order that directs child support. A.R.S. § 25-500.
- ~~46-49.~~ "Support Payment Clearinghouse" or "Clearinghouse" means the state disbursement unit for the Title IV-D Agency established under A.R.S. § 46-441 to collect and disburse all payments under support orders or agreements.
- ~~47-50.~~ "Temporarily assigned arrearages"
- a. Means arrearages that:
 - i. Do not exceed the total cumulative amount of unreimbursed cash assistance paid to an assistance unit as of the date the unit stops receiving cash assistance;
 - ii. Accrue before any period in which the assistance unit receives cash assistance for arrearages assigned to the state on or after October 1, 1997; and
 - iii. Are not permanently assigned arrearages; and
 - b. The temporary assignment is no longer effective on October 1, 2000, or when the assistance unit stops receiving cash assistance, whichever is later.
 - c. Effective on and after October 1, 2009, no new temporary assignments of unpaid support begin.
- ~~48-51.~~ "Temporary assistance for needy families" (TANF) means assistance granted under § 403 of Title IV of the Social Security Act, as it exists after August 21, 1996. A.R.S. § 46-101.
- ~~49-52.~~ "Title IV-A" means Title IV-A of the Social Security Act, 42 U.S.C. 601 et seq.
- ~~50-53.~~ "Title IV-D" means Title IV-D of the Social Security Act, 42 U.S.C. 651 et seq.
- ~~51-54.~~ "Title IV-D Agency" means the Division of Child Support Enforcement and all of its contracting entities that administer Title IV-D services.
- ~~52-55.~~ "Title IV-E" means Title IV-E of the Social Security Act, 42 U.S.C. 670 et seq.
- ~~53-56.~~ "Title XIX" means Title XIX of the Social Security Act, 42 U.S.C. 1396 et seq.
- ~~57.~~ "Title XIX Agency" means the Arizona Healthcare Cost Containment System (AHCCCS).
- ~~54-58.~~ "Tribunal" means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage. A.R.S. § 25-1202.
- ~~55-59.~~ "UIFSA" means the Uniform Interstate Family Support Act, A.R.S. §§ 25-1201 et seq.
- ~~56-60.~~ "Unassigned arrearages" means previously permanently assigned and temporarily assigned arrearages that exceed the total cumulative amount of unreimbursed cash assistance paid to a family as of the date the family stops receiving cash assistance and includes both unassigned during-assistance arrearages and unassigned pre-assistance arrearages.
- ~~57-61.~~ "Unassigned during-assistance arrearages" means all previously permanently assigned arrearages that:
 - a. Exceed the total cumulative amount of unreimbursed cash assistance paid to an assistance unit as of the date the assistance unit stops receiving cash assistance, and;
 - b. Accrue during any period in which the assistance unit receives cash assistance for arrearages assigned to the state on or after October 1, 1997.
- ~~58-62.~~ "Unassigned pre-assistance arrearages" means all previously temporarily assigned arrearages that:
 - a. Exceed the total cumulative amount of unreimbursed cash assistance paid to an assistance unit as of the date the assistance unit stops receiving cash assistance, and;
 - b. Accrue before any period in which the assistance unit receives cash assistance for arrearages assigned to the state on or after October 1, 1997 but before October 1, 2009.
- ~~59-63.~~ "Unreimbursed cash assistance" means the total, cumulative amount of cash assistance for which the state of Arizona has not received reimbursement.
- ~~60-64.~~ "Voluntary payment" means monies received by the Title IV-D Agency on behalf of a child for whom no order for support is established.

ARTICLE 6. TITLE IV-D DISTRIBUTION

R6-7-601. Distribution

- A. The Title IV-D Agency shall distribute monies collected in a Title IV-D case in accordance with state and federal law and the provisions of this Article in the following sequence to:
1. Current child support;
 2. Current spousal maintenance;
 3. Current cash medical support;
 - ~~3-4.~~ Child support judgments for arrearage ~~and or~~ past support judgments, and the applicable corresponding interest;
 - ~~4-5.~~ Spousal maintenance arrearage judgments for arrearage or past support and the applicable corresponding interest;
 - ~~5-6.~~ Pregnancy and childbirth judgments and the corresponding interest;
 - ~~6-7.~~ ~~Medical~~ Cash medical support judgments and the corresponding interest;
 8. Judgments for uncovered medical costs and the corresponding interest;
 - ~~7-9.~~ Child support arrearages not reduced to a written judgment and the corresponding interest;
 - ~~8-10.~~ Spousal maintenance arrearages not reduced to a written judgment and the corresponding interest;
 - ~~11.~~ Cash medical support arrearages not reduced to a written judgment, and the corresponding interest;
 - ~~9-12.~~ Current month's handling fee;
 - ~~10-13.~~ Handling fees owed to the Support Payment Clearinghouse;
 - ~~11-14.~~ IRS tax reversals;
 - ~~12-15.~~ Other fees or costs; and
 - ~~13-16.~~ Futures.
- B. Arrearage payments distributed in a Title IV-D case are applied first to the principal and then to the interest that accrued on that principal in the following order:
1. The oldest written judgment's principal and interest and then to each successive written judgment's principal and interest.
 2. Arrearages not reduced to a written judgment and the corresponding interest.
- C. The Title IV-D Agency shall credit amounts received as support from or on behalf of the obligor as the required support obligation for the month in which they are received unless they are submitted by an employer. Payments submitted by an employer as the result of an income withholding order are considered received in the month in which the income was withheld by the employer. The date of receipt for income withholding order payments is the last day of the pay period from which the payment is withheld.
- D. A voluntary payment received in a cash assistance case shall be retained by the Title IV-D Agency and shared with the federal government. Any monies received in excess of cash assistance owed to the state and federal government shall be paid to the obligee.

R6-7-610. Distribution of Cash Medical Support in Title XIX Cases

- A. The Title IV-D Agency shall retain current cash medical support monies for a child receiving Title XIX services under A.R.S. § 46-407 where the recipient of services is an individual to whom court ordered medical support is owed.
- B. When a child is receiving Title XIX services, the Title IV-D Agency shall disburse all current cash medical support for that child to the Title XIX agency in accordance with 45 CFR 302.51 on or after the end of the month in which the current cash medical support is collected. The Title IV-D Agency shall distribute arrearages that accrue and are collected while the child is receiving Title XIX services on or after the end of the month in which the arrearages are collected.
- C. When a child is no longer receiving Title XIX services, the Title IV-D Agency shall disburse current cash medical support in accordance with R6-7-701. The Title IV-D Agency shall distribute collections of cash medical support arrears that accrued while the child was receiving Title XIX services in accordance with R6-7-601 to the Title XIX agency.
- D. If a cash medical support order covers children who are not receiving Title XIX services and children who are receiving Title XIX services, the Title IV-D Agency shall divide the ordered cash medical support amount by the number of children in the order. The Title IV-D Agency shall distribute the prorated share of cash medical support for the benefit of the children receiving Title XIX services to the Title XIX agency and the prorated share of cash medical support for the benefit of the children not receiving Title XIX services to the obligee.
- E. When a case is former Title XIX and former assistance with arrearages assigned to the state under A.R.S. § 46-407, the Title IV-D Agency shall first apply arrearage collections to the child and spousal support arrearages assigned under A.R.S. § 46-407.

R6-7-611. Distribution of the Mandatory Annual Fee on or after October 1, 2007

- A. The Title IV-D Agency shall charge a \$25.00 annual fee to a recipient of services who has never received assistance under a state or tribal Title IV-A program for each Title IV-D case. The Title IV-D Agency shall retain the \$25.00 fee from collections of support that exceed \$500.00 within a federal fiscal year for each Title IV-D case.
- B. After the first \$500.00 of support collections in a federal fiscal year, the Title IV-D Agency shall retain the fee from future collections and pay the mandatory fee before distributing collections pursuant to R6-7-601.

- C. If after the \$500 collection threshold has been met, no further collections are received, or less than \$25.00 is collected within that year, the Title IV-D Agency shall charge the balance of the fee to the recipient of services after notice of a deadline for payment of the fee. If the recipient does not pay the fee by the deadline, the Title IV-D Agency shall retain the fee from future collections of support in subsequent federal fiscal years.
- D. If a foreign country has requested enforcement of a support order in a Title IV-D case, the annual fee of \$25.00, owed pursuant to R6-7-611(A), shall be charged to the obligor.

ARTICLE 7. TITLE IV-D DISBURSEMENT

R6-7-701. Disbursement

- A. The Title IV-D Agency shall disburse support and related payments that the Title IV-D Agency receives in a Title IV-D case to one or more of the following recipients:
1. An obligee or an agent authorized in writing by an obligee or as determined by law;
 2. A Title IV-D agency of another state if the agency submits a request for support establishment or enforcement services and is authorized to receive support under U.I.F.S.A.;
 3. The federal government, if Arizona is providing or has provided cash assistance to the assistance unit, or a member of the assistance unit, or if Arizona is providing or has provided Title IV-E foster care maintenance payments, or if the annual \$25.00 fee is owed, pursuant to R6-7-611;
 4. A state, if the state is providing or has provided cash assistance to the assistance unit that does not exceed the total amount of unreimbursed cash assistance;
 5. An obligor, if a refund is due;
 6. A bankruptcy trustee;
 7. A state or federal agency as authorized by law;
 8. A caretaker under Arizona statute and R6-7-712.
- B. The Title IV-D Agency shall issue payments due to an obligee at the last known address filed with the Child Support Case Registry or the last address known to F.A.A.
- C. If a payment to an obligee is returned to the Title IV-D Agency because it was undeliverable, the Title IV-D Agency shall make a reasonable effort to locate the obligee for the period authorized in A.R.S. § 25-503.
- D. If the Title IV-D Agency is unable to locate the obligee by the end of the period authorized in A.R.S. § 25-503, the Title IV-D Agency shall contact the obligor to request oral or written approval to apply the funds to arrearages and any other unpaid obligations owed to the state. If the Title IV-D Agency is unable after a reasonable effort to locate the obligee or obligor, and an arrearage is still owed to the state, the Title IV-D Agency shall apply the payments to the arrearage. Any remaining amounts shall be handled consistent with applicable law.
- E. If an obligee requests that the Title IV-D Agency directly deposit support in a financial institution and the financial institution returns those monies because the obligee's account is closed, or the financial institution will not accept the deposit, the Title IV-D Agency shall make a reasonable effort to locate the obligee for the period authorized in A.R.S. § 25-503, after receiving notice that the account is closed or that the financial institution will not accept the deposit.
- F. Neither the return of monies to an obligor due to an inability to locate the obligee, nor the application of monies to arrearages or other support-related debts terminates an obligor's obligation ordered by a court or administrative entity.
- G. The Title IV-D Agency shall disburse support that the Title IV-D Agency receives for a current assistance case within two business days of the last day of the month in which the Clearinghouse receives the payment.
- H. Except as provided in subsections (G), (I), (J), (K), (L), and (M), the Title IV-D Agency shall disburse support within two business days of receipt by the Clearinghouse unless the Clearinghouse is unable to disburse the support for one or more of the following reasons:
1. The Title IV-D Agency does not have the obligee's current address;
 2. The Title IV-D Agency or its payment posting contractor lacks sufficient information to identify the case to which the payment must be applied;
 3. An action is pending before the Title IV-D Agency to determine whether:
 - a. An administrative income withholding order is enforceable under A.R.S. § 25-505.01; or
 - b. A limited income withholding order is enforceable under A.R.S. § 25-505;
 4. The payment is for futures that federal law requires the Title IV-D Agency to hold for disbursement in a future month, or for prepaid support;
 5. A court or administrative order, bankruptcy stay, or state or federal law requires the Title IV-D Agency to retain support or to use a different disbursement method or time-frame;
 6. The Title IV-D Agency lacks information regarding a support order, an agreement, or any other obligation owed to the Department;
 7. Support is returned to the Title IV-D Agency or the Clearinghouse due to the obligee's incarceration or because the obligee or only child still covered by the order is deceased;
 8. A check received from an obligor or other payor has previously been dishonored, precluding the acceptance of a per-

- sonal check under A.R.S. § 25-503; or
9. Other circumstances exist that prevent proper and timely disbursement of support through no fault or lack of diligence on the part of the Title IV-D Agency.
 - I. If a federal income tax refund offset is based on a joint federal income tax return, the Title IV-D Agency shall retain the offset for ~~480~~ 90 days after receipt of the refund monies unless the Internal Revenue Service notifies the Title IV-D Agency of the resolution of an injured spouse claim, or until the spouse signs a waiver of any right to claim a portion of the refund. The Title IV-D Agency shall distribute and disburse a federal income tax refund offset that is based on a joint tax return in accordance with R6-7-709, R6-7-710 and R6-7-711. The offset collections do not accrue interest and the Title IV-D Agency shall not pay interest on these monies.
 - J. *If a [state income] tax refund is based on a joint income tax return and the department of economic security receives a written claim from the nonobligated spouse within forty-five days after the notice of setoff for overdue child support, the setoff only applies to that portion of the refund due to the obligor. The nonobligated spouse shall provide to the department of economic security copies of both the obligated and nonobligated spouse's federal W-2 forms and evidence of estimated tax payments supporting the proportionate share of each spouse's payment of tax. The department of economic security shall retain the amount of the set off refund due to the obligated spouse determined by a proration based on the tax payments of each spouse by estimated tax payment or tax withheld from wages.* A.R.S. § 42-1122(O).
 - K. The Title IV-D Agency shall distribute and disburse an Arizona income tax refund setoff that is based on a joint income tax return in accordance with R6-7-601. The Title IV-D Agency shall not pay interest on these monies except as provided in A.R.S. §§ 42-1122 and 42-1123.
 - L. The Title IV-D Agency shall retain a state lottery prize that has been set off under A.R.S. § 5-525 for 30 days after the date on the notice of setoff and right to appeal as prescribed in A.R.S. § 5-525. The Title IV-D Agency shall not pay interest on these monies except as provided in A.R.S. § 5-525.
 - M. In addition to the reasons for retaining support already stated in this rule, the Title IV-D Agency may retain support for more than two business days if:
 1. The amount received exceeds the amount due or owing, but is neither futures nor prepaid support;
 2. The obligee's and obligor's financial accounts maintained by the Title IV-D Agency are out of balance;
 3. An obligor has multiple cases and, in at least one case, has no known obligation to support a child, or a child covered by the support order is receiving ~~social security~~ Social Security benefits and A.R.S. § 46-407 applies;
 4. A personal or business check received for support in one case exceeds \$2,500 and there is no history of checks that exceed \$2,500 clearing in that case. In no event shall the Title IV-D Agency retain these monies for more than 10 business days;
 5. The Title IV-D Agency has received a notice of a stop payment order on a payment; or
 6. The amount to be disbursed in a check is less than \$3.00. When the amount held reaches \$3.00 or more, the Title IV-D Agency shall disburse the amount.
 - N. If a support payment received by the Title IV-D Agency exceeds the amount due or owing and is neither futures nor prepaid support, the Title IV-D Agency shall refund the excess to the obligor at the last known address provided to the Child Support Case Registry.
 - O. If an obligee cannot be located before a case is closed, the Title IV-D Agency shall send any undisbursed amounts owed to the obligee back to the obligor.

R6-7-703. Disbursement in Never Assistance Cases on and after January 1, 2003

Except as provided in R6-7-710 and R6-7-711 for federal income tax refund offsets, and R6-7-601 for the mandatory annual fee effective October 1, 2009, the Title IV-D Agency shall disburse support and related payments collected for an Arizona never assistance case to a recipient of services under Title IV-D or Title XIX of the Social Security Act as follows:

1. First, to current support;
2. Second, to never assigned arrearages;
3. Third, to the handling fee for the month in which the Title IV-D Agency receives the support and unpaid handling fees;
4. Fourth, to fees and costs;
5. Fifth, to futures.

R6-7-705. Disbursement in Current Assistance Cases on and after January 1, 2003

A. ~~Except as provided in R6-7-710 and R6-7-711 for federal income tax refund offsets,~~ For all recipients who applied for current assistance prior to October 1, 2009 and therefore assigned their rights to support to the state, the Title IV-D Agency shall disburse support and related payments, except as provided in R6-7-710 and R6-7-711 for federal income tax refund offsets, collected for an Arizona Title IV-D current assistance case as follows:

1. First, to current support assigned to the state of Arizona, not to exceed the total amount of unreimbursed cash assistance;
2. Second, to temporarily assigned arrearages;

Notices of Proposed Rulemaking

3. Third, to permanently assigned arrearages;
4. Fourth, to unassigned arrearages;
5. Fifth, to the handling fee for the month in which the Title IV-D Agency receives the support and other unpaid handling fees;
6. Sixth, to fees and costs;
7. Seventh, to futures.

B. For all recipients who applied for current assistance on or after October 1, 2009, the Title IV-D Agency shall disburse support and related payments, except as provided in R6-7-710 and R6-7-711 for federal income tax refund offsets, collected for an Arizona Title IV-D current assistance case as follows:

1. First, to current support assigned to the state of Arizona, not to exceed the total amount of unreimbursed cash assistance;
2. Second, to temporarily assigned arrearages which were assigned prior to October 1, 2009;
3. Third, to permanently assigned arrearages;
4. Fourth, to never assigned arrearages;
5. Fifth, to conditionally assigned arrearages based on assignments entered prior to October 1, 2009;
6. Sixth, to unassigned pre-assistance arrearages;
7. Seventh, to unassigned during-assistance arrearages;
8. Eighth, to the handling fee for the month in which the Title IV-D Agency receives the support and other unpaid handling fees;
9. Ninth, to fees and costs;
10. Tenth, to futures.

R6-7-713. Past Support Judgments

If a court or an administrative entity orders past support that covers a period in which the obligee was on cash assistance, the amount for that period is assigned to the state and the Title IV-D Agency shall distribute collections in accordance with A.R.S. § 46-408 and disburse support in accordance with this Article. If a child covered by the order was receiving Title IV-E foster care maintenance payments for any of the period covered by the judgment, the amount for that period is assigned to the state and collections shall be distributed in accordance with R6-7-608. A past support judgment ordered on or after September 25, 2008 does not accrue interest.

NOTICE OF PROPOSED RULEMAKING

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION**

**CHAPTER 2. CORPORATION COMMISSION
FIXED UTILITIES**

Editor's Note: Because the Corporation Commission is a separately elected constitutional body, the following Notice of Proposed Rulemaking was exempt from the Governor's Regulatory Review Plan memorandum, January 22, 2009. (See a copy of the memorandum in this issue on page 685.)

[R09-37]

PREAMBLE

1. Sections Affected

R14-2-207
R14-2-208
R14-2-209
R14-2-506
R14-2-507

Rulemaking Action

Amended
Amended
Amended
Amended
Amended

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: Arizona Constitution Article XV § 3; A.R.S. §§ 40-202; 40-203; 40-321, 40-322, 40-281, 40-282

Implementing statute: Arizona Constitution Article XV § 3; A.R.S. §§ 40-202; 40-203; 40-321, 40-322, 40-281, 40-282

Notices of Proposed Rulemaking

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 15 A.A.R. 651, April 17, 2009 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Nancy Scott, Esq.
Attorney, Legal Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-3402

Fax: (602) 542-4870

E-mail: nscott@azcc.gov

or

Name: Steve Olea
Assistant Director, Utilities Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-7270

Fax: (602) 542-2129

E-mail: solea@azcc.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The proposed changes will update references to the 1997 National Electrical Safety Code to the 2007 edition, update the reference to the 1995 ASME Code for Pressure Piping to the 2007 edition, which has a revised title; update the reference to the 1989 American National Standard for Electric Power Systems and Equipment-Voltage Ratings (60 Hertz) to the 2006 edition; update the reference to the 1995 American National Standard Code for Electricity Metering to the 2008 edition, which has a revised title; expressly identify the publishers of the materials incorporated by reference, to be consistent with Arizona Revised Statutes (A.R.S.) § 41-1028 and the rules of the Secretary of State; update the mailing addresses and add web site addresses for the publishers of the materials incorporated by reference; change the location where the materials incorporated by reference are on file, from the Office of the Secretary of State to the Commission, to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State; and make minor stylistic revisions to the affected subsections to make the subsections more clear, concise, and understandable.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

NOTE – The Arizona Corporation Commission is exempt from the requirements of A.R.S. § 41-1055 relating to economic, small business, and consumer impact statements. See A.R.S. § 41-1057(2). However, under A.R.S. § 41-1057(2), the Arizona Corporation Commission is required to prepare a “substantially similar” statement.

1. BRIEF DESCRIPTION: These amendments will amend existing rules (R14-2-207, R14-2-208 and R14-2-209) under Chapter 2 Article 2 entitled “Electric Utilities” and existing rules (R14-2-506 and R14-2-507) under Chapter 2 Section 5 entitled “Telephone Utilities” (collectively, “the Rules”). The proposed amendments to the existing rules are designed to update references to the National Electric Safety Code, the American Society of Mechanical Engineers (“ASME”) Code For Pressure Piping, the American National Standard For Electric Power Systems and Equipment-Voltage Ratings (60 Hertz) and the American National Standard Code For Electricity Metering (collectively, “the updated standards”).

The amendments also expressly identify the publishers of the incorporated by reference materials, update the mailing addresses and add web site addresses for these publishers, and change the location where the incorporated by reference materials are on file from the Office of the Secretary of State to the Commission to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State.

Finally, the amendments make minor stylistic revisions to the affected subsections to make the subsections more clear, concise and understandable.

2. **NEED:** The Commission has jurisdiction over entities that are public service corporations within the meaning of Article XV of the Arizona Constitution. The subsections of the Commission's rules that are amended by this rulemaking contain references to technical standards which have been updated. The Commission believes that by amending its rules to adopt these updated incorporated by reference materials, the reliability of electric and telephone services and public safety will be enhanced which will be in the best interest of the public service corporations and of all citizens in the state of Arizona.
3. **NAME AND ADDRESS OF AGENCY EMPLOYEE WHO MAY BE CONTACTED TO SUBMIT ADDITIONAL DATA ON THE INFORMATION INCLUDED IN THIS STATEMENT:**

Name: Steve Olea
Assistant Director, Utilities Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-7270

Fax: (602) 542-2129

E-mail: solea@azcc.gov
4. **AFFECTED CLASSES OF PERSONS:**
 - A. Owners and operators of electric utility generation systems.
 - B. Owners and operators of electric utility distribution systems.
 - C. Owners and operators of telephone utility networks.
 - D. Customers of electric and telephone utilities.
5. **RULE IMPACT ON AFFECTED CLASSES OF PERSONS:**
 - A. The impact on owners and operators of electric utility generation systems should be minimal. The Commission believes the utilities are already complying with the updated standards as they may be required by other political subdivisions. A minor cost may be incurred should a utility have need to purchase one or more of the updated standards.
 - B. The impact on owners and operators of electric utility distribution systems should be minimal. The Commission believes the utilities are already complying with the updated standards as they may be required by other political subdivisions. A minor cost may be incurred should a utility have need to purchase one or more of the updated standards.
 - C. The impact on owners and operators of telephone utility systems should be minimal. The Commission believes the utilities are already complying with the updated standards as they may be required by other political subdivisions. A minor cost may be incurred should a utility have need to purchase one or more of the updated standards.
 - D. The impact on customers of electric and telephone utilities should be continuation of receipt of service in a reliable and safe manner.
6. **COSTS AND BENEFITS TO THE AGENCY:** The proposed changes will have a minimal cost effect on the Commission and will have no impact on costs experienced by other state agencies. The Commission will benefit from adopting the updated standards by having rules that reflect changes in manufacturing, installation and maintenance of electric and telephone infrastructure that should better ensure enhanced service reliability and public safety.
7. **COSTS AND BENEFITS TO POLITICAL SUBDIVISIONS:** There will be no increases or decreases in costs or benefits to political subdivisions because the Commission does not have jurisdiction over political subdivisions and the Rules do not apply to them.
8. **COSTS AND BENEFITS TO PRIVATE PERSONS:** The amendments to the existing rules should have no cost effect upon private persons or users of electric and telephone service provided by regulated public utilities as the utilities are already required to be in compliance with standards. However, the amendments will benefit consumers, users and the general public by enhancing the safe operation and maintenance of electric and telephone systems.
9. **COST AND BENEFITS TO CONSUMERS OR USERS OF ANY PRODUCT OR SERVICE IN THE IMPLEMENTATION OF THE NEW RULES:** The proposed amendments to the existing rules should have no cost impact on consumers or users of the electric or telephone services provided by regulated utilities. As utilities come to the Commission for future rate cases, should some increased cost occur due to complying with these amendments, such cost would be included as part of the rate application. However, it is impossible to forecast the exact impact on final rates of any one issue at this time.

Notices of Proposed Rulemaking

The amendments will benefit consumers, users and the general public by enhancing the safe operation and maintenance of electric and telephone systems.

10. LESS COSTLY OR INTRUSIVE METHODS: The amendments to the rules are the least costly method for obtaining compliance with the updated standards and, with respect to the incorporated by reference materials, provide for the Commission's rules to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State.
11. ALTERNATIVE METHODS CONSIDERED: There are no alternative methods available that promulgate adoption of the updated standards and, with respect to the incorporated by reference materials, provide for the Commission's rules to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Nancy Scott, Esq.
Attorney, Legal Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-3402

Fax: (602) 542-4870

E-mail: nscott@azcc.gov

or

Name: Steve Olea
Assistant Director, Utilities Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-7270

Fax: (602) 542-2129

E-mail: solea@azcc.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Public comment will be held on June 4, 2009, beginning at 10:00 a.m. or as soon as practicable thereafter, in Hearing Room 1 at the Commission's Phoenix offices of the Arizona Corporation Commission located at 1200 W. Washington St., Phoenix, AZ 85007. The Hearing Division requests initial written comments be received on or before May 18, 2009 and responsive comments be received on or before June 1, 2009. However, written comments will be accepted through June 4, 2009. Comments should be submitted to Docket Control at the above address. Please reference docket number RE-00000C-08-0394 and RT-0000J-08-0394 on all documents.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

1. Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007: R14-2-207(E)(3)(c); R14-2-208(F)(1); R14-2-506(E)(3)(c); R14-2-507(E)
2. American Society of Mechanical Engineers, Pub. No. ANSI/ASME B31.1-2007, Power Piping (2007): R14-2-208(F)(1)
3. National Electrical Manufacturers Association, Pub. No. ANSI C84.1-2006 (American National Standard for Electric Power Systems and Equipment-Voltage Ratings (60 Hertz) (2006): R14-2-202(E)(1)
4. National Electrical Manufacturers Association, Pub. No. ANSI C12.1-2008 (American National Standard for Electric Meters; Code for Electricity Metering)(2008): R14-2-209(E)(1)

13. The full text of the rules follows:

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION**

CHAPTER 2. CORPORATION COMMISSION
FIXED UTILITIES

ARTICLE 2. ELECTRIC UTILITIES

Section

- R14-2-207. Line Extensions
- R14-2-208. Provision of Service
- R14-2-209. Meter Reading

ARTICLE 5. TELEPHONE UTILITIES

Section

- R14-2-506. Construction Agreements
- R14-2-507. Provision of Service

ARTICLE 2. ELECTRIC UTILITIES

R14-2-207. Line Extensions

- A.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- B.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 2. No change
- C.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- D.** No change
- E.** Single phase underground extensions in subdivision developments
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. The utility shall install or cause to be installed underground electric lines and related equipment with sufficient capacity and suitable materials that ensure adequate and reasonable electric service in the foreseeable future and in accordance with the applicable provisions of the 1997 edition (and no future editions) of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, (The National Electrical Safety Code) (2007), including no future editions or amendments, with sufficient capacity and suitable materials which shall assure adequate and reasonable electric service in the foreseeable future. ANSI C2 which is incorporated by reference,

~~and on file with the Office of the Secretary of State Commission.~~ Copies are and published by and available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>.

- d. No change
- 4. No change
 - a. No change
 - b. No change
 - c. No change
- 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

F. No change

R14-2-208. Provision of Service

A. No change

- 1. No change
- 2. No change
- 3. No change

B. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

C. No change

- 1. No change
- 2. No change
- 3. No change

D. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

E. No change

F. Construction standard and safety

- 1. Each utility shall construct all facilities in accordance with the provisions of the ~~1997 edition (and no future editions) of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, The (National Electrical Safety Code (2007), which is incorporated by reference in R14-2-207(E)(3)(c), and on file with the Office of the Secretary of State, and the 1995 edition (and no future editions) of and American Society of Mechanical Engineers, Pub. No. ANSI B31.1 ANSI/ASME B31.1-2007, Power Piping (2007), (ASME Code for Pressure Piping) including no future editions or amendments, which is incorporated by reference, and on file with the Office of the Secretary of State Commission.~~ Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017. Copies of the ASME Code for Pressure Piping are and published by and available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017 3 Park Avenue, New York, New York 10016, and through <http://catalog.asme.org>.
- 2. Each utility shall adopt a standard alternating nominal voltage or standard alternating nominal voltages (as may be required by its distribution system) for its entire service area or for each of the several districts into which the system may be divided, which standard voltage or voltages shall be stated in the rules and regulations of each utility and shall be measured at the customer's service entrance. Each utility shall, under normal operating conditions, maintain its standard voltage or voltages within the limits of the ~~1989 edition (and no future editions) of National Electrical Manufacturers Association, Pub. No. ANSI C84.1 C84.1-2006, (American National Standard for Electric Power Systems and Equipment-Voltage Ratings {60Hz}) (60 Hertz) (2006), including no future editions or amendments, which is incorporated by reference, and on file with the Office of the Secretary of State Commission.~~ and published by and Copies are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018 National Electrical Manufacturers Association, 1300 North 17th Street, Suite 1752, Rosslyn, Virginia 22209, and through <http://www.nema.org>.

R14-2-209. Meter Reading

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
- D. No change
- E. Meter testing and maintenance program.
 - 1. Each utility shall file with the Commission, through the Compliance Section, a plan for the routine maintenance and replacement of meters ~~which~~ that meets the requirements of the 1995 edition (and no future editions) of National Electrical Manufacturers Association, Pub. No. ANSI C12.1 C12.1-2008, (American National Standard for Electric Meters: Code for Electricity Metering) (2008), including no future editions or amendments, which is incorporated by reference, and on file with the Office of the Secretary of State Commission, and published by and Copies are available from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017 National Electrical Manufacturers Association, 1300 North 17th Street, Suite 1752, Rosslyn, Virginia 22209, and through www.nema.org.
 - 2. No change
 - a. No change
 - b. No change
- F. No change

ARTICLE 5. TELEPHONE UTILITIES

R14-2-506. Construction Agreements

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
- B. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 2. No change

- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- D. No change
- E. Underground extension of communication lines
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - 3. Installation of underground communication lines within subdivision and multiple occupancy residential developments:
 - a. No change
 - b. No change
 - c. The utility shall install or cause to be installed underground communication lines and related equipment with sufficient capacity and suitable materials that ensure adequate and reasonable communication service in the foreseeable future and in accordance with the applicable provisions of the 1997 edition (and no future editions) of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, The (National Electrical Safety Code) (2007), which is incorporated by reference in R14-2-207(E)(3)(c) with sufficient capacity and suitable materials which shall assure adequate and reasonable communication service in the foreseeable future.
 - d. No change
 - 4. No change
 - a. No change
 - b. No change
- F. No change
- G. No change

R14-2-507. Provision of Service

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- C. No change
 - 1. No change
 - 2. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- E. Construction standards. Each utility shall construct all facilities in accordance with the provisions of the 1997 edition (and no future editions) of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, The (National Electrical Safety Code) (2007), which is incorporated by reference and on file with the Office of the Secretary of State in R14-2-207(E)(3)(c). Copies are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017.