

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory & Compliance Division
Telecommunications BranchRESOLUTION T-14752
December 18, 1991R E S O L U T I O N

RESOLUTION T-14752. RESOLUTION APPROVING THE DISCLOSURE AND CONFLICT OF INTEREST POLICY FOR THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM AND APPROVING REVISIONS TO THE CHARTERS OF THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM ADMINISTRATIVE COMMITTEE, THE EQUIPMENT PROGRAM ADVISORY COMMITTEE, AND THE CALIFORNIA RELAY SERVICE ADVISORY COMMITTEE, PURSUANT TO DECISION 89-05-060 (INVESTIGATION 87-11-031).

BY LETTER TO COMMISSION EXECUTIVE DIRECTOR DATED NOVEMBER 8, 1991.

SUMMARY

By this Resolution, the Commission approves the Disclosure and Conflict of Interest Policy for the Deaf and Disabled Telecommunications Program and approves revisions to the charters of the Deaf and Disabled Telecommunications Program Administrative Committee, the Equipment Program Advisory Committee, and the California Relay Service Advisory Committee in compliance with decisions 89-05-060 and 91-10-029. No protests were received.

BACKGROUND

In Decision (D)89-05-060, which was approved on May 26, 1989, this Commission ordered that the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) develop charters and submit them to the Commission for approval.

In compliance with that 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. The Charter, with some revisions, was approved by the Commission on June 6, 1990 by Resolution T-14060. The Charters for the Equipment Program Advisory Committee (EPAC) and the California Relay Service Advisory Committee (CRSAC) were submitted by letter from the DDTPAC to the Commission's Executive Director on February 21, 1990 and April 17, 1990, respectively. Those Charters were approved by Resolution T-14079 on June 6, 1990.

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The DDTPAC submitted proposed changes to the three charters to the Commission's Executive Director on June 28, 1991, along with a Disclosure and Conflict of Interest Policy. Commission staff in the Commission Advisory and Compliance Division (CACD) and the Legal Division reviewed the documents and recommended changes to the DDTPAC. Also on June 28, 1991, the DDTPAC filed a petition to modify D.89-05-060, to add a voting deaf consumer representative to the CRSAC. The Commission granted that request in D.91-10-029 on October 23, 1991 and directed the DDTPAC to modify the CRSAC's charter to reflect the change.

The DDTPAC resubmitted the Disclosure and Conflict of Interest Policy and all three charters to the Commission's Executive Director in a letter dated November 8, 1991. The CRSAC Charter included the additional deaf consumer representative, as approved in D.91-10-029.

PROTESTS

The Disclosure and Conflict of Interest Policy and the proposed changes to the three charters were discussed at the public meetings of the DDTPAC, CRSAC, and EPAC. No protests to the proposed changes were received by the Commission.

DISCUSSION

D.89-05-060 set the qualifications for membership in the DDTPAC, EPAC, and CRSAC. Consumer members were to demonstrate their ties to the constituency they would be representing. In addition, the decision included the following statement:

"...consumer nominees should not be employed by, or represent the interests of, any vendors or distributors who are currently involved, or who have the potential to be involved, in providing equipment and/or services for the program."

That language was included, with some minor modifications, in each of the charters for the three committees, which were submitted to this Commission in compliance with D.89-05-060, and approved by resolution.

However, the DDTPAC found that the guidelines in D.89-05-060 were not specific enough, and required interpretation in various specific situations. The DDTPAC determined that the need for interpretation could be avoided by developing a more detailed conflict of interest policy which would apply to all three committees.

The Disclosure and Conflict of Interest Policy was developed and submitted to the Commission for approval. The charters for the DDTPAC, EPAC, and CRSAC were amended to reference the new Disclosure and Conflict of Interest Policy. At the same time, the DDTPAC requested approval for additional minor changes to the three charters to make them more consistent.

FINDINGS

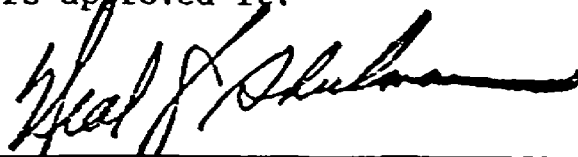
1. The DDTPAC developed the Disclosure and Conflict of Interest Policy to provide more detailed guidelines to supplement the language in D.89-05-060.
2. The DDTPAC has complied with the Commission's order in D.89-05-060, in submitting proposed charter changes for the Deaf and Disabled Telecommunications Program Administrative Committee, the Equipment Advisory Committee, and the California Relay Service Advisory Committee.

THEREFORE, IT IS ORDERED that:

1. The Disclosure and Conflict of Interest Policy submitted to the Commission's Executive Director on November 8, 1991 is approved. (See Appendix A.)
2. The Charter revisions submitted by the DDTPAC to the Commission's Executive Director on November 8, 1991 for the Deaf and Disabled Telecommunications Program Administrative Committee, the Equipment Advisory Committee, and the California Relay Service Advisory Committee are approved. (See Appendices B, C and D.)

The effective date of this Resolution is today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on December 18, 1991. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

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

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December 18, 1991

APPENDIX A, T-14752
December 18, 1991

Charter Attachment 1

Deaf and Disabled Telecommunications Program
Disclosure and Conflict of Interest Policy

Charter Attachment 1

Deaf and Disabled Telecommunications Program

Disclosure and Conflict of Interest Policy (Re-submitted to the CPUC November 8, 1991)

The Deaf and Disabled Telecommunications Program was established by the California Public Utilities Commission (CPUC) to administer and oversee California's legislated programs that provide telecommunications services and equipment to deaf and disabled individuals in California. The CPUC established three committees to provide the oversight function and to recommend program and policy changes to the Commission. The three committees are the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC), the California Relay Service Advisory Committee (CRSAC), and the Equipment Program Advisory Committee (EPAC). The CRSAC and the EPAC are advisory committees to the DDTPAC.

Each of the three committees has four consumer members who represent the deaf and disabled constituents statewide whom the program serves. Each consumer member is appointed to represent a particular constituency (eg. statewide deaf organization, speech impaired). Consumer members are nominated to the DDTPAC by the constituency or organization they represent. After reviewing the qualifications of the nominees, the DDTPAC recommends a nominee for appointment to the committee to the CPUC. The Commission's Executive Director makes the ultimate appointment to the committee.

Since consumer members are all appointed to represent a designated constituency, the interests and opinions of the consumer members should not be intentionally controlled or influenced by any of the companies who provide goods and services to the program on an ongoing or regular basis. Some of these companies are already represented by positions on the three committees. In addition, the appearance of any conflict of interest caused by relationships between consumer members and vendors to the program needs to be avoided. For this reason, consumer members on the three committees and nominees for consumer member positions must disclose any relationships with vendors to the program which might tend to influence a consumer member's opinions or position.

The requirements must be met before a consumer member nominee's name for any of the program's three committees is forwarded to the CPUC for approval and for continued eligibility, once approved.

I. Disclosure

Consumer members on DDTP committees must annually report any relationships that exist (employment, consultant, or otherwise) between the consumer member and a company that provides goods or services to the program. Such relationships that exist between a consumer member's affiliated organization or employer and a company that provides goods or services to the program must also be disclosed. This disclosure shall include the reporting of any ownership of stock or other equities issued by a company that provides goods or services to the program.

Consumer members must annually report their membership in or employment by any organization or participation on any boards, committees, or other groups that represent the deaf and disabled consumers served by the program. Consumer members must also report the name and general business purpose of any business entity in which the consumer member is a director, officer, partner, trustee, employee or holds any position of management.

Consumer members may not accept gifts of \$250 or more in value from any single vendor of goods or services to the program. Consumer members must also annually report any gifts, honoraria, or awards amounting to \$50 or more received either directly or through another organization from any vendor of goods or services to the program. "Honorarium" means a payment for speaking at any event, participating in a panel or seminar, or engaging in any similar activity. For the purposes of this section, free admission, food, beverages, and other similar nominal benefits provided to a committee member at an event at which he or she speaks, participates in a panel or seminar, or performs a similar service, and reimbursement or advance for actual travel and for necessary accommodations provided directly in connection with the event are not payments and need not be reported. However, reimbursement for travel outside of California must be reported as an honorarium. A prize or award shall be disclosed as a gift unless the prize or award is received on the basis of a bona fide competition not related to the committee member's official status.

All of these reports must be renewed annually.

If, in the judgement of the DDTPAC, any of the disclosed relationships would create a conflict of interest that would constitute reason to disqualify a consumer member from membership on any of the DDTP committees, the DDTPAC may recommend removal of the committee member to the CPUC.

II. Prohibition of Relationships

During their term of service on the committee, consumer members of DDTP committees shall not be employed by or represent the interests of any vendors or potential vendors of goods or services to the program, such that the consumer member receives either individually or through another organization \$250 or more annually for any type of service performed. Business arrangements with or services provided by the consumer member or his or her affiliated organization to the program that are routine and in the ordinary course of the program's activities (eg. providing interpreter services) are not subject to the prohibition section. Any relationship with a vendor to this program that would under normal circumstances be customary and ordinary considering the nature of the consumer member's employment and/or expertise shall also not be regarded as subject to this prohibition section, but may be subject to the Prohibition of Participation section following. Examples of such relationships might include:

- a) A consumer member who is employed by a disability services organization, such as an independent living center, provides disability awareness training to a program vendor.
- b) A consumer member who is deaf provides information or training concerning deaf culture to a program vendor.
- c) A consumer member who is a heavy relay service user provides training or orientation regarding relay service usage to a program vendor.

III. Prohibition of Participation

No committee member shall make, participate in making, or in any way attempt to use his or her position on the committee to influence the making of any committee decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the committee member or a member of his or her immediate family, or on 1) any investment, business entity or real property in which the committee member has a direct or indirect investment worth at least \$1,000, 2) any source of income aggregating \$250 or more within the preceding 12 months, 3) any business entity or other organization in which the committee member is a director, officer, partner, trustee, employee or holds any position of management, or 4) any donor of a \$250 or more gift to the committee member within the preceding 12 months.

Disclosure and Conflict of Interest Policy
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When a committee member determines that he or she should not participate in a decision-making process because he or she has a disqualifying interest in it, the committee member must 1) immediately disclose the interest that creates the conflict, 2) withdraw from participation, 3) refrain from attempting to influence any other member, and 4) refrain from voting during any votes relating to the issue that creates the conflict. The member only needs to disclose the fact of a disqualifying interest and not its details.

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APPENDIX B, T-14752
December 18, 1991

Charter
of the
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 services 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 ~~or~~ constituencies 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. Qualification 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~~ the Deaf and Disabled Telecommunications Program, consistent with the Disclosure and Conflict of Interest Policy attached to this charter.

D. Term of Appointments. The terms of the members of the Committee 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.

E. Removal. ~~Membership may be terminated through resignation. Members who fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee.~~ Any member of the Committee, ~~recommended by~~ ~~a~~ ~~on the recommendation of~~ 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 Committees 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 allowance.~~ Utility members are not eligible for expense reimbursement.

IV. DUTIES AND RESPONSIBILITIES

The Committee shall have the following duties:

1A. 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.

2B. 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.

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

4D. 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.

5E. 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 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.

6F. 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.

7G. 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.

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

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

10J. Recommend to the Commission surcharge rate changes.

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

12L. Develop qualifications for membership on the advisory committees.

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

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

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

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

17Q. 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.

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

19S. File an annual report with the Commission.

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

21U. 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 member 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 ~~oral or written authorization by that member to the chair, naming a written proxy signed by the member authorizing a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting, and must be submitted in written form~~ given orally or in writing by the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or a written notice to the chair 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 from date of election and may be re-elected.

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, recommended by a two-thirds vote of that 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.

Resolution T-14752
December 18, 1991

APPENDIX C, T-14752
December 18, 1991

Charter
of the
Deaf and Disabled Telecommunications Program
Equipment Program Advisory Committee

CHARTER
OF THE
DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM
EQUIPMENT PROGRAM ADVISORY COMMITTEE

I. NAME

The name of the committee shall be the Equipment Program Advisory Committee (referred to hereafter as "the Committee").

II. PURPOSE

The Committee's general purpose is advisory to the Deaf and Disabled Telecommunications Program Administrative Committee in connection with equipment programs mandated by Section 2881 of the Public Utilities Code for providing telecommunications access for persons who are deaf, severely hearing impaired or disabled, and to recommend and update, as new technology is developed, a standard equipment list for programs, to develop procedures for evaluating new products, and to make recommendations for policy changes with respect to the quality of both equipment distribution and service provision.

III. MEMBERSHIP

A. Members. The Committee shall be comprised of seven voting members and two non-voting members as follows:

1. Voting Members.

(a) Utility Members. The committee shall include three members representing telephone utilities. The three shall consist of one from Pacific Bell, one from

GTE California, and one from the California Telephone Association.

(b) Consumer Members. Four of the Committee members shall represent consumer groups, consisting of one from the hard-of-hearing community, two from the disabled community, and one from the deaf community.

2. Non-voting Members. The non-voting members shall consist of one representative of the California Relay Service provider, and one Commission staff member as designated by the Executive Director.

B. Selection of Members. Potential members of the Committee shall be nominated to the Administrative Committee by the organizations or constituencies they are to represent. The members of the Committee shall be recommended by the Administrative Committee 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 Administrative Committee in conjunction with the Commission. In general, members shall have professional or technical expertise sufficient to enable them to be conversant with the responsibilities of the Committee. 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 equipment program Deaf and Disabled Telecommunications Program, consistent

With the Disclosure and Conflict of Interest Policy attached to this charter.

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

E. Removal. Membership may be terminated through resignation. Members who fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. Any member of the Committee, on the recommendation of two-thirds 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 P-621, consumer members of the Committees 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 allowance. Consistent with Commission Resolution F-621,~~ Utility members are not eligible for expense reimbursement.

IV. DUTIES AND RESPONSIBILITIES

The Committee shall have the following duties:

- (A) To develop a Standard List of Telecommunication Devices for the program (hereafter referred to as the List);
- (B) Upon development of the first List, transmit it to the Administrative Committee for approval and submission to the Commission, and thereafter, in compliance with following paragraphs (C) and (D), amend the List and transmit it for approval;
- (C) To, at a minimum of three regular intervals each year, take into consideration new technology and advances in science and engineering and, if applicable, update the List;
- (D) To establish detailed written operating procedures for new product consideration, which will include field trial, engineering evaluation, review of cost-effectiveness, and basis for recommendations for adding any new product to the List.
- (E) To assess the feasibility of new program initiatives and improvements;
- (F) To provide policy recommendations relating to both equipment and service quality in the equipment distribution program to the Administrative Committee;
- (G) Other activities necessary and appropriate to

accomplish the purpose and responsibilities of the Committee.

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 Administrative Committee.

B. Quorum; Voting. A majority (5) of the authorized number of members, or their designated representatives, shall be necessary to constitute a quorum for performing the Committee's functions. However, no action shall be taken at any meeting without a majority (4) of the total voting membership of the Committee. 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 oral or written authorization by that member to the chair naming ~~a that member authorizing to the chair, verbally or in writing,~~ a designated individual to represent that member at a specified, noticed meeting. Any proxy may be revoked at any time before the ~~meeting begins~~ by verbal ~~oral~~ or written notice to the chair by the member who gave the proxy ~~at any time before the meeting begins.~~

D. Motions. Both voting and non-voting members may submit motions from the floor for committee vote.

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

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 from date of election and may be re-elected.

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. 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.

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.

Resolution T-14752
December 18, 1991

APPENDIX D, T-14752
December 18, 1991

Charter
of the
Deaf and Disabled Telecommunications Program
California Relay Service Advisory Committee

**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 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 five shall consist of one from the hard-of-hearing community, 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, consistent with the Disclosure and Conflict of Interest Policy attached to this charter.
- 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 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 fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee.
3. Any member of CRSAC, on the recommendation of two-thirds of the 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 appropriate 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. Six authorized members or their designated representatives shall be necessary to constitute a quorum for performing CRSAC's functions, and four of the 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 oral or written authorization by that member to the chair naming a designated individual to represent the member at a specified, noticed meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. ~~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~~ and with the approval of a majority of the members present, CRSAC shall not consider at any meeting an item not on the agenda.

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

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~~ re-elected.

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..