

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ESTABLISHMENT OF DUAL PARTY RELAY)
TELECOMMUNICATIONS SERVICES FOR) ADMINISTRATIVE
HEARING-IMPAIRED OR SPEECH-IMPAIRED) CASE NO. 333
PERSONS IN KENTUCKY)

O R D E R

On February 5, 1990, the General Assembly of the Commonwealth of Kentucky ("General Assembly") passed House Bill 20 which requires the establishment of state-wide dual party relay telecommunications services ("DPRS") for hearing-impaired or speech-impaired persons in Kentucky. The bill provides that the Public Service Commission ("Commission") shall establish a program to make DPRS available no later than October 1, 1991 and shall submit a report to the Legislative Research Commission on the establishment and implementation of DPRS on or before July 1, 1991. This proceeding is established for the purpose of complying with House Bill 20, a copy of which is attached hereto as Appendix A.

PARTIES

During the pendency of the DPRS legislation, the Commission received numerous letters from individuals and organizations representing hearing-impaired or speech-impaired persons. The Commission encourages all interested persons to participate in this proceeding. Therefore, in addition to telecommunications utilities and the Attorney General's Utility and Rate Intervention

Division, the Commission will serve copies of this Order on all persons and organizations from whom written communications have been received. Thereafter, the service list shall include those utilities, persons, and organizations affirmatively indicating they wish to be considered parties to this proceeding.

Within 30 days of the date of this Order, any person, organization, or utility desiring to be made a party to the proceeding should file a motion with the Commission requesting either full or limited intervention in accordance with 807 KAR 5:001, Section 3(8), attached hereto as Appendix B and made a part hereof. Other interested persons or organizations who do not want to be made parties, but would like to have input in the proceeding may file written statements to be included in the record and considered by the Commission.

DISCUSSION

The purpose of DPRS is to provide access to telecommunications services for deaf, hearing, or speech-impaired persons equivalent to that provided persons without speech or hearing impairment. The service is provided through trained operators who function as a bridge between hearing or speech impaired customers using Telecommunications Devices for the Deaf ("TDDs"), Teletypewriters, or Personal Computers and hearing/voice persons using standard telephone equipment. DPRS operators would relay conversations between individuals by typing on a TDD and speaking to the hearing person.

In order to expedite the investigation, establishment, and implementation of DPRS in Kentucky, the Commission has determined that interested parties should file preliminary information which thoroughly addresses, but is not limited to, the following:

Issues

1. Data availability:
 - a. Existing population of hearing-impaired and speech-impaired persons.
 - b. Projections of potential DPRS users.
 - c. Projections of peak demand to include types of calls.
2. Recommendations on most effective mechanism to obtain participation of hearing and speech-impaired persons.
3. Recommendations on the appropriate definition of functionally equivalent service as it relates to the rates to be charged for DPRS.
4. Recommendations on DPRS service design:
 - a. Single provider of service.
 - b. Multiple providers of service.
 - c. Multi state provider(s) of service.
 - d. Other.
5. Recommendations on appropriate procedure to select service provider(s).
6. Recommendations on most appropriate funding mechanism and method for management and administration of funds.
7. Description of any DPRS program operated by your company or an affiliated company in other states.

8. Discussion of the effect, if any, of the type of user equipment, equipment compatibility, and interchangeability of equipment as it relates to the provision of DPRS.

After reviewing the information, the Commission will then schedule an informal conference and will issue a procedural schedule.

IT IS THEREFORE ORDERED that:

1. This proceeding is hereby instituted pursuant to House Bill 20 for the purpose of investigating and establishing a program for the implementation of statewide DPRS for hearing-impaired and speech-impaired persons in Kentucky.

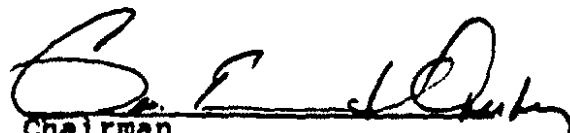
2. Copies of this Order shall be sent to all telephone utilities under this Commission's jurisdiction and persons or organizations from whom the Commission has received written correspondence concerning DPRS. Thereafter, the service list shall include those telephone utilities, persons, and organizations affirmatively responding in accordance with the directives set forth in the body of this Order.

3. Within 30 days of the date of this Order, utilities wishing to be considered as a provider or partial provider of DPRS shall file preliminary information for provision of DPRS which addresses but is not limited to the issues identified herein.


4. Responses and recommendations from other parties shall also be filed within 30 days of the date of this Order.

Done at Frankfort, Kentucky, this 25th day of April, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

IN HOUSE

HOUSE BILL NO. 20

*Dual
Relay*

TUESDAY, JANUARY 2, 1990

The following bill was prefiled by the Task Force on Energy for introduction on the first day of the 1990 regular session with a recommendation for passage by Representatives Dick Castleman, Charles L. Siler, Paul W. Richardson, Bill McBee, Bobby H. Richardson, Eddie Ballard, Jerry Bronger, A. G. Pritchett, Charles L. Nelson, Woody Allen and Ray Preston.

Copy to all -8

1-4-90

AN ACT relating to telecommunication services for hearing-impaired or speech-impaired persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 SECTION 1. A NEW SECTION OF KRS CHAPTER 278 IS
2 CREATED TO READ AS FOLLOWS:

3 As used in this Act, unless the context requires
4 otherwise:

5 (1) "Telecommunications device for the deaf" or
6 "TDD" means a keyboard mechanism attached to a standard
7 telephone set which allows for messages to be typed rather
8 than spoken.

9 (2) "Dual party relay service" means a procedure by
10 which a hearing-impaired or speech-impaired TDD user can
11 communicate with an intermediary party, who then verbally
12 relays the first party's message or request to a third
13 party, or vice versa. The service includes the switching,
14 transmitting, and the voice and typed translation of calls
15 but does not include the furnishing of TDDs or other
16 telecommunication devices to users of the system.

17 SECTION 2. A NEW SECTION OF KRS CHAPTER 278
18 CREATED TO READ AS FOLLOWS:

19 The commission shall establish a program to make dual
20 party relay services available not later than October 1,

1 1991. The dual party relay service shall be operated seven
2 (7) days a week for twenty-four (24) hours per day for all
3 hearing-impaired or speech-impaired telephone subscribers
4 within the Commonwealth. In order to determine the most
5 cost effective method of providing dual party relay
6 services that will meet the requirements of the
7 hearing-impaired and speech-impaired, the commission shall
8 initiate an investigation, conduct public hearings, and
9 solicit the advice and counsel of hearing-impaired persons
10 and speech-impaired persons and the organizations serving
11 them.

12 SECTION 3. A NEW SECTION OF KRS CHAPTER 278 IS
13 CREATED TO READ AS FOLLOWS:

14 Users of a dual party relay service shall pay rates
15 no greater than the rates paid for functionally equivalent
16 voice communication services provided without a dual party
17 relay. The commission shall determine the appropriate
18 funding mechanism for the dual party relay system. The
19 telecommunications industry shall not be required to
20 absorb the cost of funding the dual party relay service.
21 The commission may use assistance from public agencies of
22 the state or federal government or from private
23 organizations to accomplish the purposes of this Act.

24 Section 4. The Public Service Commission shall
25 prepare and submit a report on the establishment and
26 implementation of a dual party relay service program to

1 the Legislative Research Commission on or before July 1,
2 1991. The Legislative Research Commission shall then
3 submit the report to the appropriate interim committee for
4 review.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION
IN ADMINISTRATIVE CASE NO. 333 DATED 4/25/90

INDEX OF RULES AND REGULATIONS

CHAPTER 5 - UTILITIES

807 KAR 5:001

Rules of Procedure.

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PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:001. Rules of procedure.

RELATES TO: KRS Chapter 278
STATUTORY AUTHORITY: KRS 278.310(2)

NECESSITY AND FUNCTION: KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1) The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information. (1) Upon request, the secretary will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and regulations of the commission.

Section 3. General Matters Pertaining to all Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Public Service Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address.

Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas.

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Intervention and parties. In any formal proceeding, any person who wishes to become a party to a proceeding before the commission may by timely motion request that he be granted leave to intervene. Such motion shall include his name and address and the name and address of any party he represents and in what capacity he is employed by such party.

Each person granted leave to intervene shall be considered as making a limited intervention unless he submits to the secretary a written request for full intervention. A person making only a limited intervention shall be entitled to the full rights of a party at the hearing in which he appears and shall be served with the commission's order, but he shall not be served with filed testimony, exhibits, pleadings, correspondence and all other documents submitted by parties. A person making a limited appearance will not be certified as a party for the purposes of receiving service of any petition for rehearing or petition for judicial review.

If a person granted leave to intervene desires to be served with filed testimony, exhibits, pleadings, correspondence and all other documents submitted by parties, and to be certified as a party for the purposes of receiving service of any petition for rehearing or petition for judicial review, he shall submit in writing to the secretary a request for full intervention, which shall specify his interest in the proceeding. If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases: