

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory & Compliance Division  
Telecommunications BranchRESOLUTION T-14060  
Date June 6, 1990R E S O L U T I O N

RESOLUTION T-14060. RESOLUTION ADOPTING THE CHARTER OF THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM ADMINISTRATIVE COMMITTEE ESTABLISHED PURSUANT TO DECISION 89-05-060 IN INVESTIGATION 87-11-031.

BY LETTER TO COMMISSION EXECUTIVE DIRECTOR DATED OCTOBER 3, 1989.

---

SUMMARY

By this Resolution, the Commission modifies and ratifies the Charter of the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) submitted by the DDTPAC to the Commission's Executive Director on October 3, 1989. The revised DDTPAC Charter we adopt is attached as Appendix A to this Resolution.

We make minor Charter revisions clarifying the DDTPAC's duties and responsibilities to be consistent with our Order Modifying Resolutions No. T-13035 and T-13039, in response to the earlier D.E.A.F. Trust Administrative Committee's Petition A.89-04-023.

We delete Section IX. Indemnification; we instead insert appropriate language prepared by the Commission's Legal Division pertaining to DDTPAC member and employee indemnification as uncompensated servants of the Commission pursuant to sections 810.2, 825 et seq., and sections 995 et seq. of the Government Code. We will permit the DDTPAC, in addition, to purchase Errors and Omissions Insurance for its members and the members of any Advisory Committees established by the Commission that report to the DDTPAC.

BACKGROUND

By our Decision No. 89-05-060, May 26, 1989, in Investigation No. 87-11-031, we renamed the D.E.A.F. Trust Administrative Committee (established by our earlier Decision No. 92603 in OII 70) the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) and we ordered changes in the structure and staffing for the DDTPAC. We ordered that the DDTPAC submit its proposed Charter to us for approval.

In compliance with our order, the Chairman of the DDTPAC submitted the Administrative Committee's proposed Charter by letter to the Commission's Executive Director on October 3, 1989.

#### DISCUSSION

We would like to compliment the DDTPAC for the fine effort and consideration it has expended in preparing its proposed Charter. After discussions between the DDTPAC Chairman, DDTPAC Executive Director, and the Commission's Executive Director, we adopt the Charter with minor revisions reflecting agreements on duties and responsibilities for the DDTPAC and the establishment of a means for resolution of inappropriate claims or reports submitted to the DDTPAC. These actions are a result of our review of the Trust Administrative Committee's earlier Petition, A.89-04-023, requesting clarifications of the extent of its duties and responsibilities to review claims for "reasonableness and prudence".

We clarify how program changes may be initiated and who has responsibility to justify any changes; a procedure for submitting such recommendations to the Commission's Executive Director is presented.

We clarify the role of the DDTPAC and the roles of its individual members and that of any Advisory Committees reporting to it. We delete the DDTPAC's own Indemnification language, and instead insert language prepared by the Commission's Legal Division that defines the position of public members of advisory committees as "employees" within the meaning of Government Code section 810.2. In this way, DDTPAC members or employees are "servants" within the meaning of section 810.2 while acting within the course and scope of their services for the Commission.

We will also permit the DDTPAC to purchase Errors and Omissions insurance for its members, employees, and for any members of Advisory Committees or task forces reporting to the DDTPAC, to the extent that such activities are held not to be indemnified by the State and/or defense is not provided by the State under the Government Code sections 810.2, 825 et seq., and/or 995 et seq..

#### PROTESTS

Discussion of the proposed charter was held by the DDTPAC at its public meeting of September 14, 1989, as indicated in the DDTPAC minutes of that meeting. No protests to the proposed charter have been received by the Commission.

#### FINDINGS

1. The DDTPAC has complied with the Commission's order in D.89-05-060, and has submitted its proposed Charter for Commission approval.

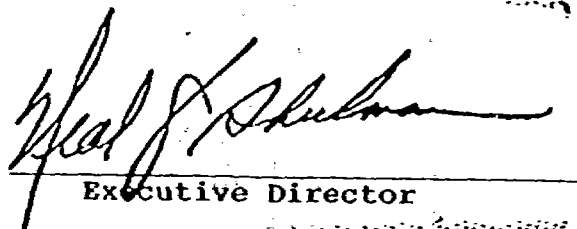
2. The Commission thanks the DDTPAC for its efforts and approves the Charter as modified and contained in Appendix A to this Resolution.

THEREFORE, IT IS ORDERED that:

1. The Charter submitted by the DDTPAC to the Commission's Executive Director on October 3, 1989 is approved as modified herein (See Appendix A).
2. The Commission's Executive Director shall send a copy of this Resolution to the DDTPAC with the request that the DDTPAC modify its Charter to conform with that approved by the Commission in Appendix A. The DDTPAC shall communicate to the Executive Director by letter when the change in the Charter has been made.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on June 6, 1990. The following Commissioners approved it:

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. CHANIAN  
PATRICIA M. ECKERT  
Commissioners

  
Executive Director

APPENDIX A, T-14060  
June 6, 1990

Charter

Deaf and Disabled Telecommunications Program  
Administrative Committee

CHARTER  
OF  
THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM  
ADMINISTRATIVE COMMITTEE

I. NAME

The name of the committee shall be the Deaf and Disabled Telecommunications Program Administrative Committee (referred to hereafter as "the Committee").

II. PURPOSE

The Committee's general purpose is to function as an administrative committee under the supervision and control of the Commission in connection with the programs mandated by Section 2881 of the Public Utilities Code for providing telecommunications equipment and dual party relay systems for persons who are deaf, severely hearing impaired or disabled.

III. MEMBERSHIP

A. Members. The Committee shall be comprised of nine voting members as follows:

1. Utility Members. The committee shall include four members representing telephone utilities. The four shall consist of one from Pacific Bell, one from GTE California, one from the California Telephone Association and one from the provider of the relay service, presently AT&T.

2. Consumer Members. Four of the Committee members shall represent consumer groups, consisting of one from the hard of hearing community, one from the disabled community and two from the deaf community. Of the two members from the deaf community, one shall represent a statewide organization and one shall represent the deaf community at large.

3. Executive Director. The Commission's Executive Director's designee.

B. Selection of Members. Potential members of the Committee shall be nominated by the organizations they are to represent. The members of the Committee shall be selected and approved by the Commission's Executive Director, according to procedures preferred by the Commission.

C. Qualifications of Members. The Committee in conjunction with the Commission shall develop the qualifications of its members. In general, members shall have professional or technical expertise sufficient to enable them to be conversant with the policy and budgetary issues that arise in connection with the administration of the programs. Consumer members should be able to demonstrate organization 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 any of the programs.

D. Term of Appointments. The terms of the members of the Committee shall be staggered, with one-third of the membership appointed each year. 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.

E. Removal. Any member of the Committee, recommended by a two-thirds vote of the Committee, may be removed at any time by the Commission's Executive Director for cause shown, in procedures preferred by the Commission.

F. Vacancies. Vacancies on the Committee 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 the Committee shall be entitled to appropriate reimbursement of expenses they incur in connection with their service on the Committee, but they shall not be entitled to any honoraria or per diem allowances. Utility members are not eligible for expense reimbursement.

#### IV. DUTIES AND RESPONSIBILITIES

The Committee shall have the following duties:

1. Review proposed utility budgets for compliance

with the Committee's budget procedures, funding availability and consistency with program policy as approved by the Commission, and develop formal recommendations to the Commission as to action the Committee proposes the Commission take on the proposed annual budget.

2. Combine the utility budgets with its own budget, and submit to the Commission for approval a single proposed budget for all of the programs, as well as subsequent adjustments to the budget deemed necessary. The Committee will act in accordance with the current budget during that time the Commission is considering approval of the proposed budget. The Committee will maintain separate records of its own and individual utility budgets for the programs.

3. With the assistance of its advisory committees and task forces, investigate and evaluate policy and operational issues pertaining to the programs.

4. Maintain records of the equipment the Trust owns and adopt a standard equipment list for the disabled programs as recommended by the Equipment Program Advisory Committee.

5. Initiate recommendations to the Commission, and submit to the Commission recommendations initiated by the advisory committees, for changes in the programs that have policy or budgetary implications. The originator (i.e., task force, Advisory Committee, or Administrative Committee) of any such recommendations is expected to justify the appropriateness, cost effectiveness, and program efficiency



improvement aspects of the recommendations. Recommendations will be made by letter from the Committee to the Commission's Executive Director who will take appropriate action for review and subsequent response on all recommendations.

6. Make decisions without recommendation to the Commission with respect to program changes that do not have policy implications or cumulative budgetary impact greater than one percent of the annual budget, unless the majority of the Committee wishes to refer the change to the Commission for decision. The Committee will keep a record of any program changes that it initiates, and will communicate notice of these changes to the Commission's Executive Director.

7. Develop a format on which the utilities may submit monthly program expense reimbursement claims, review the claims submitted by the utilities for consistency with the approved annual budget, and approve the claims in accordance with the expense approval process approved by the Commission. The Committee will review utility expenditure reports for accuracy and completeness, and to the extent possible from the reports, for appropriateness to the programs.

8. Perform the functions set forth in the Deaf Equipment Acquisition Fund Trust Agreement, as amended from time to time.

9. Determine an investment policy for the assets of the Trust, taking into consideration the Trust's short-term and long-term financial needs.

10. Recommend to the Commission surcharge rate changes.

11. Review the charters of and generally oversee the activities of its advisory committees.

12. Develop qualifications for membership on the advisory committees.

13. Recommend to the Commission appointments to the permanent advisory committees.

14. Develop procedures for the replacement of its members and of members of its advisory committees who are unable to serve their full terms.

15. Hire or contract with persons or firms to provide adequate and affordable support to enable the Committee to fulfill its duties.

16. Create such task forces as it believes are necessary or appropriate to carry out its functions.

17. Negotiate and enter into contractual relationships with utilities, with the trustee of the Trust and with other third parties in connection with providing services and equipment pursuant to the programs. The Committee may delegate authority to its Chairperson, individual members, or other designee, to sign any contract on the part of the Committee. Contracts signed with public

utilities will still be subject to all Commission regulations, orders, decisions, etc., in force at the time.

18. Cause an annual audit of the financial statements by a firm of independent certified public accountants.

19. File an annual report with the Commission.

20. Perform such other duties as may from time to time be imposed on it by the Commission in connection with the programs.

21. The Committee will designate those members or other designees authorized to represent the views of the Committee in public. At all times, members will clearly designate whether they represent the views of the Committee, the views of their community, utility, or state agency division, or their own individual views. The Committee will designate that it does not represent the views of the Commission unless so requested to do so by the Commission.

While the Committee shall have the power and authority to fulfill the foregoing duties, it shall not have the authority to direct the utilities to do anything; only the Commission shall have the authority to order the utilities to take or to refrain from taking any action in connection with the programs. The members of the Committee in the performance of their duties and in the actions taken by the Committee shall at all times be subject to the direction, control and approval of the Commission. Members and employees of the Committee who are not members of the Commission staff, and any such members of Advisory Committees or

task forces reporting to the Committee, 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. The Committee may, in addition, use Trust funds to purchase Errors and Omissions Insurance for its members and employees and for any members of Advisory Committees or task forces reporting to the Committee, for their acts done within the course and scope of the services they perform for the Committee, to the extent that such activities are held to be indemnified by the state and/or defense is not provided by the State under Government Code sections 810.2, 825 et seq., and/or 995 et seq..

#### V. MEETINGS

A. General. The Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions. 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. Unless another location is specified in the notice, each meeting shall be held at the offices of the Committee in San Francisco.

B. Quorum; Voting. A majority of the authorized number of members, or their designated representatives, shall be necessary to constitute a quorum for performing the Committee's functions. No action shall be taken at any meeting unless a quorum is present. Each member shall have one vote, and action may be taken by the Committee by vote of a majority of the members present at a meeting at which 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 and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

C. Proxies. A member may be represented at any meeting by a written proxy signed by the member authorizing a designated individual to represent the member at a specified, noticed meeting. Any proxy may be revoked by a written notice signed by the member who gave the proxy and delivered to the chair of the meeting at any time before the meeting begins.

D. Agenda. Each notice of meeting shall be accompanied by an agenda setting forth the matters that are expected to be presented at the meeting. Each agenda shall include allotted time for public input. Except in an emergency and with the approval of a majority of the members present, the Committee shall not consider at any meeting an item not on the agenda.

E. Participation. Members of the public and observers shall not be permitted to take part in any meeting unless recognized by the chair.

F. Commission Contact. The Committee may contact the Commission through the Commission's Executive Director or his or her designee for advice on any matter or to refer any unresolved issue for settlement by the Commission's Advisory and Compliance Division.

#### VI. OFFICERS

A. Two Officers. The Committee 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.

B. Duties. The Chairperson shall be the executive officer of the Committee and shall have the general supervision and direction of the affairs of the Committee. The Chairperson shall preside at all meetings of the Committee. The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is unavailable. The officers shall perform such other duties as from time to time may be prescribed by the Committee.

#### VII. ADVISORY COMMITTEES

A. General. The Committee shall have two permanent advisory committees reporting to it, the Equipment Program Advisory Committee and the California Relay Service Advisory Committee. The Committee shall seek Commission approval by recommendation to the Commission's Executive Director for any additional permanent committees it believes have become necessary or advisable in connection with the programs. The role of the

Advisory Committees is limited to the responsibilities expressed herein or as expanded by the Committee with Commission approval.

B. Equipment Program Advisory Committee. The purposes of the Equipment Program Advisory Committee are to recommend to the Committee and update, as new technology is developed, a standard equipment list for the programs, to develop procedures for evaluating new products and to make recommendations for policy changes with respect to the quality, efficiency, and cost effectiveness of both equipment and service in the equipment distribution program.

C. California Relay Service Advisory Committee. The purpose of the California Relay Service Advisory Committee is to make recommendations to the Committee with respect to the quality and efficiency of relay and operator services, including procedures for the conduct of calls and effective means of implementing its recommendations. The Advisory Committee will also make recommendations on options for controlling expenses and increasing program efficiency.

D. Membership. The Committee will recommend to the Commission's Executive Director the persons to be appointed to the advisory committees, and the Commission's Executive Director will make the appointments as provided in Article III.B., above. The terms of the members of advisory committees shall be staggered, with one-third of the membership of each committee appointed each year. Members will be appointed for three-year terms. A member may be reappointed, but no member of an advisory committee shall serve for more than two consecutive full terms.

Vacancies for expired terms will be filled for a full, three year term; vacancies for unexpired terms will be filled for the remainder of the unexpired term. Any member of any Advisory Committee may be removed at any time by the Commission's Executive Director with cause, as provided in Article III.E., above.

VIII. AMENDMENTS

This charter can be amended by the vote of the majority of the members of the Committee, but no amendment shall become effective until approved by the Commission.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____