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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 5th
day of August, 1999.

In the Matter of an Investigation to)
Implement a Statewide Telecommunications)
Equipment Distribution Program for Individuals) Case No. TO-97-16
Unable to Use Traditional Telephone Equipment)
Due to Disability.)

ORDER DENYING MOTION TO CLOSE CASE

On July 23, 1999, the Staff of the Public Service Commission (Staff) filed a motion requesting that the Commission close this case.

In 1996 the Missouri Legislature passed Senate Bill 525, which was subsequently codified as Section 209.253, RSMo Supp. 1998. That legislation required the Public Service Commission to:

initiate an investigation to determine the most beneficial and cost-effective method to implement the provision of a statewide telecommunications equipment distribution program making available reasonable access to telephone service for eligible subscribers who are unable to use traditional telephone equipment due to disability.

The Commission created the mandated equipment distribution program and named it the Adaptive Telephone Equipment Program (ATEP). Subsequently, the Commission found that ATEP could be best administered by the Department of Labor and Industrial Relations (DOLIR).

Effective November 1, 1998, ATEP was transferred to DOLIR through a Memorandum of Understanding between the Commission and DOLIR. The Memorandum of Understanding provided that the Commission would rescind its orders by which the ATEP program was established and that DOLIR would

set the parameters of the program. The Commission was to issue its order rescinding its previous orders when DOLIR had regulations or internal procedures in effect to administer the program or on March 15, 1999, whichever was sooner. On February 17, 1999, the Commission issued such an order following the issuance of rules by DOLIR that allow it to administer the program.

While DOLIR is currently administering the ATEP program under its own regulations, Section 209.253, RSMo Supp. 1998, still places responsibility for the program on the Commission. The Memorandum of Understanding between the Commission and DOLIR provides that the two agencies will jointly propose legislation in the 2000 legislative session to transfer the ATEP program from the Commission to DOLIR. However, until such legislation is enacted, it is necessary to keep this file open to allow the Commission to monitor its continued statutory responsibility for the ATEP program.

IT IS THEREFORE ORDERED:

1. That Staff's Motion to Close Case is denied.
2. That this order shall become effective on August 17, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Woodruff, Regulatory Law Judge

