

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Into
Implementation of Senate Bill 669, Regarding the
Deaf and Disabled Telecommunications Program

R. _____

**ORDER INSTITUTING RULEMAKING
INTO IMPLEMENTATION OF SENATE BILL 669**

Summary

By this order, we institute a rulemaking into the implementation of the portion of California Senate Bill (SB) 669 dealing with the Deaf and Disabled Telecommunications Program (DDTP).¹ We ask for comment regarding the implications of SB 669 on the governance and structure of the DDTP.

SB 669 codifies the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC), which is an “advisory board to advise the [C]ommission regarding the development, implementation, and administration of [the DDTP] . . . and to carry out the programs pursuant to the [C]ommission’s direction, control and approval.” An existing entity also known as the DDTPAC has been functioning as program administrator for nearly 20 years pursuant to decisions of this Commission.

The statute also requires telephone corporations that collect funds to pay for deaf and disabled telecommunications services to remit such funds to this

¹ Stats. 1999, Ch. 677. SB 669 also addresses other telecommunications public purpose programs. The Commission may, subsequent to this rulemaking, open a proceeding examining the implementation of those portions of SB 669.

Commission. The Commission in turn must transfer the revenues to the state Controller for deposit in the DDTPAC Fund.

The current DDTP is operated by an amalgam of individuals and entities including telephone corporations, advisory committees – including a committee also bearing the DDTPAC name – and non-profit staff. The program includes such diverse functions as customer service, equipment development, procurement and distribution, fiscal administration, warehousing, social service functions, outreach, maintenance of a customer database, trials of new services, walk-in centers, and field advisors.

The DDTP has long and well served the deaf, hard-of-hearing, and disabled communities. We wholeheartedly endorse the program and its services and have no intention of changing the program substantively.

Preliminary Scoping Memo

In this OIR, we seek comment regarding the implications of SB 669 on the governance and structure of the DDTP. Parties should prepare comments addressing these implications in accordance with the procedures we set forth below.

Category of Proceeding

Rule 6(c)(2) of our Rules of Practice and Procedure provides that the Order Instituting Rulemaking (OIR) “shall preliminarily determine the category” of the proceeding. This rulemaking is preliminarily determined to be quasi-legislative, as that term is defined in Rule 5(d).

Parties

We plan to serve this OIR on several parties. Those we identify here as “respondents” shall file comments addressing the implications of SB 669 on the

governance and structure of the DDTP. Those we identify as “interested parties” may file such comments.

Respondents will be all telephone corporations subject to the Commission’s jurisdiction that perform DDTP functions. These corporations are MCI WorldCom, Sprint, Pacific Bell, GTE, and the other incumbent local exchange carriers that provide DDTP equipment to customers.

We encourage the following individuals and entities to participate as interested parties in the proceeding by following the procedure for joining the service list described below or attending the prehearing conference (PHC): DDTP consumers, current DDTP providers that are not telecommunications corporations, advocacy groups for the deaf and disabled, current DDTP advisory committees, the California Department of Social Services (Disability and Adult Programs Division), the California Department of Education (Specialized Programs Branch - State Special Schools and Services Division), the California Department of Rehabilitation, the California Attorney General, the California Department of Finance, and the California State Employees’ Association (CSEA). We also invite other organizations or members of the public to participate by indicating their intention to do so as described in the section of this order regarding establishment of the service list.

In order to disseminate this OIR to those most affected by it, the Commission’s Executive Director shall cause the OIR to be served on the foregoing individuals and entities, as well as on the service list in Investigation 87-11-031.

Written Comments

We invite all parties to file written comments. Opening comments are due on May 22, 2000, and reply comments are due on June 12, 2000.

Preliminary Schedule

In accordance with Rule 6.3 and 6(c)(2), we adopt the following preliminary schedule. In addition to receiving written comments, we anticipate holding Public Participation Hearings (PPHs) and/or workshops. Parties need not file written comments in order to participate in the PPHs and/or workshops. The preliminary schedule will be discussed at the PHC set for June 23, 2000, at 10:00 a.m. in the Commission Courtroom, 505 Van Ness Avenue, San Francisco. The schedule may change thereafter.

OIR issued	April 20, 2000
Opening Comments Due	May 22, 2000
Reply Comments Due	June 12, 2000
PHC	June 23, 2000
PPHs and/or Workshops	Summer 2000

If the Assigned Commissioner determines that additional rounds of comments are appropriate, dates will be established. A scoping memo with more specific dates will be issued after the PHC.

We expect to conclude this proceeding in sufficient time to implement SB 669. This timeframe is consistent with Rule 6(e)'s requirement that the proceeding be concluded within 18 months.

Objections to Category, Schedule

Any person who objects to the preliminary categorization of this rulemaking or to the preliminary schedule shall file an objection 10 days before the PHC is held in this proceeding.

Service List

Within 15 days from the date of mailing of this order, any person or representative of an entity interested in monitoring or participating in this

rulemaking should send a letter to the Commission's Process Office, 505 Van Ness Avenue, Room 2000, San Francisco, California 94102, asking that his or her name be placed on the service list. The Process Office thereafter will create an initial service list, which shall be posted on the Commission's web site, www.cpuc.ca.gov, as soon as practicable. Persons who wish to become a "party" to this proceeding may also appear at the PHC and fill out the "Notice of Party/Non-Party Status" form (appearance form) at that time. At the PHC, the presiding officer will cull the service list so that each participant is appropriately designated.

Public Advisor

Any party interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Commission Public Advisor's Office in Los Angeles at (213) 576-7056, or in San Francisco at (415) 703-2074 or (415) 703-2032 (TDD), or at (800) 299-6846 (TTY).

Assigned Commissioner, Administrative Law Judge (ALJ)

Loretta Lynch shall be the assigned Commissioner, and _____ shall be the assigned ALJ.

***Ex Parte* Communications**

This proceeding is subject to Rule 7, which specifies standards for engaging in *ex parte* communications and the reporting of such communications. Pursuant to Rules 7(a)(4) and 7(d), *ex parte* communications will be allowed in this proceeding without any restrictions or reporting requirements until the assigned Commissioner makes an appealable determination of category as provided for in Rules 6(c)(2) and 6.4. Following the Commissioner's determination, the applicable *ex parte* communication and reporting

requirements shall depend on such determination unless and until the determination is modified by the Commission pursuant to Rule 6.4 or 6.5.

Therefore, IT IS ORDERED that:

1. A rulemaking is instituted on the Commission's own motion to implement SB 669's provisions pertaining to the Deaf and Disabled Telecommunications Program (DDTP).
2. All telephone corporations subject to the Commission's jurisdiction that perform DDTP functions are made respondents to this proceeding. These corporations are MCI WorldCom, Sprint, Pacific Bell, GTE, and the other incumbent local exchange carriers that provide DDTP equipment to customers.
3. The Executive Director shall cause this Order Instituting Rulemaking (OIR) to be served on respondents and on the DDTP office in Oakland, the DDTPAC, the California Relay Service Advisory Committee, the Equipment Program Advisory Committee, the California Department of Social Services (Disability and Adult Programs Division), the California Department of Education (Specialized Programs Branch-State Special Schools and Services Division), the California Department of Rehabilitation, the California Attorney General, the California Department of Finance, and the California State Employees' Association. The Executive Director shall also cause this OIR to be served on the service list in Investigation 87-11-031.
4. Within 15 days from the date of mailing of this order, any person or representative of an entity interested in monitoring or participating in this rulemaking should send a letter to the Commission's Process Office, 505 Van Ness Avenue, Room 2000, San Francisco, California 94102, asking that his or her name be placed on the service list. At the prehearing conference (PHC), the presiding officer shall, if appropriate, cull the service list to properly designate participants.

5. An initial service list for this proceeding shall be created by the Process Office and posted on the Commission's website (www.cpuc.ca.gov) as soon as practicable after the PHC. Parties may also obtain the service list by telephoning the Commission's Process Office at (415) 703-2021, or writing to the Process Office, 505 Van Ness Avenue, Room 2000, San Francisco, California 94102.

6. The category of this rulemaking is preliminarily determined to be "quasi-legislative" as that term is defined in Rule 5(d) of the Commission's Rules of Practice and Procedure.

7. Parties interested in submitting comments on the issues identified in this OIR shall file with the Docket Office and serve their opening comments on or before May 22, 2000, and reply comments on or before June 12, 2000.

8. Any person who objects to the preliminary categorization of this rulemaking or the preliminary schedule shall file an objection 10 days before the PHC is held in this proceeding.

9. The PHC shall be held on June 23, 2000, at 10:00 a.m. in the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco.

This order is effective today.

Dated _____, at San Francisco, California.