

**ASSEMBLY BILL**

**No. 2784**

**Introduced by Assembly Member Chavez**

February 25, 2002

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2784, as introduced, Chavez. Telephone corporations: disabled telecommunications program.

Existing law requires the Public Utilities Commission to design and implement a program whereby each telephone corporation provides specialized or supplemental telephone communications equipment to subscribers who are certified to be disabled. Existing law further provides that the certification include a statement of medical need for specialized telephone communications equipment, provided by a licensed physician or by a qualified state or federal agency as determined by the commission.

This bill would revise the later provision to additionally authorize a licensed optometrist to provide a statement of visual need.

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

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

14 (b) The commission shall also design and implement a program  
15 to provide a dual-party relay system, using third-party intervention  
16 to connect individuals who are deaf or hearing impaired and  
17 offices of organizations representing individuals who are deaf or  
18 hearing impaired, as determined and specified by the commission  
19 pursuant to subdivision (e), with persons of normal hearing by way  
20 of intercommunications devices for individuals who are deaf or  
21 hearing impaired and the telephone system, making available  
22 reasonable access of all phases of public telephone service to  
23 telephone subscribers who are deaf or hearing impaired. In order  
24 to make a dual-party relay system that will meet the requirements  
25 of individuals who are deaf or hearing impaired available at a  
26 reasonable cost, the commission shall initiate an investigation,  
27 conduct public hearings to determine the most cost-effective  
28 method of providing dual-party relay service to the deaf or hearing  
29 impaired when using a telecommunications device, and solicit the  
30 advice, counsel, and physical assistance of statewide nonprofit  
31 consumer organizations of the deaf, during the development and  
32 implementation of the system. The commission shall phase in this  
33 program, on a geographical basis, over a three-year period ending  
34 on January 1, 1987. The commission shall apply for certification  
35 of this program under rules adopted by the Federal  
36 Communications Commission pursuant to Section 401 of the  
37 federal Americans with Disabilities Act of 1990 (Public Law  
38 101-336).

39 (c) The commission shall also design and implement a program  
40 whereby specialized or supplemental telephone communications

1 equipment may be provided to subscribers who are certified to be  
2 disabled at no charge additional to the basic exchange rate. The  
3 certification, including a statement of *visual or* medical need for  
4 specialized telecommunications equipment, shall be provided by  
5 a licensed *optometrist or* physician and surgeon, acting within the  
6 scope of practice of his or her license, or by a qualified state or  
7 federal agency as determined by the commission. The commission  
8 shall, in this connection, study the feasibility of, and implement,  
9 if determined to be feasible, personal income criteria, in addition  
10 to the certification of disability, for determining a subscriber's  
11 eligibility under this subdivision.

12 (d) The commission shall establish a rate recovery mechanism  
13 through a surcharge not to exceed one-half of 1 percent uniformly  
14 applied to a subscriber's intrastate telephone service, other than  
15 one-way radio paging service and universal telephone service,  
16 both within a service area and between service areas, to allow  
17 providers of the equipment and service specified in subdivisions  
18 (a), (b), and (c), to recover costs as they are incurred under this  
19 section. The surcharge shall be in effect until January 1, 2006. The  
20 commission shall require that the programs implemented under  
21 this section be identified on subscribers' bills, and shall establish  
22 a fund and require separate accounting for each of the programs  
23 implemented under this section.

24 (e) The commission shall determine and specify those  
25 statewide organizations representing the deaf or hearing impaired  
26 that shall receive a telecommunications device pursuant to  
27 subdivision (a) or a dual-party relay system pursuant to  
28 subdivision (b), or both, and in which offices the equipment shall  
29 be installed in the case of an organization having more than one  
30 office.

31 (f) The commission may direct any telephone corporation  
32 subject to its jurisdiction to comply with its determinations and  
33 specifications pursuant to this section.

34 (g) The commission shall annually review the surcharge level  
35 and the balances in the funds established pursuant to subdivision  
36 (d). Until January 1, 2006, the commission shall be authorized to  
37 make, within the limits set by subdivision (d), any necessary  
38 adjustments to the surcharge to ensure that the programs supported  
39 thereby are adequately funded and that the fund balances are not  
40 excessive. A fund balance which is projected to exceed six

1 months' worth of projected expenses at the end of the fiscal year  
2 is excessive.

3 (h) The commission shall prepare and submit to the  
4 Legislature, on or before December 31, 1988, and annually  
5 thereafter, a report on the fiscal status of the programs established  
6 and funded pursuant to this section and Sections 2881.1 and  
7 2881.2. The report shall include a statement of the surcharge level  
8 established pursuant to subdivision (d) and revenues produced by  
9 the surcharge, an accounting of program expenses, and an  
10 evaluation of options for controlling those expenses and  
11 increasing program efficiency, including, but not limited to, all of  
12 the following proposals:

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

16 (2) If and to the extent not prohibited under Section 401 of the  
17 federal Americans with Disabilities Act of 1990 (Public Law  
18 101-336), the imposition of limits or other restrictions on  
19 maximum usage levels for the relay service, which shall include  
20 the development of a program to provide basic communications  
21 requirements to all relay users at discounted rates, including  
22 discounted toll call rates, and, for usage in excess of those basic  
23 requirements, at rates which recover the full costs of service.

24 (3) More efficient means for obtaining and distributing  
25 equipment to qualified subscribers.

26 (4) The establishment of quality standards for increasing the  
27 efficiency of the relay system.

28 (i) In order to continue to meet the access needs of individuals  
29 with functional limitations of hearing, vision, movement,  
30 manipulation, speech and interpretation of information, the  
31 commission shall perform ongoing assessment of, and if  
32 appropriate, expand the scope of the program to allow for  
33 additional access capability consistent with evolving  
34 telecommunications technology.