

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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June 22, 2015

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Department of Labor and Industry, Office of
Vocational Rehabilitation Petition for a
Proposed Pilot for Distribution of
Telecommunications Relay Service Wireless
Equipment to People with Disabilities in this
Commonwealth
Docket No. P-2015-2484229

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Answer, in the
above-captioned proceeding.

Copies have been served upon all parties of record as shown on the enclosed
Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Barrett C. Sheridan".

Barrett C. Sheridan
Assistant Consumer Advocate
PA. Attorney ID# 61138

Enclosures

cc: Certificate of Service
Kathryn G. Sophy/Law Bureau
Louise Fink Smith/Law Bureau
Eric Jeschke/FUS

208870

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Department of Labor and Industry, Office of	:	
Vocational Rehabilitation Petition for a Proposed	:	
Pilot for Distribution of Telecommunications	:	Docket No. P-2015-2484229
Relay Service Wireless Equipment to People with	:	
Disabilities in this Commonwealth	:	

ANSWER OF
THE OFFICE OF CONSUMER ADVOCATE
IN SUPPORT OF THE PROPOSED PILOT

The Office of Consumer Advocate supports approval of the Petition filed on May 21, 2015 by the Department of Labor and Industry's (Department) Office of Vocational Rehabilitation (OVR). The OVR Petition requests approval by the Public Utility Commission of the use of Telephone Device Distribution Program (TDDP) funds to implement a two-year pilot program. The OCA commends the OVR and Pennsylvania's Initiative on Assistive Technology (PIAT) which administers the TDDP on the well-developed proposal for a pilot study.

For more than a decade, the TDDP has distributed assistive communications devices so that qualifying low-income Pennsylvania consumers with disabilities may communicate with others. The Universal Telecommunications and Print Media Access Act (Act) states that the TDDP "shall be a program whereby telecommunications devices for people with disabilities are distributed at no charge to the distributee." 35 P.S. § 6701.3. The Act defines "telecommunications device" as "[e]quipment necessary for a person with a disability to engage in communication by wire or radio with another person with a disability or with a hearing

individual.” 35 P.S. § 6701.2. To qualify to receive a device from the TDDP, each recipient must:

- (1) Be a resident of this Commonwealth.
- (2) Qualify as a person with a disability.
- (3) Have telephone service, possess the ability to learn how to use a telecommunications device.
- (4) Be six years of age or older.
- (5) Have a gross income of less than 200% of the Federal poverty level

35 P.S. § 6701.3(c). “Telephone service” is not defined by the Act. The OCA submits based on several references in the Act to the need of the disabled consumer to “communicate by wire or radio,” the requirement that the TDDP recipient have “telephone service” may be read broadly to include wireless service.

According to the OVR Petition, in recent years demand for traditional wireline assistive devices such as TTYs has been declining. At the same time, the Petition notes that wireless communications devices have become more prevalent and offer features which may assist consumers with various types of disabilities. The Petition requests Commission approval to use a portion of funds allocated from the Telephone Relay Service Fund to the TDDP to distribute a variety of wireless devices to eligible consumers and to study the effectiveness and consumer preferences for the various devices.

As the Petition notes, different wireless devices and how they are designed or configured may provide different benefits to consumers depending on whether they have hearing, speech, vision or cognitive disabilities. Through the two-year pilot program, OVR and PIAT propose to select participants, distribute devices, and track consumer experiences so as to have data and information to address a number of questions. The stated long term goal is to use

the pilot study results to identify what elements should be retained as part of the TDDP on a permanent basis.

The OCA supports the approach proposed by the Petition to determine how best to effectively use funds allocated from the Telephone Relay Service fund to the TDDP for the benefit of eligible Pennsylvania consumers. Based on a 1990 Commission order and the Act, the Commission annually approves the Telephone Relay Service (TRS) Fund budget and surcharge, as well as the TDDP budget. 35 P.S. § 6701.4(c); Petition of the Pa. Telephone Association Requesting The Commission Approve Implementation Of Pa. Relay Service, Docket No. M-00900239, Opinion and Order, 1990 Pa. PUC LEXIS 172 (1990) (1990 TRS Order); 52 Pa. Code § 63.37. The Act states that the TDDP “shall be funded... by the [TRS] Program surcharge....” 35 P.S. § 6701.4(c). The Act provides that the TDDP may not overspend the amount of TRS surcharge dollars allocated and the TRS may not fund administrative costs of the TDDP. 35 P.S. § 6701.4(c), (d).

The OCA notes that the TRS surcharge is collected by local exchange carriers (LECs) from their wireline customers.¹ See 1990 TRS Order; 52 Pa. Code § 63.37(a). As discussed above, the Act appears to support distribution of assistive devices by the TDDP to eligible consumers who use “radio” or wireless services to send or receive communicate. The OCA submits the two-year pilot period will also afford the Commission, General Assembly, and other interested parties an opportunity to address how to assure that the TRS Fund is equitably supported by all Pennsylvania consumers who depend on a reliable, universally available communications network.

¹ The Commission’s Standards and Billing Practices for Residential Telephone Service define “basic service” as including the LEC’s local calling service, the TRS surcharge, and certain other fees. 52 Pa. Code § 64.2. Residential customers of LECs must pay the basic service charges to preserve local calling service. 52 Pa. Code § 64.72(2).

The OCA supports approval of the Petition and implementation of the two-year TDDP pilot. Although the Petition is addressed to the Commission as the administrator of the TRS Fund under the Act, the OCA submits that the pilot would also comport with the declared policy of the Commonwealth. Section 3011 of the Public Utility Code states that it is the policy of the Commonwealth to “(6) [e]nsure the efficient delivery of technological advances and new services throughout this Commonwealth in order to improve the quality of life for all Commonwealth residents,” and “(7) [e]ncourage the provision of telecommunications products and services to enhance the quality of life of people with disabilities.” 66 Pa. C.S. § 3011(6), (7).

II. CONCLUSION

The Office of Consumer Advocate supports the Petition and the pilot proposed by the Department of Labor and Industry’s Office of Vocational Rehabilitation.

Respectfully Submitted,



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June 22, 2015
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CERTIFICATE OF SERVICE

Re: Department of Labor and Industry, Office of Vocational Rehabilitation Petition for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in this Commonwealth
Docket No. P-2015-2484229

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Answer, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 22nd day of June, 2015.

SERVICE BY INTER-OFFICE MAIL

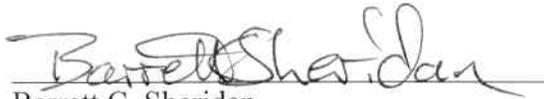
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