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LC03384  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2004**

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- ADAPTIVE TELEPHONE  
EQUIPMENT LOAN PROGRAM COMMITTEE

Introduced By: Representatives Lima, Naughton, Cerra, Handy, and Benson

Date Introduced: May 13, 2004

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 39-23-1 and 39-23-2 of the General Laws in Chapter 39-23  
2 entitled "Adaptive Telephone Equipment Loan Program Committee" are hereby amended to read  
3 as follows:

4           **39-23-1. Committee -- Composition.** -- There is hereby created [within the department of](#)  
5 [human services](#) a permanent committee to be known as the adaptive telephone equipment loan  
6 program committee. This committee shall advise on the program and shall consist of fifteen (15)  
7 members, one of whom shall be from the house of representatives, to be appointed by the  
8 speaker; one of whom shall be from the senate to be appointed by the president of the senate; one  
9 of whom shall be a representative of the telephone company, to be appointed by its chief  
10 executive officer; one of whom shall be a representative of the public utilities commission, to be  
11 appointed by the chairperson of the public utilities commission; and eleven (11) of whom shall be  
12 appointed by the governor as follows: seven (7) consumers, including at least one from each of  
13 the following communities: the hard of hearing or deaf community, the speech impaired  
14 community, and the neuromuscular impaired community; one professional member who shall be  
15 an audiologist, physician or speech pathologist and three (3) members of the general public.

16           **39-23-2. Duties.** -- The duties of the committee shall include but not be limited to  
17 advising on the implementation of the telecommunications device for the impaired distribution  
18 program authorized by section ~~39-2-5~~ [39-1-42\(a\)\(ii\)](#), and providing periodic review of activities,

1 policies, regulations, procedures, programs, and operation of the program.

2 SECTION 2. Section 39-23-5 of the General Laws in Chapter 39-23 entitled "Adaptive  
3 Telephone Equipment Loan Program Committee" is hereby repealed.

4 ~~39-23-5. Confidentiality required. — Each person, firm or corporation providing or  
5 operating any telecommunication device for the hearing impaired — telephone relay program in  
6 accordance with the provisions of section 39-2-5, shall insure the confidentiality of any  
7 conversation relayed between any hearing impaired user and any other person.~~

8 SECTION 3. Section 39-1-42 of the General Laws in Chapter 39-1 entitled "Public  
9 Utilities Commission" is hereby amended to read as follows:

10 ~~39-1-42. Dual party telephone relay service for deaf, hearing impaired and speech  
11 impaired persons. — Access to telephone information services for persons with disabilities. -~~

12 ~~— (a) The public utilities commission shall establish, administer and promote an information  
13 accessibility service that includes:~~

14 ~~(i) a statewide dual party telephone relay service and, through the competitive bidding  
15 process, contract for the administration and operation of such a relay system for utilization of the  
16 telecommunications network by deaf, hard of hearing ~~impaired~~ and speech impaired persons;~~

17 ~~(ii) the adaptive telephone equipment loan program capable of servicing the needs of  
18 persons who are deaf, hard of hearing, severely speech impaired, or those with neuromuscular  
19 impairments for use with a single party telephone line, to any subscriber who is certified as deaf,  
20 hard of hearing, severely speech impaired, or with neuromuscular impairments by a licensed  
21 physician, audiologist, speech pathologist, or a qualified state agency, pursuant to chapter 39-23;  
22 and~~

23 ~~(iii) a telephone access to the text of newspaper programs to residents who are blind,  
24 deaf/blind, visually impaired, or reading impaired with a single party telephone line.~~

25 (b) The commission shall establish, by rule or regulation, an appropriate funding  
26 mechanism to recover the costs of providing this service from ~~the general body of rate payers.~~  
27 each residence and business telephone access line or trunk in the state, including PBX trunks and  
28 centrex equivalent trunks and each service line or trunk, and upon each user interface number or  
29 extension number or similarly identifiable line, trunk, or path to or from a digital network.  
30 Notwithstanding the foregoing, there shall not be any additional funding mechanism used to  
31 charge each residence and business telephone access line or truck in the state, including PBX  
32 trunks and centrex equivalent trunks and each service line or trunk, or upon each user interface  
33 number or extension number or similarly identifiable line, trunk or path to or from a digital  
34 network, to recover the costs of providing the services outlined in (a)(i), (ii) or (a)(iii) above.

1 (c) The commission, with the assistance of the state commission on the deaf and hard of  
2 hearing ~~impaired~~, shall also develop the appropriate rules, regulations and service standards  
3 necessary to implement the provisions of ~~this~~ subsection (a)(i) of this section. At a minimum,  
4 however, the commission shall require, under the terms of the contract, that the relay service  
5 provider:

6 (1) Offer its relay services seven (7) days a week, twenty-four (24) hours a day,  
7 including holidays;

8 (2) Hire only qualified salaried operators with deaf language skills; and

9 (3) Maintain the confidentiality of all communications.

10 (d) ~~The dual party telephone relay service shall be implemented within nine (9) months~~  
11 ~~from June 18, 1991.~~

12 (e) The commission shall collect from the telecommunications service providers the  
13 amounts of the surcharge collected from their subscribers and remit to the department of human  
14 services fifty thousand dollars (\$50,000) annually commencing in fiscal year 2005 for the  
15 adaptive telephone equipment loan program and the telephone access to the text of newspaper  
16 programs. The surcharge referenced hereunder shall be generated from existing funding  
17 mechanisms and shall not be generated as a result of any new funding mechanisms charged to  
18 each residence and business telephone access line or trunk in the state, including PBX trunks and  
19 centrex equivalent trunks and each service line or trunk, or upon each user interface number or  
20 extension number or similarly identifiable line, trunk or path to or from a digital network.

21 SECTION 4. Section 39-2-5 of the General Laws in Chapter 39-2 entitled "Duties of  
22 Utilities and Carriers" is hereby amended to read as follows:

23 **39-2-5. Exceptions to anti-discrimination provisions.** -- The provisions of sections 39-  
24 2-2 -- 39-2-4 shall be subject to the following exceptions:

25 (1) A public utility may issue or give free transportation or service to its employees and  
26 their families, its officers, agents, surgeons, physicians, and attorneys at law, and to the officers,  
27 agents, and employees, and their families of any other public utility.

28 (2) With the approval of the division any public utility may give free transportation or  
29 service, upon such conditions as the public utility may impose, or grant special rates therefor to  
30 the state, to any town, or city, or to any water or fire district, and to the officers thereof, for public  
31 purposes, and also to any special class or classes of persons, not otherwise referred to in this  
32 section, in cases where the same shall seem to the division just and reasonable, or required in the  
33 interests of the public, and not unjustly discriminatory.

34 (3) With the approval of the division any public utility operating a railroad or street

1 railway may furnish to the publishers of newspapers and magazines, and to their employees,  
2 passenger transportation in return for advertising in the newspapers or magazines at full rates.

3 (4) With the approval of the division any public utility may exchange its service for the  
4 service of any other public utility furnishing a different class of service.

5 (5) Nothing in this section nor any other provision of the law shall be construed to  
6 prohibit the giving by any public utility, free or reduced rate service to an elderly person as  
7 defined by the division.

8 (6) Any motor carrier of persons, as defined in chapter 13 of this title, may elect to file a  
9 tariff providing for a rate reduction of twenty-five percent (25%) below its one-way fare tariff  
10 applying to any person who is sixty-five (65) years of age or older and any person assisting and  
11 traveling with a blind passenger who is not required to pay any fare pursuant to the provisions of  
12 section 39-2-13 for bus rides between the hours of ten o'clock (10:00) a.m. and three o'clock  
13 (3:00) p.m. of each day. In such event the reduced fare shall be paid in part by the passenger and  
14 in part by the state. That part of the reduced fare payable by the state shall be one half (1/2) of the  
15 reduced fare adjusted upward to end in the nearest zero (0) or five cents (.05), and that part  
16 payable by the passenger shall be the balance of the reduced fare. Payments by the state under  
17 this section shall be paid monthly under procedures agreed upon by the department of  
18 transportation and the carrier.

19 ~~(7) Nothing in this section nor any other provision of the law shall be construed to~~  
20 ~~prohibit the commission from designing and implementing a program to provide a~~  
21 ~~telecommunications device capable of servicing the needs of the deaf, severely hearing impaired,~~  
22 ~~severely speech impaired, or those suffering from neuromuscular damage or disease for use with~~  
23 ~~a single party telephone line, at no additional charge to the basic exchange rate, to any subscriber~~  
24 ~~who is certified as deaf, severely hearing impaired, severely speech impaired, or suffering from~~  
25 ~~neuromuscular damage or disease by a licensed physician, audiologist, speech pathologist, or a~~  
26 ~~qualified state agency. The commission shall establish a funding mechanism whereby the~~  
27 ~~regulated telephone utilities will impose a monthly surcharge on residential, nonbusiness~~  
28 ~~subscribers until seven hundred and fifty thousand dollars (\$750,000) to fund the adaptive~~  
29 ~~telephone equipment loan program is realized. This program shall be phased in by the~~  
30 ~~commission over a four (4) year period ending June 30, 1987.~~

31 (8) Any person, firm, or corporation or any officer, agent, servant, or employee thereof  
32 who shall violate the provisions of subsection (7) by fraudulently obtaining a telecommunications  
33 device shall, upon conviction, be fined not exceeding five hundred dollars (\$500) or be  
34 imprisoned for a term not exceeding one year.

1           (9) (i) Nothing in this section nor any other provision of the general laws shall be  
2 construed to prohibit the commission from taking actions to enable the state to participate in a  
3 federal communications commission telephone lifeline program. The commission may set a  
4 subscriber funded monthly residence basic exchange lifeline telephone service credit in an  
5 amount not to exceed the federal subscriber line access charge or the monthly basic service  
6 charge, whichever is less, for those persons who receive supplemental social security income  
7 (SSI), aid to families with dependent children (AFDC), general public assistance (GPA), aid from  
8 the Rhode Island medical assistance program, or food stamps issued pursuant to the Food Stamp  
9 Act of 1964 as amended (public law 88-525 and amendments made thereto, 7 U.S.C. section  
10 2011 et seq.), assistance from the low-income home energy assistance program (LIHEAP) as  
11 administered by the department of administration, division of planning, and effective April 1,  
12 1993, assistance from the Rhode Island pharmaceutical assistance program administered by the  
13 department of elderly affairs. The public utilities commission may promulgate regulations to  
14 implement this section. The department of human services and the department of administration,  
15 division of planning shall certify subscriber eligibility for the programs in accordance with public  
16 utilities commission and federal communications commission guidelines.

17           (ii) The department of human services shall report monthly to the governor and to the  
18 house of representatives fiscal advisor the number of persons newly eligible for the lifeline  
19 telephone service credit hereunder solely by virtue of their eligibility to receive food stamp  
20 assistance and the department of administration, division of planning shall, also, report monthly  
21 to the governor and to the house of representatives fiscal advisor the number of persons newly  
22 eligible for the lifeline telephone service credit hereunder solely by virtue of their participation in  
23 the low-income home energy assistance program (LIHEAP).

24           (10) Nothing in this section nor any other provision of the general laws shall be  
25 construed to prohibit any public utility with the approval of the commission, from forgiving  
26 arrearages of any person in accordance with the terms of a percentage of income payment plan  
27 administered by the governor's office of energy assistance for low-income households who are  
28 eligible to receive funds under the federal low income home energy assistance program.

29           (11) Nothing in this section or any other provision of the law shall be construed to  
30 prohibit any utility company from cutting, disconnecting, or removing mains, poles, wires,  
31 conduits, or fixtures free of charge to nonprofit housing development corporations prior to  
32 moving a building to be used as affordable housing for at least a ten (10) year period.

33           (12) Nothing in this section nor any other provision of the general laws shall be  
34 construed to prohibit any telecommunications provider with the approval of the commission,

1 from offering any person, firm or corporation a reduced rate, provided such rate covers all costs.

2 SECTION 5. Chapter 40-9 of the General Laws entitled "Services for People who are  
3 Blind or Visually Impaired" is hereby amended by adding thereto the following section:

4 **40-9-10.1. Telephone access to information programs.** – (a) The department of human  
5 services shall establish, administer and promote an adaptive telephone equipment loan program.  
6 The department of human services with the assistance of the states adaptive telephone equipment  
7 loan program committee, established pursuant to section 39-23-1, shall also develop the  
8 appropriate rules, regulations and service standards necessary to implement the provisions of this  
9 subsection.

10 (b) The department of human services shall establish, administer and promote a program  
11 to provide telephone access to the text of newspaper programs to residents who are blind,  
12 deaf/blind, visually impaired, or reading impaired with a single party telephone line. The  
13 department of human services with the assistance of the state advisory council on the blind shall  
14 also develop the appropriate rules, regulations and service standards necessary to implement the  
15 provisions of this subsection.

16 SECTION 6. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PUBLIC UTILITIES AND CARRIERS -- ADAPTIVE TELEPHONE  
EQUIPMENT LOAN PROGRAM COMMITTEE

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1           This act would provide telephone access to the text of newspapers to residents who are  
2 blind, visually impaired, or reading impaired; would also provide adaptive telephone equipment  
3 capable of servicing the needs of persons who are deaf, hard of hearing, severely speech  
4 impaired, or those with neuromuscular impairments; and would consolidate the disability related  
5 telephone assessments.

6           This act would take effect upon passage.

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