

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 20th  
day of June, 1997.

In the Matter of an Investigation to Implement )  
a Statewide Telecommunications Equipment Dis- ) CASE NO. TO-97-16  
tribution Program for Individuals Unable to Use )  
Traditional Telephone Equipment Due to Disability. )

ORDER IMPLEMENTING EQUIPMENT DISTRIBUTION  
PROGRAM FOR THE DISABLED

In 1996 the Missouri General Assembly passed Senate Bill No. 525, which mandated the establishment of a statewide telecommunications equipment distribution program (EDP Program) for individuals unable to use traditional telephone equipment because of a disability. The Commission issued an order on July 26, 1996 which opened this docket and established an Equipment Distribution Program Task Force (Task Force). The Task Force completed its investigation and made its recommendation to the Commission in a written report filed on December 28, 1996.

On February 28, 1997, the Commission issued its Order Establishing Equipment Distribution Program for the Disabled. The Commission's order selected Sprint Communications Company L.P. (Sprint) as the program administrator; defined "eligible subscriber," "reasonable access to telephone service," "basic telephone access line," and "traditional telephone equipment"; and mandated the establishment of an appeals process, an advisory committee, and a competitive information for bid (IFB) process regarding equipment vendors. The order further directed the Staff of the Commission (Staff) to report its recommendations regarding the modification of the Sprint contract and the IFB process to the Commission no later than April 8, 1997. Staff provided the Commission with

the necessary information as directed, and the Sprint contract has been modified and the IFB process has been established. The order also directed Staff to report its recommendations to the Commission on the remaining issues no later than June 3, 1997. The remaining issues may be summarized as follows:

(1) Staff is directed to review the Task Force's sample application form and make recommendations for any necessary changes which will simplify the application process and make the form as user-friendly as possible for those in the disabled community;

(2) Staff is directed to make a recommendation on internal procedures for processing appeals;

(3) As part of its recommendation for an appeals process, Staff should include either a sample Request for Appeal form or a list of necessary information which must be provided to the Commission by the Applicant in order for the appeal to be properly processed;

(4) Staff is directed to make a recommendation on the composition and function of the Advisory Committee.

Staff filed its recommendation on the remaining EDP program issues on June 3.

The Commission has reviewed the applicable statutory provisions, the report of the task force, the Commission's previous orders in this case, and Staff's recommendation. The Commission finds that Staff's recommendations, on the whole, are reasonable and appropriate. The Commission initially finds that the EDP Program should be given a more descriptive name to avoid confusion during outreach efforts. The Commission finds that the name "Adaptive Telephone Equipment Program" (ATEP) will be more descriptive of the purpose of the program than the current name "Equipment Distribution Program." Thus the Commission will refer to the program as the ATEP Program in the remainder of this order.

Staff has attached as Attachment B to its recommendation a sample application form, along with a sample certification form to be used by the certifying authority. The Commission has reviewed the forms and has made very minor modifications thereto. The Commission finds that the sample forms as modified are adequately user-friendly. The sample application form refers to an ATEP brochure, which explains the program. Although the brochure was not included in Staff's recommendation, the Commission has been provided with a copy of Staff's proposed brochure, and finds that the brochure answers the most basic questions about the ATEP Program in an easy-to-understand format. The Commission will adopt the application form, certification form, and brochure, as modified, for use with the ATEP Program. The application form, certification form, and brochure are attached to this order as Attachments 1, 2 and 3, respectively.

Staff also proposed in its recommendation a procedure for processing appeals, including a list of necessary information which must be provided to the Commission by the applicant in order for the appeal to be properly processed. Staff indicates that the information needed for processing an appeal includes a copy of the rejected application form, the program administrator's rejection information, and a written explanation of the applicant's needs. Using this information as a starting point, the Administrative Law Judge (ALJ) to whom this case is assigned, in conjunction with Staff, developed a proposed "Notice of Appeal" form. The Commission has been provided with a copy of the proposed Notice of Appeal form. The Commission finds that the proposed form will adequately elicit the information necessary to process an appeal. The Commission will adopt the Notice of Appeal form for use with the ATEP Program. The Notice of Appeal form is attached to this order as Attachment 4.

The Commission further finds that the appeals procedure outlined by Staff is insufficiently specific, and that a formal Internal Procedure (IP) should be adopted. The Commission will direct the Executive Secretary of the Commission, in conjunction with Staff, to draft for the Commission's consideration an IP for the processing of appeals under the ATEP Program. Nevertheless, the Commission can set some parameters for the appeals process at this time. The program administrator is directed to send a Notice of Appeal form, along with instructions, a copy of the rejected application, and a written explanation of the reason for the rejection, to any applicants whose applications are rejected. Those applicants whose applications are rejected can appeal directly to the Commission by mailing a completed Notice of Appeal form, along with accompanying documentation, to the address provided in the instructions. The Commission will notify the appealing applicant and the program administrator of its decision in writing 60 days from receipt of a complete appeal file.

The Commission finds that an Advisory Committee should be established for the ATEP Program. The Advisory Committee shall act as a source of information to the ATEP program administrator, and shall make recommendations to the Commission on various matters. However, the Advisory Committee will not supervise the work of the ATEP program administrator, nor will the program administrator be answerable to the Advisory Committee. The Advisory Committee will address certain policy issues which may arise from time to time and which are within the Advisory Committee's functions. Those functions include the following:

- (1) To plan and propose to the Commission an outreach effort designed to educate the disabled community about the existence of the ATEP program;

(2) To recommend to the Commission agencies for Commission certification as "qualified state agencies";

(3) To give advice regarding the appropriateness of equipment requests;

(4) To provide when requested information to the Commission or its Staff which may assist the Commission in the processing of appeals;

(5) To provide suggestions to the Commission for prospective Advisory Committee members when vacancies on the Committee occur;

(6) To serve other functions as may be determined by the Commission, which will assist it and the program administrator in the operation of the ATEP Program.

The Commission finds that the ATEP Advisory Committee shall initially have 15 voting members, comprised of the following individuals:

<u>Representative</u>	<u>Term of Service</u>
1) Office of the Public Counsel - Barbara Meisenheimer	Permanent
2) Public Service Commission - Laura Anson	Permanent
3) Public Service Commission - Charlie Brown	Permanent
4) ATEP Administrator Representative - to be named later	Permanent
5) Telecommunications Company - Larry Harrington, Stoutland	3 years
6) Telecommunications Company - Carolyn Little, GTE	2 years
7) Certifying Authority - Debra Goffinet, Audiologist, Columbia	3 years
8) Tom Basteau - a private citizen from Fulton, who is Principal of the Missouri School for the Deaf	3 years
9) Pat Adams - a private citizen from Fulton	2 years
10) Dick Hosty - a private citizen from Columbia	1 year
11) Marion Trimble - Southwest Center for Independent Living Center, Springfield	1 year
12) Jean Galloway - Midland Empire Resource for Independent Living (MERIL), St. Joseph	2 years
13) Ken Emmons - Missouri Council for the Blind, Cape Girardeau	1 year

- 14) Jim Jordan - a private citizen from Kansas City 3 years
- 15) Russell Ewell - a private citizen from St. Louis 2 years

The above list of individuals represent a cross-section of the stakeholders in the ATEP Program, including individuals with disabilities, representatives of organizations for people with disabilities, representatives of local exchange telecommunications companies, a representative of the ATEP program administrator, and representatives of the Office of the Public Counsel (OPC) and the Public Service Commission. The Commission determines that the representatives from OPC, the Commission, and the ATEP program administrator shall be permanent members of the Advisory Committee, while the remaining members shall serve staggered terms, as indicated above, with vacancies to occur each year.

In addition, the Commission will appoint an attorney from the General Counsel's office to assist the Advisory Committee. Further, the Commission will appoint the Relay Missouri Account Manager to act as liaison between the ATEP Advisory Committee and the Relay Missouri Advisory Committee. These two appointees will be nonvoting members of the Advisory Committee. As vacancies on the Advisory Committee occur, the Commission welcomes suggestions for prospective members from the Advisory Committee, Staff, other agencies and organizations, or individuals.

The Commission determines that because the ATEP Advisory Committee is being appointed under the authority of the Commission, it will be required to abide by the Open Meetings Law and other rules governing the operation of state governmental agencies. The Advisory Committee shall meet at least quarterly, and shall establish proposed bylaws for Commission approval. The Commission determines that the first meeting of the Advisory Committee shall take place within 30 days from the date of this order. The Commission further finds that it would be appropriate for members of the

Advisory Committee to be reimbursed for their reasonable travel expenses to the same extent that would apply to a Commission employee, and that the travel expenses should be paid from the Deaf Relay Service and Equipment Distribution Program Fund.

The Commission finds that the approved application form, certification form, brochure, and appeals form should be provided to the ATEP program administrator as soon as possible. The ATEP program administrator is directed to commence operation of the ATEP Program beginning July 1, 1997. Additionally, the Commission is of the opinion that the Commission's Information Officer should provide notice of the implementation of the ATEP Program to news media throughout the State.

**IT IS THEREFORE ORDERED:**

1. That the Equipment Distribution Program shall be renamed the Adaptive Telephone Equipment Program (ATEP).

2. That the forms attached to this order as Attachments 1, 2, 3, and 4 are hereby approved for use in conjunction with the Adaptive Telephone Equipment Program.

3. That the Executive Secretary of the Commission, in conjunction with Staff, shall draft a formal Internal Procedure (IP) for the processing of appeals under the Adaptive Telephone Equipment Program.

4. That the Adaptive Telephone Equipment Program administrator is directed to send a Notice of Appeal form, along with instructions, a copy of the rejected application, and any rejection information which the program administrator wishes to include, to all applicants whose applications are rejected.

5. That an Adaptive Telephone Equipment Program Advisory Committee is hereby established and is charged with the responsibilities contained in the body of this order.

6. That the individuals listed in the body of this order shall be appointed to the Adaptive Telephone Equipment Program Advisory Committee, and shall serve for the terms designated. In the event a particular individual is unable to serve, the Advisory Committee shall promptly inform the Commission so that a replacement can be appointed.

7. That Carol Keith of the Commission's Office of General Counsel is appointed as a nonvoting member of the Adaptive Telephone Equipment Program Advisory Committee to assist the Advisory Committee.

8. That the Relay Missouri Account Manager is appointed as a nonvoting member of the Adaptive Telephone Equipment Program Advisory Committee to act as liaison between the Adaptive Telephone Equipment Program Advisory Committee and the Relay Missouri Advisory Committee.

9. That the Adaptive Telephone Equipment Program Advisory Committee shall meet at least quarterly, and shall establish proposed bylaws for Commission approval.

10. That the first meeting of the Adaptive Telephone Equipment Program Advisory Committee shall take place within thirty days of the date of this order.

11. That members of the Adaptive Telephone Equipment Program Advisory Committee shall be reimbursed for their travel expenses as described in the body of this order.

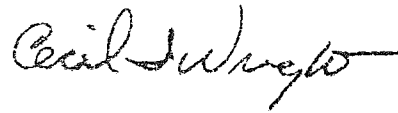
12. That the program administrator is directed to commence operation of the Adaptive Telephone Equipment Program beginning July 1, 1997.

13. That the Information Officer of the Missouri Public Service Commission is directed to send notice as set forth in the body of this order.



14. That this order shall become effective on June 30, 1997.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Cecil I. Wright", with a long horizontal flourish extending to the right.

Cecil I. Wright  
Executive Secretary

(S E A L)

Zobrist, Chm., Crumpton,  
Lumpe, Murray and Drainer,  
CC., Concur.

ALJ: Bensavage

# State of Missouri - Adaptive Telephone Equipment Program - Application

This program provides adaptive telephone equipment necessary to access basic telephone service to people certified as unable to use a traditional telephone because of a disability. If you have questions about the program or this application, call Sprint at 1-800-676-3777. Mail this Application and a Certification of Inability to Use Traditional Telephone Equipment to:

**Adaptive Telephone Equipment Program - P.O. Box 460501 - St. Louis, MO 63146.**

**We must have some information about you.** Please, fill in as many as you can. This information will be used only for this program.

Name: \_\_\_\_\_  
Last First MI

Mailing Address: \_\_\_\_\_  
Street or P.O. Box

City County MO Zip Code

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Driver's License Number: \_\_\_\_\_

Telephone Number: ( ) - (Daytime) ( ) - (Evening)

**Check all of the reasons that you cannot use a regular telephone:**

- |  |   |
|--|---|
| <input type="checkbox"/> I am Deaf and do not speak.                           | <input type="checkbox"/> I am Deaf and Blind.                             |
| <input type="checkbox"/> I can hear, but I cannot speak.                       | <input type="checkbox"/> I can speak, but I cannot hear.                  |
| <input type="checkbox"/> I am hard of hearing.                                 | <input type="checkbox"/> I am a late deafened adult.                      |
| <input type="checkbox"/> I am unable hold the telephone receiver.              | <input type="checkbox"/> I have trouble dialing the telephone.            |
| <input type="checkbox"/> I am unable get to the phone before it stops ringing. | <input type="checkbox"/> I am unable to see the buttons on the telephone. |

Other: \_\_\_\_\_

**Do you know what adaptive telephone equipment you need?**

☐ Yes. I need the following equipment: \_\_\_\_\_

☐ No. I do not know what equipment I need.

**So the Adaptive Telephone Equipment Distribution Program can work, make sure you have done the following:**

- |   |     |    |
|---|-----|----|
| Did you read, or did someone read to you, the Adaptive Telephone Equipment Program brochure? (Failure to follow the instructions in the brochure may delay your application.) | Yes | No |
| Do you understand the Adaptive Telephone Equipment Program brochure?  | Yes | No |
| Do you understand that you must have an Adaptive Telephone Equipment Certification form signed by your doctor, speech pathologist, audiologist, or a qualified State Agency?  | Yes | No |
| Do you understand that your Adaptive Telephone Equipment Program Certification form must be attached to this form, or already be in our files?                                | Yes | No |
| Do you understand that it will be your responsibility to maintain and repair any equipment that you receive?  | Yes | No |
| Do you understand that we must keep information about you and your equipment, and that that information will be used <b>only</b> by the Adaptive Telephone Equipment Program? | Yes | No |

**I certify that these statements are true and correct to the best of my knowledge. I understand that any deliberate fraud, lying, or misuse of this program will result in legal action taken by the State of Missouri against me.**

Applicant's Signature

Date

This form is the property of the Adaptive Telephone Equipment Program c/o the Missouri Public Service Commission. Voucher No. \_\_\_\_\_

# State of Missouri - Adaptive Telephone Equipment Program

## Certification of Inability to Use Traditional Telephone Equipment

The purpose of Adaptive Telephone Equipment Program is to purchase adaptive telephone equipment for individuals who are unable to place or receive voice telephone calls using traditional telephone equipment because of a disability. The Adaptive Telephone Equipment Program will purchase the piece, or pieces, of adaptive telephone equipment when the cost, or combined cost, exceeds \$50.00 before taxes. An individual applying for adaptive telecommunications equipment through this program must be certified as unable to use traditional telephone equipment because of disability by a physician, speech pathologist, audiologist, or qualified state agency. Traditional telephone equipment is equipment which enables a user to reach and use a basic telephone access line, and which costs less than \$50.00, exclusive of taxes. A basic telephone access line enables a user to make and receive local and long distance phone calls from the user's premises.

If you have any questions about the Adaptive Telephone Equipment Program or this Certification of Inability to Use Traditional Telephone Equipment, call Sprint at 1-800-676-3777.

I certify that \_\_\_\_\_ is unable to use traditional telephone equipment because of a  
Applicant's Name (Print or type)  
disability, or disabilities, must use adaptive telephone equipment to use a basic telephone access line.

\_\_\_\_\_  
Certifying Authority's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Certifying Authority's Name (Typed or printed)

By what authority are you certifying this applicant?

\_\_\_\_\_ Physician  
State in which you are licensed: \_\_\_\_\_

License Number: \_\_\_\_\_

\_\_\_\_\_ Speech Pathologist  
State in which you are licensed: \_\_\_\_\_

License Number: \_\_\_\_\_

\_\_\_\_\_ Audiologist  
State in which you are licensed: \_\_\_\_\_

License Number: \_\_\_\_\_

\_\_\_\_\_ Qualified State Agency Approved By Missouri Public Service Commission  
Agency name: \_\_\_\_\_

\_\_\_\_\_  
For official use only:

Adaptive  
Telephone  
Equipment  
Program

for the Citizens of the State of Missouri

Informational Brochure

Converse Communications Corporation  
Sprint  
Missouri Public Service Commission

## **What is the Adaptive Telephone Equipment Program?**

The Missouri 88th General Assembly passed legislation to establish the Adaptive Telephone Equipment Program. The program is to provide adaptive telephone equipment to people with disabilities who are unable to use "traditional" telephones to make and receive voice telephone calls.

## **Who is eligible?**

Any person who has a disability that prevents him or her from using a "traditional" telephone is eligible. A traditional telephone is defined as equipment which allows the person to place and receive voice telephone calls and costs, before taxes, less than \$50.00. Any person who is Deaf, Hearing Impaired, Speech Impaired, Blind, Deaf-Blind, or Mobility Impaired and can not use a traditional telephone is eligible. The law that established this program requires the person applying for equipment be certified as unable to use a traditional telephone. Any person applying for equipment must have a written certification from a physician, speech pathologist, audiologist, or a qualified state agency.

### **What if my disability changes and I need different equipment?**

If your disability changes, and the equipment you received no longer enables you to make or receive telephone calls, you may apply for different equipment. Complete a new Adaptive Telephone Equipment Program Application and send it to the same address.

### **What if my equipment is stolen?**

If your equipment is lost or stolen, you may apply to have the equipment replaced. Complete a new Adaptive Telephone Equipment Program Application and send it to the same address. Include a letter explaining what happened to your equipment.

### **Will the Adaptive Telephone Equipment Program decide what equipment I need?**

The purpose of the Adaptive Telephone Equipment Program is to purchase the equipment for you. However, we can not assess your needs for you. If you are unsure what equipment is best for you, contact your physician, speech pathologist, audiologist, or qualified adaptive equipment professional for assistance. When you are sure what equipment you need, then apply to this program.

### **How do I apply?**

To apply, you must do all of these:

1. You fill in and sign the Adaptive Telephone Equipment Program Application. Answer as many questions as you can. We must know your address, your disability or disabilities, and what equipment you need. If you do not know what equipment you need, we will try to inform you of someone who can help you decide what equipment you need. We also want to make sure you have read this brochure and understand the important parts of this program. A copy of the Adaptive Telephone Equipment Program Application is included in this brochure.

**State of Missouri - Adaptive Telephone Equipment Program**  
**Notice of Appeal - No. \_\_\_\_\_**

I applied to the Missouri Adaptive Telephone Equipment Program for adaptive telephone equipment. I have a disability which makes me unable to place or receive voice telephone calls at my premises using traditional telephone equipment. The Program Administrator rejected my application. I wish to appeal the rejection of my application. (Please print information below.)

My name is: \_\_\_\_\_ My address is: \_\_\_\_\_  
\_\_\_\_\_. My phone number is: \_\_\_\_\_.

I understand that the Missouri Public Service Commission needs the following information to make a decision on my appeal:

- \_\_\_\_\_ A copy of my rejected application
- \_\_\_\_\_ A copy of the information the Program Administrator sent to me when my application was rejected
- \_\_\_\_\_ A written explanation of my needs. You may use the space provided here, or you may enclose a separate letter or statement.

I believe I qualify for the Adaptive Telephone Equipment Program because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have enclosed all of the above information with this Notice of Appeal.

I understand that my appeal will be reviewed by the Public Service Commission and the Commission will either reverse the decision of the Program Administrator and allow my application to be processed, or will uphold the decision of the Program Administrator. The Commission will notify me in writing of its decision 60 days after it receives a completed Notice of Appeal from me, including the information listed above. The 60 days does not begin until the Commission receives the completed Notice of Appeal. I understand that the Commission will also notify the Program Administrator of its decision in writing, and that if the Commission decides to reverse the decision of the Program Administrator, I will not need to take further action. The Program Administrator will be instructed to process my application.

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**I certify that these statements are true and correct to the best of my knowledge. I understand that any deliberate fraud, lying or misuse of this program will result in legal action taken by the State of Missouri against me.**

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

(Please sign the Notice of Appeal and send it, along with accompanying information, to the following address:  
**ATEP Appeal, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102.**)

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For official use only: