BILL ANALYSIS

Senate Research Center   C.S.S.B. 667
By: Barrientos
Economic Development
4-18-97
Committee Report (Substituted)

DIGEST

Currently, the Texas Public Utility Commission estimates that 35,000 individuals who are deaf or hard of hearing use the Texas Relay Service, established by Texas law, to access telephone services. However, the Texas Commission for the Deaf and Hard of Hearing estimates that approximately 1.6 million deaf or hard of hearing Texans are in need of telecommunications assistance in order to access telephone services. The major barrier is the high cost of Telecommunications Devices for the Deaf (TDD) which allow users to communicate via telephone lines. The cost is especially prohibitive given the fact that many deaf or hard of hearing individuals exist on a fixed income or near the federal poverty level. Several states, including California, Washington, and Florida, currently offer voucher programs to assist deaf or hard of hearing individuals with purchasing TDDs. This legislation creates a specialized telecommunications device assistance program to enable such persons to purchase specialized equipment to provide telephone access equivalent to that enjoyed by non-impaired individuals, and to ensure that Relay Texas is fully utilized. C.S.S.B. 667 also establishes the administration of the assistance program.

PURPOSE

As proposed, C.S.S.B. 667 establishes the creation and administration of a program to assist individuals who are deaf, hard of hearing, or speech impaired to purchase specialized telecommunications devices for telephone service access.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Commission for the Deaf and Hard of Hearing in SECTION 1 (Sections 3.611(a), (b), and (d) and Section 3.613, Article 1446c-0, V.T.C.S.) and to the Public Utility Commission of Texas in SECTION 4 (Section 3.608(a), Article 1446c-0, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 1446c-0, V.T.C.S., by adding Sections 3.611-3.613, as follows:

    Sec. 3.611. SPECIALIZED TELECOMMUNICATIONS DEVICE ASSISTANCE PROGRAM. Requires the Public Utility Commission of Texas (commission) and the Texas Commission for the Deaf and Hard of Hearing (TCDHH), by rule, to establish a program to provide financial assistance to certain individuals who are deaf or have an impairment of hearing or speech to enable the individuals to purchase specialized equipment to provide telephone network access. Sets forth the terms by which TCDHH, by rule, is required to prescribe eligibility standards for deaf and hearing or speech impaired individuals to receive an assistance voucher. Establishes the conditions by which TCDHH is required to determine a reasonable price for a basic telecommunications device for the deaf; distribute vouchers guaranteeing payment to a distributor of new specialized devices; process voucher applications; maintain a record regarding individuals receiving vouchers; and deposit money collected under the program.

    Sec. 3.612. COMMISSION DUTIES FOR SPECIALIZED TELECOMMUNICATIONS DEVICE ASSISTANCE PROGRAM. Sets forth the terms by which the commission is required to pay the distributor for a specialized telecommunications device after receiving a

voucher; and investigate whether the presentation of a voucher represents a valid transaction for a telecommunications device under the program.

Sec. 3.613. RECOVERY OF SPECIALIZED TELECOMMUNICATIONS DEVICE ASSISTANCE PROGRAM SURCHARGE. Requires the commission to allow a telecommunications utility to recover the universal service fund assessment related to the device assistance program through a surcharge added to the utility's customers' bills. Requires the commission to specify how each utility must determine the amount of the surcharge and, by rule, prohibit a utility from recovering an aggregation of more than 12 months of assessments in a single surcharge. Sets forth other provisions regarding recovery of a surcharge.

SECTION 2. Amends Article 1446c-0, V.T.C.S., to amend the heading to Subtitle N, as follows:

SUBTITLE N. TELECOMMUNICATIONS SERVICE ASSISTANCE PROGRAM; SPECIALIZED TELECOMMUNICATIONS DEVICE ASSISTANCE PROGRAM; UNIVERSAL SERVICE FUND

SECTION 3. Amends Section 3.604, Article 1446c-0, V.T.C.S., by amending Subsections (g) and (h), and adding Subsections (i)-(k), to provide that the advisory committee to assist the commission in administering this section is composed of certain persons appointed by the commission, to include, among others, one deaf person recommended by the Texas Deaf Caucus; one deaf person, rather than two, recommended by the Texas Association of the Deaf; and two persons, at least one of whom is deaf, with experience in providing relay services recommended by TCDHH, rather than the Texas Commission for the Deaf and Hearing Impaired. Requires the advisory committee to advise the commission and TCDHH regarding any issue related to the specialized telecommunications device assistance program. Makes conforming changes.

SECTION 4. Amends Section 3.608(a), Article 1446c-0, V.T.C.S. (Public Utility Regulatory Act), to require the commission to adopt and enforce rules requiring local exchange companies to establish a universal service fund to finance the specialized telecommunications device assistance program established under Section 3.611 of this Act; and reimburse TCDHH for costs incurred in implementing the provisions of this subtitle.

SECTION 5. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 3.613, Article 1446c-0, V.T.C.S., to set forth the terms by which the commission is required, by rule, to prohibit a utility from recovering an aggregation of more than 12 months of assessments in a single surcharge. Requires the utility, if it chooses to impose a surcharge, to include the surcharge in the "universal service fund surcharge" listing, rather than requiring the bill to list the surcharge as the "specialized telecommunications device assistance program surcharge."