

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

**Telecommunications Device Distribution
Program Pilot**

Public Meeting – July 8, 2015
2484229-LAW
Docket No. P-2015-2484229, M-00900239,
M-2015-2460700

JOINT STATEMENT OF COMMISSIONER PAMELA A. WITMER AND
CHAIRMAN GLADYS M. BROWN

Before us today is a Petition from the Pennsylvania Department of Labor and Industry's (L&I) Office of Vocational Rehabilitation (OVR) requesting that a pilot program be funded by the current Telecommunications Relay Service Fund (TRS Fund). The proposed pilot program is seeking approval to fund a two-year wireless Telecommunications Device Distribution Program (TDDP program) pilot through the current TRS Fund. The pilot would include 60 eligible participants receiving wireless devices over a two-year period in accordance with the statutory criteria already in existence for the TDDP. 35 Pa. S. § 6701 *et seq.* The proposed pilot was published in the *Pennsylvania Bulletin* to provide interested parties an opportunity to comment. In response, several entities filed comments in support of this proposal.

We applaud L&I, its Office of Vocational Rehabilitation and the Administrator of the current TDDP program, Temple University through the Pennsylvania Institute on Assistive Technologies (PIAT) for continuously monitoring and identifying the communications needs of the communities that they serve. Their work directly results in Pennsylvania citizens, who are deaf, hard of hearing, visually or speech impaired, being able to effectively communicate with their families, friends, medical providers, emergency responders and other individuals that are important in their lives. As part of their effort and work, L&I and PIAT also continue to assess the impact and benefits that new technologies can bring to the communities that they serve. These partners have recognized that current technologies, such as wireless smart phones, laptops and tablets, can potentially meet more of the communications needs of Pennsylvania's deaf, hard of hearing, visually or speech impaired communities. In addition, they have examined several states' programs that offer wireless device options through their TDDP programs.

Previously, in 2014, these key partners identified and informed this Commission of certain telecommunications equipment distributed under the TDDP program that became inoperable because of the technological advances in providing voice services through advanced technologies, such as Voice over Internet Protocol (VoIP). We addressed the issue that new technologies can create by providing that IP-enabled wireline equipment should be made available to eligible participants as part of the current TDDP program because the current statutory language permitted distribution. The Petition before us today presents the same issue. The purpose of this pilot, as well as the current TDDP program, is to provide specialized wireless telecommunications equipment to eligible Pennsylvanians who have disabilities that impede them from having independent access to telephone services or equivalent communication capabilities. Without the current program and the proposed pilot, certain citizens of our Commonwealth would be deprived of access to telephone and other communications services on an equivalent basis and could not have individual and personal interaction with key members in their lives.

We agree with L&I, its key partners and the commenters in this proceeding that it is imperative that we address the needs of these citizens within our statutory mandates. Fortunately, we can do so under the current statutory framework. The statutory language that is key to our approval of this proposed pilot is found both in the definitions of a “telecommunications device” and “telecommunications relay service.” The relevant statutory language is as follows:

“Telecommunications device” Equipment 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.

“Telecommunications relay service” Telephone transmission services that provide the ability for a person with a disability to engage in communication *by wire or radio* with a hearing individual in a manner that is *functionally equivalent* to the ability of a person who does not have a disability to communicate using voice communication services by wire or radio. The term includes services that enable two-way communication between an individual who uses a telecommunications device or other nonvoice terminal device and an individual who does not use such a device.

35 Pa. S. §6701.2 (emphasis added).

Moreover, today’s action endorsing a Pilot Program is consistent with federal law requiring the FCC only to certify state programs that comply with federal law. This includes a federal mandate to avoid decisions that discourage or impair the development of improved technology to serve TRS consumers. 47 U.S.C. § 225 (d)(2) and (f).

We are pleased to support the proposed pilot and look forward to its implementation so this Commission and the Office of Vocational Rehabilitation can consider how new technologies could further address the communications needs of the deaf, hard of hearing, visually and speech impaired communities. In addition, the proposed pilot will provide valuable knowledge on the costs and benefits of the limited distribution of wireless devices over a two-year period. Further, the proposed pilot will provide information on whether any additional modifications are needed to the TDDP program or, potentially, to the current statutory language.

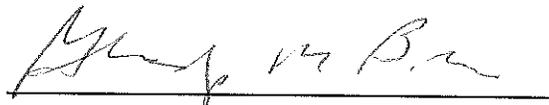
Again, we commend our key partners in recognizing the great potential that new technologies can bring to addressing the communications needs of our deaf, hard of hearing, visually or speech impaired citizens. Therefore, we fully support the proposed pilot program.

July 8, 2015

DATE



PAMELA A. WITMER
COMMISSIONER



GLADYS M. BROWN
CHAIRMAN