

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Telecommunications Access)	DOCKET NO. 910496-TP
System Act of 1991.)	ORDER NO. 24462
)	ISSUED: 5/1/91
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)	

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL M. WILSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER NAMING ADMINISTRATOR AND ADVISORY COMMITTEE MEMBERS

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On April 24, 1991, the Florida Legislature passed the Telecommunications Access System Act (the Act) of 1991 (HB 2427). While the Act has not yet been signed by the Governor, because of the short time frame involved in implementing the law, we are initiating action on the Act prior to the finalization.

The Telecommunications Access System Legislation was developed in response to two needs. The first need which the legislation addresses is for permanent funding for the distribution of specialized telecommunications equipment. In 1985, the Legislature passed the Telephone Communication Services for the Deaf Act of 1985. That legislation required the Florida Council for the Hearing Impaired (created in 1983) to distribute specialized telecommunications equipment (TDDs, volume control handsets, etc.) to hearing and speech impaired Floridians at no cost. There has, since 1985, been no permanent funding established for the program, but from time to time the Legislature has appropriated funds to the Telecommunications Devices for the Deaf Trust Fund for the distribution of specialized telecommunications equipment from the Public Service Regulatory Trust Fund in the following annual amounts.

DOCUMENT NUMBER-DATE

04253 MAY-1 1991

PSC-RECORDS/REPORTING

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1985-86	-	\$550,000
1986-87	-	no new appropriation
1987-88	-	\$500,000
1988-89	-	\$500,000
1989-90	-	no new appropriation
1990-91	-	\$125,000
Total	-	\$1,675,000

The pending legislation would replace this need for making annual appropriations with an ongoing surcharge. The Administrator of the system would use these surcharge revenues to purchase and distribute specialized telecommunications devices.

The second stimulus for this proposed legislation is the federal Americans with Disabilities Act (ADA). This federal legislation requires the telephone companies to develop a relay system for both interstate and intrastate calls by mid-1993. The proposed state legislation is an effort to develop an intrastate system that would provide the best service possible at the lowest possible cost. Without direction from either the Legislature or the Public Service Commission, the telephone companies themselves might develop individual systems for the customers in their service territory that would not be in the best interest of all Florida ratepayers because of possible problems in dealing with interLATA calls, the existence of multiple access numbers around the state and similar problems.

In anticipation of finalization of the Act, we are taking the following action to begin implementation of the legislation. In the event the legislation fails to become law, this order is null and void.

Administrator

Section 427.704(2) of House Bill 2427 states:

By July 1, 1991, the commission shall designate as the administrator of the telecommunications access system a corporation not for profit organized for such purposes and incorporated under chapter 617. For the purposes of this part, the commission may order telecommunications companies to form such a corporation not for profit.

The duties of the Administrator are described in section 427.705. The position of Administrator requires someone with the business skills necessary to deal with a budget of several million dollars. The Administrator also needs the skills to evaluate bills

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from the provider prior to payment. In addition, the Administrator will need the skills necessary to identify the best possible price and best possible quality in specialized telecommunications equipment. Further, the Administrator will need to be able to develop a distribution system for specialized telecommunications devices. Finally, the Administrator will need to be able to incorporate and be operational in time to begin receiving surcharge revenues by August 1, 1991, and distributing specialized telecommunications devices by September 1, 1991. A nonprofit corporation formed by the local exchange telephone companies could be very capable of meeting the above requirements for the Administrator and we hereby require the local exchange telephone companies to organize a nonprofit corporation consistent with the legislation to serve as administrator.

In some states with relay systems, surcharge revenues flow directly to the relay service provider who then keeps account of the receipts and pays itself at the contracted price. Because in the Florida legislation, the surcharge revenue is to be used for two purposes, (i.e., the relay system and distribution of specialized telecommunications devices), a separate Administrator has been established. Having this separate Administrator to collect the surcharge revenues from all the local exchange companies and then to pay the provider's bills provides some oversight over the operations of the system. It is possible that the ultimate provider of the relay system could itself be or could be affiliated with a local exchange company. If a LEC or LEC affiliate is selected as the provider to be awarded the contract, that LEC or affiliate shall no longer be entitled to vote on the board of the Administrator.

Requirements of Administrator

The Administrator is hereby required to submit to the Commission by June 14, 1991, an operational plan and procedures covering the areas listed below. The Administrator shall submit an operational plan and procedures incorporating state agency guidelines or alternative procedures which it deems to be more appropriate. The Commission will review the proposed operational plan and procedures, and make whatever changes it deems necessary. After the Administrator has been in operation for a period of time, the Commission will later propose rulemaking to supplement or supersede this interim plan.

The plan shall address the following points:

- a) Annual Budget Submission and Approval Process
- b) Budgetary Controls
- c) Quarterly Financial Reports

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- d) Annual Reports
- e) Accounting System
- f) Purchasing Procedures
- g) Travel and Related Expenditures
- h) Automobile Purchases Procedures
- i) Performance Bonds and Liability Insurance
- j) Salary and Benefits
- k) General Personnel Policies
- l) Records Retention
- m) Employee Performance Evaluation and Termination Provisions

Advisory Committee

As of April 30, the following organizations have made recommendations for Advisory Committee members. Each of these organizations is specifically identified in the Statute and we are naming the following list of individuals to that Committee. This Committee should meet as soon as possible to name a Chairman and develop its administrative procedures.

Advocacy Center for Persons with Disabilities, Inc.
Mr. Jon Rossman

Coalition for Persons with Dual Sensory Disabilities
Mr. Harry Anderson

Deaf Service Center Association
Mr. Keith Muller

Florida Association of the Deaf
Mr. Carmen Tiberio
Mr. Doug Ballard

Florida Council for the Hearing Impaired
Mr. Donald Rhoten

Florida Language Speech and Hearing Association
Nominee not yet recommended

Florida League of Seniors
Mr. Robert C. Wattles

Florida Telephone Association
Mr. Bill Feaster - LEC Representative
Mr. Jack Spooner - IXC Representative

Self Help for the Hard of Hearing
Mr. R. Robert Dempsey

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Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Administrator shall be established as stated above. It is further

ORDERED that the requirements stated above shall apply to the Administrator. It is further

ORDERED that the above-named persons are named to the Advisory Committee.

By ORDER of the Florida Public Service Commission this 1st day of MAY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 15. If a

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hearing is timely requested, a prehearing conference shall be held May 22, 1991, at 8:00 a.m., in Room 122, Fletcher Building, Florida Public Service Commission. The hearing, if requested, shall take place May 28, 1991, at 9:30 a.m., in Room 122, Fletcher Building, Florida Public Service Commission.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.