EX-3

L/ap

Decision No. 92871 APR 7 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion to provide a program for the furnishing of telecommunications devices to the deaf and severely hearing impaired to be implemented by each California telephone utility.	)	OII 70

ORDER MODIFYING DECISION NO. 92603 AND DENYING REHEARING

Petitions for rehearing of Decision No. 92603 have been filed by Pacific Telephone and Telegraph Company (PT&T) and Plantronics, Inc.. Petitions for modification or clarification of portions of Decision No. 92603 have been filed on behalf of the Bay Area Center for Law and the Deaf and the Deaf Counseling, Advocacy and Referral Agency (BACLD), Specialized Systems, Inc. (SSI), and the Community Services of San Bernardino County (San Bernardino). Responses and replies to one or more of the above petitions have been filed by General Telephone Company of California (General), BACLD, San Bernardino, California Independent Telephone Association (CITA), Krown Research, Inc. (KROWN), Basic Communications Corporation (Basic), and Novation, Inc. (Novation)

With respect to the above mentioned petitions for rehearing, pursuant to provisions of Section 1732 of the Public Utilities Code and Rule 86.1 of our Rules of Practice and Procedure such petitions must set forth specifically the grounds on which the petitioner considers the petition or order to be unlawful. We have considered each allegation in these two petitions and are of the opinion that no good cause has been shown for granting rehearing.

However, our review of those petitions as well as the various petitions for modification or clarification and the responses

filed thereto has convinced us that Decision No. 92603 should be modified to clarify our intentions and help implement the program which we concluded would best meet the needs of the deaf community.

First, as to what devices we expect the respondents to provide those persons eligible for such devices under Senate Bill 597, i.e., "any subscriber who is certified as deaf or severely hearing impaired by a licensed physician, audiologist, or a qualified state agency," we emphasize that TDDs using American Standard Code for Information Interchange (ASCII) code or having dual mode (ASCII/ Baudot) capability are to be provided as soon as they are available and cost competitive with Baudot TDDs.

Inasmuch as the Commission recognizes that this is a transitionary period, we see cost-competitive, dual mode (ASCII/Baudot) TDDs as the preferred unit at this time; this is because of the expected per unit cost reduction in TDDs with ASCII capability and the desirability of compatibility with the existing network of Baudot TDDs.

However, we cannot be certain from the record in this proceeding that such dual mode TDDs will be available and cost competitive with TDDs having only Baudot capability (purchased in quantities) by the time this program is to be implemented. If they are not, then the respondents are to proceed as follows, depending on the particular set of facts which applies:

(a) If ASCII capability TDDs are available and cost competitive with Baudot TDDs (purchased in quantity), they should be provided as the basic unit. As we stated in Decision No. 92603, those customers who have a compelling reason to communicate with persons having Baudot TDDs shall be furnished dual mode TDDs if they pay the cost differential.

(b) If neither dual mode TDDs nor ASCII only TDDs are available and cost competitive with Baudot TDDs (purchased in quantity) and waiting for such availability would substantially delay the program, then the respondents are to continue to provide Baudot TDD's until such time as either an ASCII or a dual mode TDD is

available and cost competitive as stated above. In the interim, the customer is to have the opportunity to select an ASCII or dual mode TDD by paying the additional cost for those units.

Second, we are convinced that there is a need to adopt minimum standards as to the level and extent of ASCII to be provided. The record shows that such standards are essential to achieve compatibility between various TDDs. However, we do not believe that additional hearings are necessary for this purpose. Our staff has prepared its recommendations as to the minimum standards of ASCII protocol which should be required of all suppliers. We attach them hereto as Appendix A. Any party who wishes to do so may file exceptions within 15 days from the date of this order. We emphasize these are minimum standards. Respondents are free to purchase and provide TDDs having additional features so long as they are cost competitive.

With respect to the need for and the manner of identifying the surcharge on a customer's bill, we agree with the staff's testimony that some such identification should be required. However, we believe that more than a one-time explanation by means of a billing insert plus a monthly coded or abbreviated separation is necessary.

Although the language in ordering paragraph 4 of Decision No. 92603 should be used by all respondents, we recognize that billing methods differ and any respondent which cannot comply with this instruction without incurring unreasonable delay or expense may propose alternative language in its initial report. To be acceptable, such alternative must identify the reason for the surcharge and indicate that it is required by state law.

As to the acoustical coupler required by item H.5 of Appendix B to Decision No. 92603, we see no reason to require that this be an integral part of the TDD. The goal is a portable unit as described in item H.6 of that Appendix. The record does not support a conclusion that an integral coupler is the only way to achieve the goal. Furthermore, since one of the reasons for requiring a portable unit is so the device may be used in a pay telephone booth, that standard should be added to the language of item H.6.

We have left it to the respondents to develop a suitable and cost effective training program as a part of their distribution of TDDs. Whether any of those programs include a pilot program, such as described by San Bernardino, will be left to the reasoned discretion of the respondents at this time. If it becomes evident that their programs are not adequate, we can address this question in a subsequent order.

Our decision not to require certified customers to sign liability statements did not mean that the respondents may not inform customers as to their responsibilities under the tariffs for the care and return of the TDD. We expect the respondents to state how this will be done as part of their initial program report and advise us of any problems encountered.

As to defining "cost-competitive" within the context of finding of fact No. 8 and conclusion of law No 9, we do not find it necessary or desirable to set any dollar amount or percentage because we believe that to do so would interfere with the bidding process. However, as to a base figure, we would expect the respondents to use the current cost in quantity for the Baudot TDD's now being distributed.

Finally, because of the need to adopt minimum standards for ASCII/Bell-103 and to evaluate the reports required by Decision No. 92603, some of which may require further action by us, Decision No. 92603 should be made an interim order and O.I.I.-70 be kept open.

No further matters need be discussed. Therefore,

IT IS HEREBY ORDERED that:

(a) Rehearing of Decision No. 92603 is denied.

(b) Decision No. 92603 is re-titled "INTERIM OPINION" and O.I.I.-70 is kept open until further action of this Commission.

The effective date of Decision No. 92603, as modified, and of this order is the date hereof.

Dated APR 7 1981 at San Francisco, California.

Leonard M. Grimes, Jr.
President

Victor Calvo

I abstain.
Priscilla C. Grew

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Commissioners

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Appendix "A"

Protocol Specifications for use of ASCII Code for TDD's

1. Minimum Character Set

   Capital letters: A to Z, numerals: 0 to 9, punctuation: & - . , ? ! ;

2. Signaling Speed

   Asynchronous transmission, speed 110 Baud

3. Data Bits per Character -- 11

   Start bit -- 1 unit

   Information bits -- 7 units

   Parity bit -- 1 unit

   Stop bits -- 2 units

4. Parity Bit

   Mark only

5. 103 Modem Protocol

   Originate frequency F-1 -- M1270Hz, S1070Hz

   Answer frequency F-2 -- M2225Hz, S2025Hz

6. Directional Characteristic

   Half duplex