

AMENDED IN ASSEMBLY APRIL 1, 2004
AMENDED IN ASSEMBLY MARCH 26, 2004
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1981

Introduced by Assembly Members Wolk and Bates

February 12, 2004

An act to amend Section 2881 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1981, as amended, Wolk. Telecommunications: deaf and disabled telecommunications program.

Existing law requires the Public Utilities Commission to design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to telephone corporation subscribers who are certified to be disabled, at no charge additional to the basic exchange rate.

This bill would require that ~~subscribers have the option of electing, in lieu of specialized or supplemental telephone communications equipment, a subscriber is authorized to elect~~ to receive a handset for mobile telephony services *or mobile data services*, as defined, with accessibility features for the disabled that are comparable to those available on specialized or supplemental telephones.

Pursuant to existing law, the commission has adopted a resolution establishing a surcharge rate to implement the Deaf and Disabled Telecommunications Equipment and Service Program (DDTP).

This bill would require that, in implementing the provisions of the bill, the commission not increase the established DDTP surcharge.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2881 of the Public Utilities Code is
2 amended to read:

3 2881. (a) The commission shall design and implement a
4 program to provide a telecommunications device capable of
5 serving the needs of individuals who are deaf or hearing impaired,
6 together with a single party line, at no charge additional to the basic
7 exchange rate, to any subscriber who is certified as an individual
8 who is deaf or hearing impaired by a licensed physician and
9 surgeon, audiologist, or a qualified state or federal agency, as
10 determined by the commission, and to any subscriber that is an
11 organization representing individuals who are deaf or hearing
12 impaired, as determined and specified by the commission pursuant
13 to subdivision (e). A licensed hearing aid dispenser may certify the
14 need of an individual to participate in the program if that
15 individual has been previously fitted with an amplified device by
16 the dispenser and the dispenser has the individual's hearing
17 records on file prior to certification.

18 (b) The commission shall also design and implement a program
19 to provide a dual-party relay system, using third-party intervention
20 to connect individuals who are deaf or hearing impaired and
21 offices of organizations representing individuals who are deaf or
22 hearing impaired, as determined and specified by the commission
23 pursuant to subdivision (e), with persons of normal hearing by way
24 of intercommunications devices for individuals who are deaf or
25 hearing impaired and the telephone system, making available
26 reasonable access of all phases of public telephone service to
27 telephone subscribers who are deaf or hearing impaired. In order
28 to make a dual-party relay system that will meet the requirements
29 of individuals who are deaf or hearing impaired available at a
30 reasonable cost, the commission shall initiate an investigation,
31 conduct public hearings to determine the most cost effective
32 method of providing dual-party relay service to the deaf or hearing
33 impaired when using a telecommunications device, and solicit the



1 advice, counsel, and physical assistance of statewide nonprofit
2 consumer organizations of the deaf, during the development and
3 implementation of the system. The commission shall phase in this
4 program, on a geographical basis, over a three-year period ending
5 on January 1, 1987. The commission shall apply for certification
6 of this program under rules adopted by the Federal
7 Communications Commission pursuant to Section 401 of the
8 federal Americans with Disabilities Act of 1990 (Public Law
9 101-336).

10 (c) The commission shall also design and implement a program
11 whereby specialized or supplemental telephone communications
12 equipment may be provided to subscribers who are certified to be
13 disabled at no charge additional to the basic exchange rate.
14 ~~Subscribers shall have the option of electing~~ *In lieu of specialized*
15 *or supplemental telephone communications equipment, a*
16 *subscriber may instead elect to receive a handset for mobile*
17 *telephony services or mobile data services, with accessibility*
18 *features for the disabled that are comparable to those available on*
19 *specialized or supplemental telephones. The certification,*
20 *including a statement of visual, hearing, or medical need for*
21 *specialized telecommunications equipment, shall be provided by*
22 *a certified audiologist, or a licensed optometrist or physician and*
23 *surgeon, acting within the scope of practice of his or her license,*
24 *or by a qualified state or federal agency as determined by the*
25 *commission. The commission shall, in this connection, study the*
26 *feasibility of, and implement, if determined to be feasible,*
27 *personal income criteria, in addition to the certification of*
28 *disability, for determining a subscriber's eligibility under this*
29 *subdivision. For purposes of the this subdivision, "mobile*
30 *telephony services" means commercially available*
31 *interconnected mobile phone services that provide access to the*
32 *public switched telephone network (PSTN) via mobile*
33 *communication devices employing radio wave technology to*
34 *transmit calls, including cellular radiotelephone, broadband*
35 *Personal Communications Services (PCS), and digital Specialized*
36 *Mobile Radio (SMR). "Mobile telephony services" does not*
37 *include mobile satellite services or mobile data services used*
38 *exclusively for the delivery of nonvoice information to a mobile*
39 *device. For purposes of this section, "mobile data services"*
40 *means the delivery of nonvoice information to a mobile device.*



1 (d) The commission shall establish a rate recovery mechanism
2 through a surcharge not to exceed one-half of 1 percent uniformly
3 applied to a subscriber's intrastate telephone service, other than
4 one-way radio paging service and universal telephone service,
5 both within a service area and between service areas, to allow
6 providers of the equipment and service specified in subdivisions
7 (a), (b), and (c), to recover costs as they are incurred under this
8 section. The surcharge shall be in effect until January 1, 2006. The
9 commission shall require that the programs implemented under
10 this section be identified on subscribers' bills, and shall establish
11 a fund and require separate accounting for each of the programs
12 implemented under this section.

13 (e) The commission shall determine and specify those
14 statewide organizations representing the deaf or hearing impaired
15 that shall receive a telecommunications device pursuant to
16 subdivision (a) or a dual-party relay system pursuant to
17 subdivision (b), or both, and in which offices the equipment shall
18 be installed in the case of an organization having more than one
19 office.

20 (f) The commission may direct any telephone corporation
21 subject to its jurisdiction to comply with its determinations and
22 specifications pursuant to this section.

23 (g) The commission shall annually review the surcharge level
24 and the balances in the funds established pursuant to subdivision
25 (d). Until January 1, 2006, the commission shall be authorized to
26 make, within the limits set by subdivision (d), any necessary
27 adjustments to the surcharge to ensure that the programs supported
28 thereby are adequately funded and that the fund balances are not
29 excessive. A fund balance which is projected to exceed six
30 months' worth of projected expenses at the end of the fiscal year
31 is excessive.

32 (h) The commission shall prepare and submit to the
33 Legislature, on or before December 31, 1988, and annually
34 thereafter, a report on the fiscal status of the programs established
35 and funded pursuant to this section and Sections 2881.1 and
36 2881.2. The report shall include a statement of the surcharge level
37 established pursuant to subdivision (d) and revenues produced by
38 the surcharge, an accounting of program expenses, and an
39 evaluation of options for controlling those expenses and



1 increasing program efficiency, including, but not limited to, all of
2 the following proposals:

3 (1) The establishment of a means test for persons to qualify for
4 program equipment or free or reduced charges for the use of
5 telecommunication services.

6 (2) If and to the extent not prohibited under Section 401 of the
7 federal Americans with Disabilities Act of 1990 (Public Law
8 101-336), the imposition of limits or other restrictions on
9 maximum usage levels for the relay service, which shall include
10 the development of a program to provide basic communications
11 requirements to all relay users at discounted rates, including
12 discounted toll-call rates, and, for usage in excess of those basic
13 requirements, at rates which recover the full costs of service.

14 (3) More efficient means for obtaining and distributing
15 equipment to qualified subscribers.

16 (4) The establishment of quality standards for increasing the
17 efficiency of the relay system.

18 (i) In order to continue to meet the access needs of individuals
19 with functional limitations of hearing, vision, movement,
20 manipulation, speech and interpretation of information, the
21 commission shall perform ongoing assessment of, and if
22 appropriate, expand the scope of the program to allow for
23 additional access capability consistent with evolving
24 telecommunications technology.

25 SEC. 2. The commission shall not, as a result of
26 implementation of this act, increase the surcharge rate established
27 in Resolution T-16817, dated February 11, 2004, (Resolution No.
28 T-16817. To Establish the Deaf and Disabled Telecommunications
29 Equipment and Service Program (Public Utilities Code Section
30 2881, et Seq.) 2004–05 Fiscal Year Budget Pursuant to Decision
31 No. 89-05-060).

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