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Decision 91-10-029 October 23, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own Motion to Determine the
Feasibility of Implementing New
Funding Sources and Program
Reductions in the Deaf and Disabled
Program Pursuant to Section 2881 of
the Public Utilities Code.

ORIGINAL

I.87-11-031

(Filed November 25, 1987)

OPINION

On June 28, 1991, the Deaf and Disabled Telecommunications Program Advisory Committee (DDTPAC) filed a petition for modification of Decision (D.) 89-05-060. The DDTPAC requests that a second, voting deaf consumer representative be added to the California Relay Service Advisory Committee (CRSAC), an advisory committee to the DDTPAC. No protests were filed. We grant DDTPAC's petition, with one modification on how we accomplish the change to the CRSAC charter.

The California Relay Service (CRS) is a statewide dual party relay service which enables hearing-impaired and speech-impaired persons using a telecommunications device for the deaf to communicate over the existing telephone network with any other telephone user in California through the voice assistance of a relay operator. CRSAC's role is to advise the DDTPAC on all matters pertaining to the CRS. This role requires substantial input from the CRS user community.

The CRSAC now consists of five voting members and four nonvoting members. The five voting members are: one representative from the provider of the CRS and four consumer members, one from the speech-impaired community, one from the hard-of-hearing community, one from the deaf community, and one from the hearing community with significant experience in use of the relay

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service. The four nonvoting members are: one representative each from the two largest local exchange companies, one representative from the small local exchange companies, and one representative from the Commission staff.

CRSAC requires substantial input from the CRS user community to fulfill its role of advising the DDTPAC on the CRS, according to the DDTPAC. The DDTPAC asserts that the CRSAC must proactively make contact with the CRS user community to identify needs and solicit information. The CRSAC has not been able to make contact with a very substantial portion of the user community, according to the DDTPAC, because only one member of the CRSAC represents the deaf community while the majority of the CRS users are deaf. The other consumer representatives on the CRSAC (hard-of-hearing, speech-impaired, and hearing) are appointed to represent their constituencies, and therefore do not have the contacts in the deaf community that are necessary for effective outreach, according to the DDTPAC.

Meeting attendance is another area where the lack of sufficient deaf community representation is a problem, according to the DDTPAC. CRSAC meets monthly and also provides representation to a number of specially created DDTPAC subcommittees and task forces. With only one CRSAC member representing the deaf community, it falls upon that single person to attend monthly CRSAC meetings plus regular subcommittee and task force meetings, sometimes amounting to three or four meetings per month, including travel. CRSAC has considered the possibility that if a second deaf community representative is approved, one member might be appointed from the northern part of the state and the other from the southern part of the state, thus facilitating meeting attendance. The California deaf community has asked DDTPAC to include more deaf consumer representatives on its various committees, and that request is especially critical for CRSAC, according to DDTPAC.

We note, as DDTPAC points out, that the addition of a second deaf community representative to CRSAC will not shift the voting balance. D.89-05-060 establishes five voting members with the voting majority going to the consumer members. The DDTPAC proposes that, if a second deaf community representative to the CRSAC is approved, that person shall be a full voting member, increasing the number of CRSAC voting members to six. This will not shift the voting balance on the committee due to the fact that the consumer members already have a voting majority.

The DDTPAC requests that the Commission grant the petition and order the CRSAC to file the necessary changes in its charter. We elect to make the necessary changes in the CRSAC charter, as provided in Attachment A. We request the DDTPAC to modify the CRSAC charter to conform with Attachment A, and direct DDTPAC to confirm by letter to the Executive Director that the changes have been made. This is the process we used in modifying and approving the original CRSAC charter, and we believe it will work again.

In making this change, we specify that the second deaf community representative will be appointed for a term of three years. Since the first deaf community representative's term expires in 1992, this will promote the desired rotation of members and provide that the terms of the two deaf community members do not expire at the same time.

Findings of Fact

1. DDTPAC filed a petition to modify D.89-05-060 on June 28, 1991, asking that a second voting representative from the deaf community be added to the CRSAC.
2. No protests were filed.
3. In fulfilling its role to advise the DDTPAC on the CRS, CRSAC contacts the CRS user community to identify needs and solicit information.

4. With only one deaf community representative, CRSAC is unable to make contacts with a substantial portion of the CRS user community.

5. A second deaf community representative on CRSAC will allow CRSAC to make more contacts and better represent the deaf community.

6. Meeting attendance has been difficult for the deaf community representative on the CRSAC.

7. A second deaf community representative on CRSAC will facilitate meeting attendance.

8. The addition of a second voting deaf community representative to CRSAC will not shift the voting balance.

9. The DDTPAC requests the Commission grant the petition and order the CRSAC to file the necessary changes in its charter.

10. Just as we did in modifying and approving the signed CRSAC charter, we will make the necessary changes and direct DDTPAC to confirm by letter to the Executive Director that the changes have been made by CRSAC.

Conclusions of Law

1. No protests were filed in response to the DDTPAC Petition for Modification, and a public hearing is not necessary.

2. The DDTPAC petition to modify D.89-05-060 should be granted as modified.

3. This order should be effective today since there are no protests and increased representation of the deaf community on the CRSAC should occur as soon as reasonably possible.

ORDER

IT IS ORDERED that:

1. The petition of the Deaf and Disabled Telecommunications Program Advisory Committee (DDTPAC) for modification of D.89-05-060 is granted as modified.

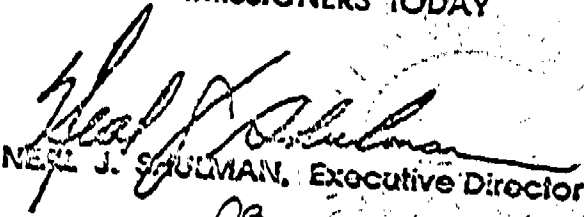
2. The Commission's Executive Director shall send a copy of this decision to the DDTPAC with a request that the DDTPAC modify the Charter of the California Relay Service Advisory Committee as approved herein and specified in Attachment A. The DDTPAC will confirm by letter to the Executive Director when the change has been made.

This order is effective today.

Dated October 23, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEIL J. SCHULMAN, Executive Director
PB

CHARTER OF THE
DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM
CALIFORNIA RELAY SERVICE ADVISORY COMMITTEE

I. NAME

The name of the committee shall be the California Relay Service Advisory Committee (referred to hereafter as "CRSAC").

II. PURPOSE

The CRSAC's general purpose is advisory to the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) in connection with the provision of relay services mandated by Section 2881 of the Public Utilities Code, for providing telecommunications access for persons who are deaf, severely hearing impaired or disabled.

III. MEMBERSHIP

A. Members. The CRSAC shall be comprised of [~~five~~] six voting members and four nonvoting members as follows:

1. Voting Members shall include:

- (a) California Relay Service Provider Member - Shall be from the provider of the California Relay Service (CRS).
- (b) Consumer Members - The [~~four~~] five shall consist of one from the hard-of-hearing community, [~~one~~] two from the deaf community, one from the speech-impaired community, and a member of the hearing community, well versed in the use of the CRS.

2. Nonvoting Member(s) - Shall be one from the California Public Utilities Commission (CPUC), one from Pacific Bell,

one from GTE California, and one from the California Telephone Association.

- B. Selection of Members. Potential members of CRSAC shall be nominated to the DDTPAC by the organizations or constituencies they are to represent. The members of CRSAC shall be recommended by the DDTPAC for approval by the Commission's Executive Director, according to procedures preferred by the Commission.
- C. Qualifications of Members. The qualifications of members shall be established by the DDTPAC in conjunction with the CPUC. In general, members shall have professional or technical expertise sufficient to enable them to be conversant with the responsibilities of CRSAC. Consumer members should be able to demonstrate organizational or other ties to the constituency they are representing, and in addition, they should not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program.
- D. Term of Appointments. The terms of the members of CRSAC shall be staggered, with one-third of the membership appointed each year. Initial appointments shall be for terms of one, two or three years; thereafter members will be appointed for three-year terms. A member may be reappointed, but no member shall serve for more than two consecutive full terms.
- Terms - Hearing Impaired - Three years
Speech Impaired - One year
[Deaf - Three years]
Deaf 1 - Three years
Deaf 2 - Three years
Hearing - Two years
CRS Provider - Two years
California Telephone Association - Two years

GTE California - Three years
Pacific Bell - One year
CPUC - One year

E. Removal from Membership.

1. Membership may be terminated through resignation.
2. Members who do not attend three consecutive meetings without just cause may be subject to removal from the committee.
3. Any member of CRSAC may be removed by the Commission's Executive Director for cause shown, in procedures preferred by the Commission.

F. Vacancies. Vacancies on CRSAC shall be filled from nominations submitted by the organization or constituency whose vacancy is being filled. The membership of persons filling a vacancy shall be selected and approved by the Commission's Executive Director using procedures preferred by the Commission. Vacancies for expired terms will be filled by full-term appointments; vacancies for unexpired terms will be filled for the remainder of the term.

G. Expenses. Consistent with Commission Resolution F-621, consumer members of CRSAC shall be entitled to reimbursement of expenses they incur in connection with their services on CRSAC. Utility members are not eligible for expense reimbursement.

IV. DUTIES AND RESPONSIBILITIES

The CRSAC shall have the following duties and responsibilities:

- A. Serve as the Advisory Body to the DDTPAC, advising them on all matters pertaining to the CRS.
- B. Review all policies, programs, procedures, and actions that affect the CRS service, quality and cost, and make appropriate

recommendations to the DDTPAC, including recommendations on procedures for the conduct of calls, options for controlling expenses and increasing program efficiency, and effective means of implementing the recommendations.

- C. Identify the needs of all current and potential CRS users and create a public awareness of these needs in such areas as facilitation of communication, sensitivity, extent of the need, and significant benefits to CRS users.
- D. Provide representation on any specially created Task Force.
- E. Perform other functions and duties as may be directed by the DDTPAC or the CPUC.

V. MEETINGS

- A. Regular Meetings. The CRSAC shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. All meetings shall be open to the public, shall be noticed, shall be conducted pursuant to Robert's Rules of Order, 1990 Edition, and shall be otherwise held in accordance with the provisions of Government Code Sections 11120 ff.
- B. Special Meetings of the Committee. Special meetings of the CRSAC may be called by the Chair or by a quorum. All CRSAC members are to be notified at least three days prior to the special meeting.
Such notices shall:
 - 1. Set forth the date, time, and location of such meeting.

2. State the business to be conducted at such meeting.
- C. Public Participation. All meetings will be open to the public. Each meeting shall have a specific portion of the meeting agenda devoted to the presentation of questions, comments, and suggestions from any nonmember of CRSAC present in accordance with Government Code Sections 11120 ff. Members from the public and observers shall not be permitted to take part in any meeting unless recognized by the Chair.
- D. Quorum; Voting. [~~Five~~] Six authorized members or their designated representatives shall be necessary to constitute a quorum for performing CRSAC's functions, and [~~three~~] four of the [~~five~~] six members must be voting members of the CRSAC. No action shall be taken unless a quorum is present. A majority of the members present at a meeting, whether or not a quorum is present; may adjourn the meeting to another time or place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.
- E. Proxies. A member may be represented at any meeting by a designated individual to represent the member at a specified, noticed meeting. Members must notify the Chair of their designated representative at least 24 hours prior to the meeting.
- F. Motions. Both voting and nonvoting members may submit motions from the floor for CRSAC vote.
- G. Agenda. Each notice of meeting shall be accompanied by an agenda setting forth the matters that are expected to be presented at the meeting. CRSAC members are to receive written notice of the scheduled meeting and the agenda at least ten

days prior to the meeting date. Each agenda shall include allotted time for public input. Except in an emergency or with the approval of a majority of the members present, CRSAC shall not consider at any meeting an item not on the agenda.

VI. OFFICERS

- A. Two Officers. The CRSAC shall have a Chairperson and a Vice Chairperson, both of whom shall be elected by a majority of the members to serve for one year from date of election and may be reappointed.
- B. Duties. The Chairperson shall be the executive officer of the CRSAC and, subject to the control of the CRSAC and this Charter, have the general supervision and direction of the affairs of the CRSAC. The Chairperson shall preside at all general and special meetings of CRSAC, set the agenda for place and time of meetings, appoint Task Forces as needed, and submit proposals and recommendations to the DDTPAC. In the event of a vacancy of the office of Chairperson, the vacancy shall be filled by a majority vote of the members of CRSAC. The Chairperson so appointed shall serve out the term of the vacancy that has been filled.

The Vice Chairperson shall perform the duties of the Chairperson when the Chairperson is unavailable.

VII. AMENDMENTS

The CRSAC may recommend that the Charter be amended at a regular meeting by a vote of a majority of its voting members. Any proposed amendment must have either been proposed at a previous meeting or have been received by CRSAC members at least ten days in

advance. Any revisions are to be approved by the DDTPAC and shall not become effective until approved by the CPUC.

VIII. INDEMNIFICATION

Members of the Committee, who are not members of the Commission staff, are uncompensated servants of the Commission and the State of California within the meaning of Section 810.2 of the Government Code. The State will accordingly indemnify them as it indemnifies its compensated employees, and will provide them representation by the California Attorney General, for their acts done within the course and scope of the services they perform for the Committee, as provided in Government Code Sections 825 et seq. and Sections 995 et seq..

IN WITNESS WHEREOF, we the undersigned[7 being the initial] members of the California Relay Service Advisory Committee of the Deaf and Disabled Telecommunications Administrative Committee[7] do hereby constitute, establish, and adopt this as the charter for said committee effective as of the day, month, and year first written.

(END OF ATTACHMENT A)