

2009 -- H 5612

LC01845

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION

Introduced By: Representatives Handy, Naughton, Walsh, and Jacquard

Date Introduced: February 25, 2009

Referred To: House Corporations

It is enacted by the General Assembly as follows:

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

3 **39-1-42. Access to telephone information services for persons with disabilities.** -- (a)

4 The public utilities commission shall establish, administer and promote an information
5 accessibility service that includes:

6 (1) A statewide telephone relay service and, through the competitive bidding process,
7 contract for the administration and operation of such a relay system for utilization of the
8 telecommunications network by deaf, hard of hearing and speech impaired persons;

9 (2) The adaptive telephone equipment loan program capable of servicing the needs of
10 persons who are deaf, hard of hearing, severely speech impaired, or those with neuromuscular
11 impairments for use with a single party telephone line, to any subscriber who is certified as deaf,
12 hard of hearing, severely speech impaired, or with neuromuscular impairments by a licensed
13 physician, audiologist, speech pathologist, or a qualified state agency, pursuant to chapter 23 of
14 this title; and

15 (3) A telephone access to the text of newspaper programs to residents who are blind,
16 deaf or blind, visually impaired, or reading impaired with a single party telephone line.

17 (b) The commission shall establish, by rule or regulation, an appropriate funding
18 mechanism to recover the costs of providing this service from each [wireless telecommunications](#)
19 [customer, and each](#) residence and business telephone access line or trunk in the state, including

1 PBX trunks and centrex equivalent trunks and each service line or trunk, and upon each user
2 interface number or extension number or similarly identifiable line, trunk, or path to or from a
3 digital network. Notwithstanding the foregoing, there shall not be any additional funding
4 mechanism used to charge each from each wireless telecommunications customer, and each
5 residence and business telephone access line or truck in the state, including PBX trunks and
6 centrex equivalent trunks and each service line or trunk, or upon each user interface number or
7 extension number or similarly identifiable line, trunk or path to or from a digital network, to
8 recover the costs of providing the services outlined in subsections (a)(1), (2) or (3) above.
9 Wireless telecommunications service providers shall bill their subscribers the surcharge amount
10 established by the commission and each surcharge shall be payable to the telecommunications
11 service providers by the subscriber of the wireless telecommunications services.

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

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

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

19 (3) Maintain the confidentiality of all communications.

20 (d) [Deleted by P.L. 2004, ch. 504, section 3.]

21 (e) The commission shall collect from the telecommunications service providers,
22 including the wireless telecommunications service providers, the amounts of the surcharge
23 collected from their subscribers and remit to the department of human services an additional ten
24 thousand dollars (\$10,000) annually commencing in fiscal year 2005 for the adaptive telephone
25 equipment loan program, ~~and~~ forty thousand dollars (\$40,000) to the department of human
26 services for the establishment of a new telephone access to the text of newspaper programs, and
27 any funding exceeding the one hundred thousand dollars (\$100,000) balance in the relay fund at
28 the close of the fiscal year annually be remitted to the Rhode Island commission on the deaf and
29 hard of hearing for emergency communication programs and public telecommunication access
30 accommodations within the state in accordance with section 23-1.8-4. The surcharge referenced
31 hereunder shall be generated from existing funding mechanisms and shall not be generated as a
32 result of any new funding mechanisms charged to each residence and business telephone access
33 line or trunk in the state, including PBX trunks and centrex equivalent trunks and each service
34 line or trunk, or upon each user interface number or extension number or similarly identifiable

1 line, trunk or path to or from a digital network.

2 SECTION 2. Chapter 23-1.8 of the General Laws entitled "Commission on the Deaf and
3 Hard of Hearing" is hereby amended by adding thereto the following section:

4 **23-1.8-4. Emergency communication and public telecommunication access fund. –**

5 (a) There is established the emergency communication and public telecommunication access fund
6 ("ECPTA fund"), which shall be utilized to create emergency communication and public
7 telecommunication access accommodations for deaf and hard of hearing people, in coherence
8 with subsection 39-1-42(e).

9 (b) The fund shall help to enhance emergency communication system to alert deaf and
10 hard of hearing people to any type of emergencies in the state. The commission shall be required
11 to collaborate with the department of public safety for procedures and enhancements of the
12 emergency communication system as well as other agencies if needed to achieve emergency
13 communication.

14 (c) The fund shall purchase and install public telecommunication access equipment and
15 products at public sites for the deaf and hard of hearing citizens.

16 (d) The commission is authorized to establish, administer and promote its emergency
17 communication and public communication access program.

18 (e) The commission is authorized to make purchases specifically for the ECPTA program
19 and empowered to receive donations and grants from sources including, but not limited to, the
20 federal government, governmental and private foundations, and corporate and individual donors;
21 these donations and grants to be deposited in the ECPTA fund.

22 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION

1 This act would allow wireless telecommunications providers to bill their subscribers for
2 access to telephone information services for people with disabilities. This act would also
3 establish the emergency communication and public telecommunication access fund to create an
4 emergency communication program for the deaf and hard of hearing.

5 This act would take effect upon passage.

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