|  |  |  |
| --- | --- | --- |
|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |

|  |  |
| --- | --- |
|  | Public Meeting held July 8, 2015 |
| Commissioners Present: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Gladys M. Brown, Chairman, Joint Statement | |  | |
| John F. Coleman, Jr., Vice Chairman | |  | |
| James H. Cawley | |  | |
| Pamela A. Witmer, Joint Statement | |  | |
| Robert F. Powelson |  | |
|  |  | |
| Petition of Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania | Docket No. P-2015-2484229 | |
| Pennsylvania Telecommunications Relay Service | Docket No. M-00900239 | |
| Pennsylvania Telecommunications Relay Service – 2015 | Docket No. M-2015-2460700 | |

**ORDER**

**BY THE COMMISSION:**

On May 21, 2015, the Office of Vocational Rehabilitation (OVR), in the Pennsylvania Department of Labor & Industry (L&I), filed the subject Petition and related proposal information with this Commission seeking approval to use monetary support from the Telecommunications Relay Service (TRS) Fund for a two-year wireless Telecommunications Device Distribution Program Pilot project (TDDP Pilot). Notice of the Petition was published in the *Pennsylvania Bulletin*, and comments were filed. This Order approves the request for funding from the TRS Fund for Phase I and Phase II of the TDDP Pilot.

**History**

The Commission initially established certificated traditional relay service and the associated surcharge funding mechanism in 1990 at Docket No. M‑00900239.[[1]](#footnote-1) Rely service was funded by the TRS Fund operating within Pennsylvania to provide adequate and equivalent access to their services by end-user consumers with physical impairments under applicable federal law.[[2]](#footnote-2) Thereafter, Act 34 of 1995, 35 P.S. §§ 6701.1 – 6701.4, codified the operation of relay service and the Commission’s oversight of the TRS Fund and the TRS surcharge mechanism.

Act 34 also established the TDDP which is funded by the TRS Fund.[[3]](#footnote-3) Responsibility for managing the TDDP is vested in OVR. The responsibility for financial disbursements in support of the TDDP program rests with the Commission pursuant to the submission of annual budgets from OVR. Act 174 of 2004, 35 P.S. § 6701.3a, established the Print Media Access System Program (PMASP) that is also funded by the TRS Fund.[[4]](#footnote-4) These statutory provisions are now referred to as the Universal Telecommunications and Print Media Access Act (UTPMAA).[[5]](#footnote-5) The UTPMAA also requires the Commission to report annually on the TRS Fund, the TDDP, and the PMASP to the General Assembly. 35 P.S. § 6701.4. Subsequently, captioned telephone relay service (CTRS) was established in Pennsylvania by contract pursuant to a request for proposals.

Hamilton Relay Inc. (Hamilton Relay),[[6]](#footnote-6) the current certificated traditional relay provider, submits the estimated annual traditional relay minutes of use (MOU) and charges. Hamilton Telecommunications Company (Hamilton Telecommunications),[[7]](#footnote-7) an affiliate of Hamilton Relay, provides CTRS pursuant to a contract with the Commission and submits the estimated annual CTRS MOU. OVR submits the annual TDDP and PMASP budgets. The TRS Fund also covers the TRS Advisory Board activities and Fund Administrator costs. U.S. Bank is the current Fund Administrator.

Local exchange carriers (LECs)[[8]](#footnote-8) submit annual wireline access line counts pursuant to 52 Pa. Code § 63.37(c). The Pennsylvania relay service costs are recovered through a monthly TRS surcharge set by the Commission and assessed by the LECs on wireline residence and business customers. The TRS Fund and the surcharge are reviewed and evaluated at least annually. The 2015 review was conducted at Docket No. M‑2015‑2460700, effective July 1, 2015.[[9]](#footnote-9) Additionally, the Commission’s Bureau of Audits periodically audits the TDDP pursuant to the Memorandum of Understanding between L&I and the Commission at Docket No. M‑00900239F0004.[[10]](#footnote-10)

On May 25, 2015, OVR filed the instant letter Petition and related supporting proposal information seeking Commission approval to use the TRS Fund to conduct a two-year, two-phase TDDP Pilot that would distribute wireless equipment to eligible participants. The proposed TDDP Pilot, also referred to as the Temple Wireless Expansion Initiative (WEI), would be implemented through the Institute of Disabilities at Temple University (Temple University) in its current capacity as Administrator of the TDDP on behalf of OVR. The TDDP Pilot would enable the eligible participants with disabilities to obtain equivalent communication capabilities through the use of appropriate wireless/mobile equipment devices. The WEI Proposal attached to the OVR Petition points out that:

Wireless devices allow individuals with disabilities to:

* Customize devices in a way best suited to their specific commu­nication and access needs;
* Increase communication options, such as facilitating face-to-face communication by translating text to Braille, placing video-based relay calls from any location, and increasing the number of individuals with whom one is able to communicate;
* Use standard wireless telecommunication features such as video chat, instant messaging, and email;
* Take advantage of the numerous features and specialized applica­tions of wireless devices created to assist individuals with disabilities; and
* Receive emergency notifications in “real time”.

OVR Petition, WEI Proposal at 2.

The TDDP Pilot will provide needed data for a potential expansion of the TDDP involving the availability, distribution, and funding of adaptive wireless equipment devices to eligible end-users on a permanent and statewide basis consistent with applicable statutory law.

The OVR Petition and related WEI Proposal point out that, as of 2014, wireless equipment device distribution options for qualified persons with disabilities are available in eleven other states. OVR Petition, WEI Proposal at 2.

Notice of the Petition was served on the statutory advocates and published in the *Pennsylvania Bulletin* on June 13, 2015. 45 *Pa.B.* 2964. Comments were requested from interested persons, to be filed by June 23, 2015.

Comments in support of the TDDP Pilot were received from the Office of Consumer Advocate (OCA); the Honorable Representative Edward C. Gainey, 24th Legislative District; L&I’s Advisory Council for the Deaf and Hard of Hearing (L&I Advisory Council); the Commission’s Pennsylvania TRS Advisory Board (PA TRS Advisory Board); L&I’s Office for the Deaf and Hard of Hearing (ODHH); and the Hearing Loss Association of America Pennsylvania State Office (HLAA-PA). There were no comments in opposition to the overall purpose and substance of the TDDP Pilot.

**Discussion**

In our evaluation of the proposal for a TDDP Pilot to explore accessible wireless options, we are guided by the UTPMAA, which vests administrative oversight of TDDP operations in OVR. *See* 35 P.S. § 6701.3. We are also guided by federal law governing TRS, particularly the prohibition contained in Section 225(d)(2) of the federal Communications Act of 1934 as amended, 47 U.S.C. § 225(d)(2), against discouraging or impairing the development of new technology. However, the Commission has oversight of the TRS Fund, and the Commission’s responsibility in this regard includes ensuring that the TRS Fund is used in a manner consistent with the statutory mandates of the UTPMAA and that it remains fiscally viable and capable of supporting relevant program requirements. This approach is also consistent with Federal Communications Commission (FCC) authority to certify only those states with TRS programs that comply with federal law. Accordingly, we shall not address in detail the proposal relating to operations, such as the selection of pilot participants or the administration of the pilot wireless program.

**A. Petition and Proposal**

The proposed TDDP Pilot would be implemented through Temple University in its current capacity as Administrator of the TDDP on behalf of OVR. The proposed TDDP Pilot would be a two-year pilot project designed to test the availability and use of wireless devices by a limited number of eligible Pennsylvanians with disabilities for a limited timeframe. The related wireless devices would be supported from and distributed to eligible end-users through the existing TDDP.[[11]](#footnote-11)

The TDDP Pilot would, *inter alia*, provide for:

* Recruitment and selection of 60 eligible participants over the two-year, two‑phase project;
* Distribution of selected wireless/mobile devices equipped with appropriate applications and software;
* Outreach, training, surveys, and personal interview evaluation activities;
* Remote system software updating for the distributed wireless devices by an equipment administrator; and
* Monitoring, measurement, and evaluation of the use of these devices and their use.

OVR seeks sufficient funding from the TRS Fund for the relevant costs of the TDDP Pilot, including the costs of the wireless device equipment distribution and the costs for managing the overall TDDP Pilot through its two-year duration.

OVR’s filing estimates that the TDDP Pilot would cost approximately $85,000 for the first year of the TDDP Pilot.[[12]](#footnote-12) Phase I would enroll 30 eligible[[13]](#footnote-13) individuals. Its results would help refine the operation of Phase II, which would also enroll 30 eligible individuals based on slightly different selection criteria and would commence during month eleven of Phase I. Temple University would hold mandatory meetings to explain the pilot and provide training to assist pilot participants. Temple University would conduct case studies and “longitudinal” surveys to assess the needs and trends that surface during the TDDP Pilot.

Participants would incur some costs. Because the TDDP Pilot would cover only the selected equipment, eligible recipients would be responsible for the cost the underlying wireless connectivity service(s) to enable the wireless devices to function.[[14]](#footnote-14) In addition, participants may incur travel expenses associated with program orientation and training. OVR Petition, WEI Proposal at 5.

OVR asserts that the results of the TDDP Pilot should determine the feasibility of an expansion of the TDDP to cover wireless devices for eligible persons in the future. To that end, OVR and Temple University intend to study TDDP Pilot results to ascertain the following:

(a) Will the availability of wireless technologies increase utilization of the program by younger Pennsylvanians?

(b) Will people with disabilities accept the devices “only,” recognizing that providing wireless telecommunication access services to commercial wireless networks may be beyond the scope of the existing legislation?

(c) Will people with disabilities accept “locked” wireless technologies (*e.g.*, with restricted access to telecommunications “apps”)?

(d) Which wireless telecommunications devices and which apps are preferred for telecommunications access and by Pennsylvanians with which disability characteristics?

(e) How will access to these wireless technologies improve access to telecommunications? How frequently and for what purposes will the wireless devices be used?

(f) How much training will people need to use 21st Century wireless technologies?

(g) Are there differences in the usefulness of the program that varies by age? By type of disability?

(h) How much will an expanded program cost (1) on a temporary trial pilot basis; and, (2) on a permanent basis with a wider distribution scope?

OVR Petition, WEI Proposal at 3 and 8-9.

OVR asserts that the quantitative and qualitative analyses resulting from the proposed TDDP Pilot will also assist in determining whether and how the TDDP may need to be permanently expanded to provide statewide availability of wireless devices in the future and also provide guidance as to the relevant costs for any such expansion.

**B. Comments**

As noted above, comments in support of the TDDP Pilot were received from OCA, Representative Gainey, the L&I Advisory Council, the PA TRS Advisory Board, ODHH, and HLAA-PA. Our focus is on those aspects of the comments that relate to funding rather than on the merits of the pilot or statewide wireless accessibility, recognizing that the benefits of wireless accessibility itself are uncontested.

OCA supports the TDDP Pilot approach proposed in the Petition. OCA also “submits based on several references in the [UTPMAA] to the needs 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.” OCA Comments at 2. OCA notes that the UTPMAA provides that the TDDP may not overspend the amount of TRS surcharge dollars allocated and that the TRS may not fund administrative costs of the TDDP. OCA Comments at 3. OCA further states that “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.” OCA Comments at 3. OCA also submits that the proposal is consistent with Section 3011 of the Public Utility Code, 66 C.S. § 3011(6), relating to delivery of technological advances and new services to improve quality of life for Commonwealth residents, and 66 C.S. § 3011(7), relating to provision of telecommunications products and services to improve the quality of life of persons with disabilities. OCA Comments at 4.

Representative Gainey supports the TDDP Pilot because it “will immensely help those eligible Pennsylvanians with disabilities” and “the pilot does not place a financial burden on the existing TRS fund.” He notes that “landline use has declined to the point that funding the TRS adequately without testing the wireless option may threaten [TRS Fund] solvency.” He also states that TDDP Pilot eligible “participants would be responsible to provide the internet connection to use the [wireless] device” and that “the pilot does not budget for these costs nor for travel costs to attend [pilot] meetings.” Gainey Comments at 1. Finally, Representative Gainey asserts that “the Wireless Initiative pilot is within the parameters of the applicable statutory requirements of Title 35, section 6701.2” where the relevant “definition clearly covers the distribution of wireless devices to eligible Pennsylvanians with disabilities under the TDDP, and easily falls under the purpose of the Wireless Initiative pilot project.” Gainey Comments at 2.

The L&I Advisory Council supports the TDDP Pilot and its management by Temple University, asserting that the TDDP Pilot will usher a new and better era of communications capabilities for eligible persons with disabilities in Pennsylvania. The L&I Advisory Council also points out that a “number of states in the Union have already started to distribute wireless devices through their telecommunications device distribution programs,” and that the “proposed pilot project is also compatible with existing and applicable statutory requirements of Pennsylvania law, and its budget would not impose an unreasonable or inequitable burden on the existing TRS Fund mechanism.” L&I Advisory Council Comments at 1-2.

The Commission’s TRS Advisory Board endorses the wireless TDDP Pilot proposal. However, the TRS Advisory Board support for the wireless pilot and its acceptance “that the budgeted funding for the two year Phase One and Phase Two implementation of the trial of the wireless initiative may come from the TDDP Program Fund (which was created by a wireline surcharge)” are predicated on the condition that “any additional funding required either for the pilot program or its full implementation, going forward, be derived from sources other than the wireline surcharge.” TRS Advisory Board Comments at 1-2 (emphasis in the original).

ODHH supports the TDDP Pilot, noting that as of 2014 several other states such as Arkansas, California, Kansas, Kentucky, Maryland, and Wyoming offer wireless devices through their respective device distribution programs. ODHH also states that “the pilot does not place a burden on the existing TRS fund” since “eligible participants, as part of their application to participate, are responsible to provide the internet connection to use the device,” and that the same “participants will not be reimbursed for travel costs to attend” various pilot-related meetings. ODHH also ascertains that the “Wireless Initiative pilot project is fully consistent with the applicable statutory requirements of the Pennsylvania law that governs the operations of the TRS and the TDDP,” and “the statue clearly covers the distribution of wireless devices to eligible Pennsylvanians with disabilities under the TDDP and easily falls under the purpose of the Wireless Initiative pilot project.” ODHH Comments at 1-2, citing to 35 P.S. § 6701.2.

The HLAA-PA supports the TDDP Pilot but notes that the proposed participation criteria could limit eligibility to individuals who are either amplification users or America Sign Language (ASL) users. The HLAA-PA states that the proposed selection criteria for the pilot do not ensure the participation of “individuals with hearing loss who are unable to understand a voice phone but do not use ASL.” The HLAA-PA requests that the selection be revised to “ensure that this population is sufficiently represented.” HLAA-PA Comments at 1.

**C. Analysis**

We recognize that there is universal support among the commenters regarding the merits of a TDDP Pilot and the desire for statewide access to wireless technologies, communications, and devices by eligible persons with disabilities. We also recognize that federal authority over TRS mandates its availability within a state, and that federal certification of such programs requires corresponding compliance with federal requirements. These requirements include a prohibition on actions that discourage or impair the technology providing TRS. The overall TRS program serves the public interest, and our actions are designed to ensure that it continues to be consistent with Section 225(d)(2), 47 U.S.C. § 225(d)(2), of federal law and be compliant with the certification requirements under Section 225(f), 47 U.S.C. § 225(f). We commend L&I, OVR, and Temple University in their efforts to continuously refine their policies for increased access to wireline and wireless telecommunications services and networks by persons with disabilities under Pennsylvania and federal law. Previously, L&I recognized that certain technical issues had arisen with the increased use of access lines and networks that are Internet Protocol (IP) based by persons with disabilities.[[15]](#footnote-15) Therefore, on July 9, 2014, this Commission issued an advisory letter to L&I authorizing funding from the TRS Fund for TDDP distribution of IP-enabled wireline devices to eligible end-users.

The first prong of our analysis is whether the proposed TDDP Pilot distribution of wireless devices is consistent with the applicable statutory mandates.

Telecommunications relay service is statutorily defined as:

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 telecommunication device or other nonvoice terminal device and an individual who does not use such a device.

35 P.S. § 6701.2.

A telecommunications device is statutorily defined as:

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.

35 P.S. § 6701.2.

We believe that the proposed wireless TDDP Pilot fits within these definitions. First, the statutory terms “[t]elephone transmission services that provide the ability for a person with a disability to engage in communication by wire or *radio*” and “[e]quipment necessary for a person with a disability to engage in communication by wire or *radio*” clearly encompass wireless communications and the TDDP availability of wireless equipment devices enabling such communications for eligible persons with disabilities. Second, the majority of the commenting parties explicitly acknowledge that the scope of the proposed wireless TDDP Pilot is within the applicable statutory parameters of the UTPMAA, and we fully agree with this premise. Furthermore, the TDDP Pilot is entirely consistent with applicable federal law.

Consistent with our statutory responsibilities, and federal law, the second prong of our analysis concerns the necessary and requested TRS Fund financial disbursements for implementing the proposed wireless TDDP Pilot. The TDDP Pilot is projected to cost approximately $85,000 for the 30 participants in Phase I. The Petition does not specify an anticipated budget for Phase II. Based on the similarity to Phase I, we have extrapolated that Phase II is likely to cost approximately $90,000. As Phase I progresses, the anticipated Phase II costs will become clearer and can be communicated to this Commission through the annual budget submissions by L&I as explained previously.

We believe, based on our review of the current balance and budget requests for the TDDP Fund, which is a subaccount within the TRS Fund, that neither of these sums would impair the solvency of the TRS Fund on a one-time basis. The TDDP portion of the TRS Fund has an appropriate monetary reserve that is sufficient to absorb the projected implementation cost of the proposed wireless pilot.[[16]](#footnote-16) Accordingly, we shall approve TRS funding for the TDDP Pilot program for actual costs up to $85,000 for Phase I and up to $90,000 for Phase II. In the event that either phase overruns its cost estimate, OVR will have several options: to petition this Commission for additional TRS funding, which is not guaranteed; to curtail the scope of the pilot program to stay within the approved funding; or to find alternate funding.

In order to fulfill our responsibility for oversight of the TRS Fund, further the public interest in this program, and ensure compliance with federal law, we shall require monthly billing detailing the costs incurred. OVR shall submit detailed monthly bills for costs incurred for the TDDP Pilot to Commission staff in a manner that follows the current TDDP bill payment procedures. Commission staff will submit TDDP Pilot bills for payment in the same manner in which TDDP bills are currently paid. TDDP Pilot expenses will be subject to the Memorandum of Understanding between L&I and the Commission.

We administratively note that the FCC has the National Deaf-Blind Equipment Distribution Program (NDBEDP) through which it supports programs “that distribute communications equipment to low-income individuals who are deaf-blind.”[[17]](#footnote-17) We also note that through the 2015-2016 NDBEDP fund allocations, $321,594 is being distributed to Temple University.[[18]](#footnote-18) We hereby encourage OVR and Temple University to seek, obtain, and utilize available federal funding sources under applicable federal law, regulations, or administrative agency decisions that may partially defray or otherwise minimize the monetary disbursements required from the TRS Fund for the implementation of the proposed wireless TDDP Pilot.

Certain commenting parties have addressed issues pertaining to the future funding of TDDP wireless device availability on a permanent and statewide basis from the TRS Fund. We are fully cognizant of these issues but will not address them at this time. Rather, we will address them in due course in collaboration with OVR and Temple University. For now, we agree with the commenting parties that the public benefits accruing to eligible participants under the proposed wireless TDDP Pilot will promote the public interest and satisfy our federal obligation to provide adequate and equivalent access to communications access for Pennsylvanians with disabilities. We believe that this Commission possesses the necessary administrative flexibility to deal with these matters and to seek timely and appropriate legislative changes if and when such changes become necessary.

**Conclusion**

We shall authorize funding from the TRS Fund for the TDDP Pilot to be at actual costs up to $85,000 for Phase I and actual costs up to $90,000 for Phase II, consistent with this Order; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition of the Department of Labor and Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania is granted consistent with this Order.
2. That funding from the Telecommunications Relay Service Fund for the actual costs of the Telecommunications Device Distribution Program Pilot, as proposed by the Department of Labor and Industry, Office of Vocational Rehabilitation, be approved, consistent with this Order.
3. That the Office of Vocational Rehabilitation shall submit detailed monthly bills for costs incurred for the Telecommunications Device Distribution Program Pilot to Commission staff, consistent with current Telecommunications Device Distribution Program bill payment procedures.
4. That Commission staff shall submit the Telecommunications Device Distribution Program Pilot bills for payment in the same manner in which Telecommunications Device Distribution Program bills are currently paid. Telecommunications Device Distribution Program Pilot expenses will be subject to the Memorandum of Understanding at Docket No, M-00900239F0004 between the Department of Labor & Industry and the Commission.
5. That the Office of Vocational Rehabilitation, the Department of Labor and Industry, and the Institute of Disabilities at Temple University as Administrator of the Telecommunications Device Distribution Program are hereby advised to seek, obtain, and utilize available federal funding sources under applicable federal law, regulations, or administrative agency decisions to the extent that those resources further this Telecommunications Device Distribution Program Pilot and ensure our compliance with state and federal law.
6. That the Commission’s contact for technical issues relating to this proceeding is the Bureau of Technical Utility Services and the Commission’s contact for legal and procedural issues are the Law Bureau and the Office of Special Assistants, and their properly and respectively designated Staff members and their successors.
7. That no later than eighteen (18) months from the start of this pilot, the Office of Vocational Rehabilitation shall file an interim report to the Commission, at this docket, evaluating the Telecommunications Device Distribution Program Pilot at that time and making recommendations for actions to be taken at the conclusion of the Telecommunications Device Distribution Program Pilot.
8. That, within sixty (60) days of the receipt of the Office of Vocational Rehabilitation report, the Law Bureau, in consultation with other Commission Staff Bureaus and Offices, shall submit a report to the Commission containing recommendations on the Telecommunications Device Distribution Program Pilot including any recommendations proposed by the Office of Vocational Rehabilitation.
9. That a copy of this Order be published in the *Pennsylvania Bulletin* and also served upon the Department of Labor and Industry Office of Vocational Rehabilitation, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission’s Bureau of Investigation and Enforcement, the Honorable Representative Edward C. Gainey, the Department of Labor and Industry Advisory Council for the Deaf and Hard of Hearing, the Commission’s Pennsylvania Telecommunications Relay Service Advisory Board, the Department of Labor and Industry Office for the Deaf and Hard of Hearing, and the Hearing Loss Association of America Pennsylvania State Office.

**BY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: July 8, 2015

ORDER ENTERED: July 8, 2015

1. *See generally Petition of the Pennsylvania Telephone Association Requesting The Commission to Approve Implementation Of Pennsylvania Relay Service for the Deaf, Hearing and/or Speech Impaired Community within the Commonwealth of Pennsylvania, et al.*, Docket No. M-00900239 *et al.*, Orders entered May 29 and July 9, 1990 (collectively 1990 TRS Order), also cited at 35 P.S. § 6701.4(c). *See also* 52 Pa. Code § 63.37, operation of the TRS system and relay service fund, and 47 U.S.C. § 225, telecommunications services for hearing-impaired and speech-impaired individuals. [↑](#footnote-ref-1)
2. Federal Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.* [↑](#footnote-ref-2)
3. TDDP provides equipment to enable eligible low-income persons to use telecommunications relay services. The statute was amended by Act 181 of 2002 to be more inclusive of persons with disabilities by expanding the definition of “persons with a disability” to include all disabilities that prevent a person from using standard telecommunications equipment. [↑](#footnote-ref-3)
4. PMASP is a newspaper reading service for persons with certain vision and physical disabilities. Administrative responsibility is vested in OVR. The Commission is responsible for the financial disbursements supporting this program under relevant OVR budgetary submissions. [↑](#footnote-ref-4)
5. *See* 35 P.S. § 6701.1, <https://govt.westlaw.com/pac/Browse/Home/Pennsylvania/UnofficialPurdonsPennsylvaniaStatutes?guid=N91371959FC024254BFBC72C46E89937C&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)>. [↑](#footnote-ref-5)
6. *See* *Application of Hamilton Relay*, Docket No. A‑2014‑2447601 (December 4, 2014). [↑](#footnote-ref-6)
7. *See* RFP-2012-2, Bp8 = 2304702 (May 24, 2012). [↑](#footnote-ref-7)
8. LECs include incumbent and competitive wireline local exchange carriers. The term does not include wireless carriers. [↑](#footnote-ref-8)
9. *See*, *e.g.*, M-2014-2399129, eff. July 1, 2014; M-2013-2341301, eff. July 1, 2013; M‑2012-2281401, eff. July 1, 2012; M-2011-2218783, eff. July 1, 2011, and M-2010-2151504, eff. July 1, 2010. [↑](#footnote-ref-9)
10. *See* concurrent release of *A Report on the Telecommunications Device Distribution Program and Print Media Access System Program Audits for the Twelve Months Ended June 30, 2013 and June 30, 2012*, Docket No. D‑2014‑2406981. [↑](#footnote-ref-10)
11. *See generally* 35 P.S. § 6701.3. [↑](#footnote-ref-11)
12. The budget table in the WEI Proposal discloses a projected outlay requirement of $83,233.38 for “Grant Year 1” or Phase I of the TDDP Pilot. [↑](#footnote-ref-12)
13. The criteria for eligibility in the TDDP pilot are those that are statutorily mandated at 35 P.S. § 6701.3. [↑](#footnote-ref-13)
14. The WEI Proposal explicitly states: “Individuals [TDDP Pilot participants] will need to describe how they will access wi-fi service (in their home or in the community e.g., public library) and understand that the program will not pay for such wireless access services.” OVR Petition, WEI Proposal at 8. [↑](#footnote-ref-14)
15. Pennsylvania Public Utility Commission, *Telecommunications Device Distribution Program (TDDP), Distribution of Internet Protocol Enabled Devices through Office of Vocational Rehabilitation*, Advisory Letter to the Honorable Julia K. Hathaway, Secretary, Department of Labor and Industry, July 9, 2014. [↑](#footnote-ref-15)
16. 2014 Annual Report pursuant to the UTPMAA to the General Assembly, dated October 1, 2014, <http://www.puc.pa.gov/Telecom/pdf/TDD_Program_Legis_Rpt2014.pdf>. [↑](#footnote-ref-16)
17. *In re Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, CG Docket No. 10-210, (FCC, Rel. May 27, 2015), Order, FCC 15‑57, ¶ 1, at 1. [↑](#footnote-ref-17)
18. FCC Public Notice, *Consumer and Governmental Affairs Bureau Announces 2015-2016 Allocation for the National Deaf-Blind Equipment Distribution Program*, June 22, 2015, DA 15-722, at 3. [↑](#footnote-ref-18)