

MAINE STATE LEGISLATURE

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R E P O R T

TO THE JOINT STANDING COMMITTEE ON UTILITIES
OF THE LEGISLATURE OF THE STATE OF MAINE

BY THE
MAINE PUBLIC UTILITIES COMMISSION

Regarding a Study of Implementation of
Continuous Relay Services for
Deaf, Hearing Impaired or Speech Impaired Persons

January 5, 1990

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I. INTRODUCTION

In May 1989, the State of Maine Legislature enacted legislation (L.D. 874) to authorize the Public Utilities Commission (PUC) to study the implementation of continuous relay services for the deaf, hearing impaired or speech impaired community. In recommending this legislation, the Legislature's Joint Standing Committee on Utilities stated its belief that provision should be made for the establishment of a system to provide continuous telephone relay services for deaf, hearing impaired or speech impaired persons who must rely on teletypewriter equipment for telephone communications. The Governor approved this legislation on May 19, 1989, and L.D. 874 became effective as Chapter 24 of the Private and Special Laws of 1989. A copy of this Act is included in Appendix A of this Report.

In July 1989, the PUC issued and published a request for proposals seeking the services of an outside consultant to assist the P.U.C. Staff with this study. Approximately 150 requests were sent to consultants and others throughout the United States.

In early August 1989, Staff evaluated the eleven comprehensive proposals which were submitted in response to the RFP, and recommended that Telecommunications for the Deaf, Inc. (TDI) of Silver Spring, Maryland, be awarded a contract to assist the PUC. TDI began work on this project in September, and completed its reports to the PUC in early December, entitled:

- (1) A Survey of Other States and Regions;

- (2) A Survey of Entities in Maine;
- (3) Regional Survey & Preliminary Design Considerations; and
- (4) Design Considerations and Recommendations.

During the course of compiling this study, the PUC and its consultants held open meetings with interested persons and organizations. At these meetings a wide range of issues were discussed, including the telecommunication relay needs of Maine's deaf community, funding options, new technological developments, survey results from other states, cost data, and the impact of national developments. In this latter category, the recent passage of the Americans with Disabilities Act ("ADA") (S.933) in the U.S. Senate, and a recent federal court decision that will allow Bell regional holding companies (such as NYNEX) to provide interstate vocal relay services, are of particular importance.

Appendix B to this Report contains lists of those invited to participate in these informal meetings and interviews in Maine. Appendix C contains the informal notes of those meetings.

In addition to these developments at the state level, the Federal Communications Commission (FCC) and the U.S. Congress have been considering ways to provide this service for interstate calls. Although the Americans with Disability Act ("ADA") has not been passed in final form yet, it appears likely to mandate the creation of deaf relay services in all jurisdictions. The impact it will have, if any, on restricting states from establishing their own plans is not clear. It is clear, however, that either the FCC or

the ADA will require interstate relay service. Current indications are that such interstate service will be federally funded, relieving some cost pressure from the states which currently fund interstate relay service costs with local and state monies. An FCC inquiry is exploring a process whereby federal funding would come from an assessment of all interstate interexchange carriers by including deaf relay service costs in access charge calculations.

Analysis of various statewide and other relay services reveals several trends:

- ▶ First, the deaf community has successfully argued before state legislatures and public utility regulators that the combination of the "equal access" principle of laws for the handicapped and the "universal service" mandates of state and federal telecommunications statutes requires a full-time, professional relay service.
- ▶ Second, a trend toward ratepayer funding of relay service costs has resulted from the policy decisions that basic telephone service must include a vocal relay service which can be guaranteed to be available over a relatively long period of time, and recognition of the practical disadvantages of relying on sporadic charitable donations or annual tax appropriations.

- Third, in most states, public utility regulators have overseen the set-up of the service. Most services are operated, however, by a telephone company, with advice provided by a community-based advisory committee.

This Report is based on public input from the meetings and hearings which led up to L.D. 874, the results of surveys undertaken by TDI, discussions with an Advisory Committee comprised of members of the affected communities, and analysis by the Commission Staff.

This Report also includes draft legislation for the implementation of a plan to provide continuous telephone relay service in Maine. This proposed legislation is contained in Appendix D.

II. BACKGROUND

A. What is a Relay Service?

Alexander Graham Bell, teacher of hearing impaired children, son of a hearing impaired mother, and husband of a hearing impaired wife, never knew how many problems he was creating for hearing impaired people when he invented the telephone. From a laboratory curiosity a little more than a hundred years ago to a major communication link throughout the world today, his invention has become an indispensable part of our lives.

Perhaps it would be more accurate to say "indispensable part of hearing people's lives" because, until very recently, hearing impaired people have been almost completely cut off from the communication service that telephones provide. It was not until the early 1960's that Robert Weitbrecht, a deaf scientist, invented a way for deaf people to use teletype equipment to communicate with each other by telephone. The first public demonstration of this communication occurred at the 1964 convention of the Alexander Graham Bell Association for the Deaf.

At the same time, AT&T was in the process of converting some of its obsolete teletype equipment to computer equipment. Because the two types of equipment were not compatible, AT&T donated thousands of the old teletype machines to organizations that would distribute them to hearing impaired people. The network of machines slowly grew and the pool of old teletypes available was

soon exhausted. By the mid 1970's several new companies began to develop electronic devices which emulated the old teletypes and the generic term "Telecommunications Device for the Deaf" (TDD) came into use for these devices.

The TDD system has continued to grow, and there are now hundreds of thousands of TDDs in use in the United States. But since a TDD can "talk" only to another TDD, a person with a TDD is still very limited in whom he or she can call.

Solutions to this problem have been sought ever since Dr. Weitbrecht developed the first TDD. It is hardly practical for everyone to have a TDD. TDDs cost anywhere from \$170 to \$650, with the average being about \$250. The next best solution is a translator -- someone to convert voices to TDD signals and TDD signals to voices. This kind of conversion is called a relay, also referred to as a vocal relay, a telecommunications relay, or dual party service.

A relay can be thought of as a piece of equipment in a communication network, a machine that translates from voice to TDD, and TDD to voice. In fact, if only TDD to voice translation were needed, an automated relay could be provided today. Synthetic speech has been developed to the point where conversion from typed messages to spoken messages is not technologically difficult. The difficult part of a relay machine is conversion of speech to text. Voice recognition technology still has a long way to go. The fact is that a completely automatic relay machine is not available and human beings

are still needed to fill the gap. Perhaps in 15 or 20 years this will have changed as computerized speech recognition technology advances. However, for now people are still an important part of a relay.

A relay is, first and foremost, a communications link. It allows hearing people who do not have a TDD to talk on a telephone to hearing impaired TDD users. It benefits both hearing people and hearing impaired people. Further, speech impaired people may also use relay services to provide these TDD users with an understandable voice, i.e., the relay operator's voice.

The human link in this relay "machine" is the relay operator. This is the person who listens to a voice on one telephone line and types the same words to a TDD user on a second telephone line. The relay operator also reads what the TDD user types on the second line and speaks the words to the person on the first line. Relay operators should not be confused with regular telephone operators. Regular telephone operators provide information for one caller; a relay operator provides a communication link between two callers. The skills required for the two jobs are very different.

Relays have been around almost as long as TDDs. Early TDD users sometimes hired an answering service to take messages for them. As time went on, volunteer groups were formed to fill this message-taking role. As message taking slowly changed to live communication between two callers, the true concept of a relay came into being.

Almost all the early relay services were provided by volunteer groups. A hearing person with a TDD would start doing relay work at home for a few friends. More people would want the service and more people would agree to help provide it. These little home relay services often grew into sizable community services staffed by volunteers.

As the volunteer relay services grew, it was found that even the volunteer service required funding. Telephone lines, TDDs, furniture, utilities, and office space all require funds. Funds were often raised through contributions and appeals to local and state government agencies. The money raised was almost never enough and relay services frequently had a hand-to-mouth existence. Many exhausted their resources and went out of business.

The volunteer relay services also had staffing problems. Volunteers were hard to find, they received minimal training, and they came and went when they pleased. Schedules were hard to maintain, busy signals were common, and the quality of the relay service varied. At the same time, TDD users realized the value of the services and soon completely overwhelmed the capabilities of the services which were in place. Just as the party line telephone system has become outdated, the telecommunication needs of hearing impaired people have outgrown the early community-based volunteer relay services. These general trends have been experienced in Maine, where busy signals are now being encountered by callers to the state's largest relay service provider approximately 60% of the time.

B. History of Relay Services in Maine

Maine has historically funded vocal relay services with a combination of volunteerism, charitable contributions, and General Fund appropriations for at least ten years. The largest Maine relay service, Dial for the Deaf, is operated by Ingraham Volunteers in Portland.

State appropriations began in 1979 with \$13,500. These funds were originally matched by Title XX federal funds, but these federal matching funds are no longer available. The latest appropriation was \$51,000 in emergency funding for the 1989-90 fiscal year.

The Maine Department of Human Services, Bureau of Special Services, Division of Deafness administers these state funds. The total cost of the Ingraham Volunteers service is \$175,000.

The Ingraham Volunteers service consists of two incoming lines and one outgoing line operated for part of each day. It handles 1,200 calls per month or about 15,000 calls per year. The blockage rate is about 60%, meaning that 6 out of 10 calls do not get through to the relay operator at the time they are initially made due to busy lines. This may be contrasted to a blockage rate of 1% or less for the overall telephone network. The current relay service is also expensive; the average cost to Ingraham Volunteers to provide each relay call is about \$12; however, Ingraham Volunteers does not currently charge users for these services.

Other aspects of the current relay service that are sources of concern to the Maine deaf community include:

- (1) the lack of 24-hour, full-time coverage;
- (2) the lack of privacy or confidentiality due to the use of volunteer operators from the local community; and
- (3) the continuous "crises" with respect to funding the service, making its continued availability questionable.

Since 1980, a concerted effort has been made by many deaf advocates throughout the United States to establish more professional, statewide relay services. The next section of this Report describes these services in more detail.

III. RELAY SERVICES IN THE UNITED STATES

Many states have created relay services for hearing impaired and speech impaired people in one form or another, but only a few have established major statewide relay services. Many others, like Maine, are in the process of investigating the establishment of such services. A survey of state relay services was conducted by TDI. The following is an overview of the major features of some of the relay services in other states.

California

California had the first statewide relay service and it has served as a model for several other states' services. California's Telecommunications Devices for the Deaf Relay System Act, known as S.B. 244, was signed into law in 1983. The law imposed a surcharge on all telephone access lines and the money collected is put into the Disabled Equipment Acquisition Fund Trust ("D.E.A.F. Trust"). This trust is managed by the D.E.A.F. Trust Administrative Committee.

The California Public Utilities Commission was required by law to set up what has come to be known as the California Relay Service. A System Design Committee was established to design the system and AT&T was hired to implement the design. The service went into operation on January 1, 1987, offering relay services 24 hours a day, seven days a week.

The California Relay System design was based on a forecast of 50,000 calls per month, but in the first month 87,511 calls were handled. In the first 19 months of operation the call volume increased 282 percent to 246,581 calls per month.

California's surcharge has varied widely in form and amount since the service began. The current funding rate is a surcharge of 0.3% of each customer's intrastate monthly telephone bill (excluding charges for low income basic service and paging charges).

California's service has not been without its problems. The surcharge placed on telephone lines appears as a separate line item on each telephone bill, with wording to the effect that the charge is for a deaf relay service. The wording acts as a "red flag" for many non-TDD users, who question having to pay for something they personally do not use.

A second interesting problem has just recently been noted. An audit of the California relay service revealed that AT&T, which operates the relay service, was using its own long distance lines to handle local calls in the Los Angeles area. Calls within the Los Angeles area make up 49% of the state's relay service traffic, a considerable fraction of the service. The audit found that by using the lines of other carriers with discounts and lower rates, the relay service could have saved several million dollars.

New York

The New York relay service is similar to the California service, but there are some important differences. One of the major differences is that New York has a basic rate funding system, meaning that the relay cost is incorporated into the monthly basic charge paid by telephone subscribers. There is no separate line item for relay services on a user's telephone bill. The relay service charge amounts to 12¢ a month per line.

The New York service is in operation 24 hours a day, 365 days a year, and went into service on January 1, 1989. As in the case of California, the service is subcontracted to AT&T, which anticipates that the New York relay service may serve as the eventual hub of a regional service.

AT&T has contracted for the operation of the New York relay service through 1994. Two years prior to that time the state will renegotiate the contract with AT&T or with some other bidder.

Alabama

Like California and New York, Alabama relay services are operated by AT&T. Funding is provided by a local exchange line surcharge of 20¢ a month. The surcharge was originally identified as a line item on telephone bills, but since April 1989, the local exchange companies have included the charge in the basic monthly charge. In Alabama, the lack of economies of scale in a relatively small state have resulted in the line surcharge being considerably higher than in larger states such as New York and California. Alabama is

currently discussing establishment of a regional relay service with two other states.

Arizona

Arizona has a somewhat unusual way of funding its relay service. The state initially put a tax of 2¢ per month on each residential telephone subscriber. The tax has since been increased to 12¢ per month per line, which amounts to .825% of the basic monthly charge of \$14. This rate is very similar to the charges in California, New York, and some other states.

The funds are collected by the state's telephone companies and turned over to the state Department of Revenue, which pays it to the Arizona Council for the Hearing Impaired, a state agency which administers the relay service. The money is used to support both TDD distribution and relay service operations. The program has a three-year life.

Because public funding is low, Arizona uses local non-profit groups to provide relay services. As a consequence of this funding approach and a lack of resources on the part of these local non-profit groups, Arizona is not easily able to keep up with the growing demand for relay services. In the first 18 months of operation, call volume increased from 10,000 calls per month to 27,000 calls per month.

Oklahoma

Oklahoma administers its relay services through its Department of Human Services. Funding is provided by a 5¢ per line per month surcharge. The Department of Human Services, under state law, awarded the contract for operation of the service to the lowest bidder. This bid proved to be so low that the contractor consistently lost money and the contract was eventually withdrawn. Oklahoma was forced to initiate temporary services and begin the bidding process again. The Oklahoma contract officer cautioned: "Any state will do well to consider the quality of service and the means of providing such service rather than look at cost alone."

Texas

In Texas, legislation was approved during 1989 under which the Texas Public Utilities Commission will adopt and establish rules creating a statewide relay service by January 1, 1990, with the service to begin by September 1, 1990. The costs of the service are to be borne by the state Universal Service Fund, which in turn is funded by assessments made on local telephone companies and long distance companies. These funds are collected by the Texas Exchange Carriers Association.

Examination of the relay services described above, and other experience from states around the country, have suggested some options which could be employed to implement relay services in Maine. These are described in the next section of this report.

IV. RELAY SERVICE ALTERNATIVES FOR MAINE

Examination of the various design options suggests that the most practicable choice in the short term is a design which takes advantage of economies of scale by combining Maine's deaf relay service with that in New York. This could be done with Maine and New York only, or with Maine and the other New England states.

Estimates for Maine relay service costs for different options are described below for the initial four years of operation:

Maine only	\$3,100,000
New England Regional (ME,NH,VT,MA)	\$2,700,000
Maine and New York	\$1,900,000

Based on our analysis of the above costs, no substantial improvement in economies of scale would be realized from a combination of all New England states with New York. Because the average cost per call would be essentially unchanged for a six-state service as compared to a Maine-New York service, and the coordination of a six-state service would introduce administrative and political complexities, we have not pursued this option further.

Estimates of the costs of these alternatives are imprecise due to two factors: the outcomes of negotiations not yet conducted, and the costs of transporting the calls to and from the relay service are unknown. The estimates may overstate costs for the option which provides for relay

services in combination with New York because tariffed rates have been used as a basis for these "costs" rather than actual cost.

However, even with those potentially overstated cost estimates, the design option under which Maine would offer deaf relay services using the already-established New York relay center is clearly less costly than forming either a Maine stand-alone system or a New England joint system. The New York relay service is in operation and significant economies of scale can be realized quickly.

The rate that New York would charge Maine for joining its system has not yet been negotiated. Based on an average cost per call as calculated by the New York Public Service Commission, excluding network and administrative costs, AT&T's cost of operating the relay center is approximately \$6.07 per call, based on New York's estimated call volume. Assuming New York would charge Maine something close to this average rate, the bill to Maine would be approximately \$300,000 in the first year, assuming 50,000 annual calls. This would be significantly less than the cost of staffing and equipping a new facility in Maine.

Furthermore, New England Telephone (NET) has "official" trunks which could carry the traffic to an out-of-state relay service center (e.g., Albany, NY) at very low incremental cost. This usage of the network has recently won required court approval in the case of another Bell operating company, Bell Atlantic.

The short-run incremental cost of having NET carry the intrastate portion of the call over this "official" network is very low, thus raising the possibility of even further lowering the cost connecting to AT&T's New York center. Use of a center providing relay services out of a different state will not affect the toll rates paid by users. This is so, because long distance charges would be computed from point of origin to point of termination, regardless of the routing of a call, even if it is sent through an out-of-state location.

Pursuant to 22 M.R.S.A. § 3601, the Department of Human Services has been given responsibility by the Legislature for overseeing relay service activities in Maine. The largest provider of these services, Ingraham Volunteers in Portland, has experienced a cost of about \$12 per call for these services, and due to funding constraints, is not able to provide relay services to meet current demand. Since full provision of the services in Maine would be very costly, and since interconnection with AT&T's New York center may result in about one-half the per-call cost that is currently being experienced in Maine, a link-up with New York's system should be explored further.

During the various meetings held before and during this study, the need for direct involvement of the deaf, hearing-impaired and speech-impaired community ("the affected community") became apparent. This observation is consistent with the experience in other states, in which significant input from the affected community was very helpful in reaching decisions related to relay service implementation and oversight. During our study, we gained

significant insight into the needs of this group, and feel that mechanisms should be established to ensure the continuing input from the affected community.

The Department of Human Services, through its Division of Deafness in the Bureau of Rehabilitation, has been very active in dealing with telecommunications issues for the affected community, both with respect to relay service provision and also with respect to the devices which enable the affected community to access the telephone network through TDDs. This experience should be capitalized upon, and the momentum DHS has begun in these areas should be encouraged.

The Division of Deafness benefits from the advice of an Advisory Committee, created pursuant to 22 M.R.S.A. § 3074. A similar structure with a more limited focus may be very helpful in ensuring ongoing involvement of the affected community in the implementation and continuing oversight of relay services in Maine. We are recommending such an advisory board be established to assist DHS in its direction of Maine relay service efforts.

Regardless of specific system designs employed, funding of the service must be dependable and consistent. Various alternatives for this funding are covered in the next section of this Report.

V. ALTERNATIVE FUNDING MECHANISMS

The ultimate decision as to how relay services should be funded in Maine is properly a legislative one. This is because the fundamental choice is between a General Fund or tax appropriation, and ratepayer funding (i.e., an increase in the cost of basic telephone service).

General Revenues

As a general rule, the Commission believes that the best source for funds to set up and operate the vocal relay system is the General Fund. As the Commission has previously stated with respect to the Lifeline Telephone Service Program and other programs, deserving social assistance programs ought to be funded by the general body of taxpayers. Three principal arguments support this premise.

- ▶ First, utility rates should be cost based. Basing utility rates on costs sends correct pricing signals to the customer. This in turn promotes better choices in the quality and type of service provided by the utility. Ratepayer funding of social programs disrupts the cost basis of rates and distorts pricing signals. The result of ratepayer funding of social programs is that utility rates will necessarily exceed the cost of providing service.
- ▶ Second, the Commission also favors taxpayer funding because taxes may provide a more progressive source of funds for such purposes than

utility rates, which are typically regressive. The result of funding the program through rates rather than taxes is that lower income consumers may bear a proportionately heavier burden of the funding.

- ▶ Third, the statute enacted by referendum in 1986, 35-A M.R.S.A. § 7303 (commonly known as the local measured service statute), requires the preservation of local telephone service "at as low a cost as possible," suggesting that ratepayer funding of social programs should be restricted.

The affected community is concerned about the use of tax appropriations to fund continuous relay services because tax money can be subject to bureaucratic and political pressures. Of course, the frequent opportunity for review and the increased accountability provided thereby will be seen as some others as a virtue. In addition, it can be difficult to secure additional funds to serve the rapid growth in use that frequently occurs following implementation of statewide relay services. The experience of other states is that both telephone technology and the demand for relay services can change rapidly.

We also offer for the Committee's consideration the following possible alternatives to funding the State's vocal relay system from the General Fund:

Telephone Rates

Funding of relay services through increases in telephone rates is occurring in a number of states. This method of funding is most likely to result in

flexible, stable, and continuous funding. In some states this charge is imposed as a flat, per-month increase in the local telephone rate. It can also be structured as a surcharge based on a percentage of the local and/or entire intrastate portion of the monthly bill. This funding method requires that the local measured service statute referred to above be considered with respect to its "at as low a cost as possible" mandate.

In some states this surcharge has been structured as a separate line item on the monthly bill. Now, however, in most states where this method of funding is used, the surcharge is incorporated into the basic monthly charge and is not separately itemized.

What follows is a brief description of how relay services are funded in other states:

California began with a per-line surcharge of 15¢ per month, which was reduced to 5¢, then to 3¢, then increased to 10¢. From October 1988 to July 1989, an intrastate service charge of 0.5% was assessed. As of July 1989, the intrastate service charge was reduced to 0.3% of each customer's intrastate monthly telephone bill, excluding charges for low income basic service and paging services.

New York's relay service charge is 12¢ per month on each line.

Funding in Alabama is provided by a local exchange line surcharge of 20¢ per month.

Arizona began with a tax of 2¢ per month on each residential telephone subscriber. The amount has since been increased to about 12¢ per month, which represents .825% of the basic monthly rate of \$14.

In Oklahoma funding has been provided by a 5¢ per line per month surcharge.

Telephone Sales Tax

The relay services could also be funded through a slight increase in the 5 percent sales tax now imposed on telephone services. The sales tax increase would be imposed not only on local rates, but also on intrastate long distance charges. This would mean that high toll users would pay more tax than basic service users, lessening the burden on low-usage subscribers.

User Fee

It is possible to impose direct fees on users of the vocal relay services to cover the cost of relay services. Of course, the imposition of a user fee is opposed by the affected community, who argue that such fees impose an unfair financial burden and violate the equal access provisions of the Communications Act of 1934.

However, proponents of the user fee argue that users of the service need to be reminded that the service's actual cost is very high. The idea has been advanced that perhaps in lieu of imposition of the entire cost on all telephone users, a nominal fee could be charged for each relay call. Relay services are relatively expensive to operate, costing about \$1.00 per minute

(contrasted with network costs of from 1¢ to 2¢ per minute for voice or data traffic). The purpose of this user fee would be to provide a price signal to users of the vocal relay service which is consistent with the fact that the service is expensive and to encourage them to use it conservatively. For that reason, it should be established at a level which makes a significant contribution to cost, yet does not put the relay service out of reach for ordinary hearing or speech impaired users. Mechanisms which produce these results include waiving user fees for an initial block of usage (e.g., one hour, or the first ten calls, each month), and waiving user fees for low-income residential customers.

In view of the statutory provision in 35-A M.R.S.A. § 7302 that deaf, hearing impaired and speech impaired persons pay 30% of the rates established for intrastate toll calls, this user fee could be established to recover the same proportion of a relay service's costs.

Contributions

Contributions are a traditional source of funding for relay services. However, contributions are voluntary and are thus influenced by a very wide range of factors, and are therefore unreliable. Accordingly, depending on contributions is considered the most inadequate and unreliable method available. At best, contributions are a band-aid measure to help some relay services survive until permanent funding is found.

Combined Funding

This is not really a separate way of funding relay systems, but rather a combination of the four basic funding approaches. There are many ways the four approaches could be combined. Only one has been used extensively.

The most common multi-method funding system is the one currently used by Maine: a combination of tax appropriations and contributions. The method often comes into use by default. A community starts a service based on volunteers and contributions. The funding proves inadequate, so an appeal is made for state tax revenues to support the service. This has been considered to be unsatisfactory in every place it has been tried, and it has been tried time and again across the country. It makes the system more susceptible to tax cuts because it may appear that contributions can automatically make up the deficit if a cut in public funding is made. It endangers contributions because some contributors question why they should support something already receiving public funding.

Specific recommendations on the most appropriate system design to be deployed, and the most logical funding mechanism to be employed, are contained in the next section of this Report.

VI. RECOMMENDATIONS

At the present time, at least three factors directly related to implementation of a continuous Maine relay service are pending or still in developmental stages:

1. On the federal level, the Americans with Disabilities Act is still pending before the House of Representatives, and the Federal Communications Commission has not yet completed its Proposed Rulemaking on relay services.
2. Regionally, New England Telephone is still considering the possible nature of its involvement in relay services. A contract between the New York Telephone Association and AT&T for operation of New York's relay service contains a renewal checkpoint in 1992.
3. Research and development of technologies which may be integral to relay service activities in the future, such as voice synthesis and voice-to-text conversion, may be introduced into relay services during the next two years, and as nationwide relay services are deployed, incentives will be present to bring these technologies into play.

Accordingly, the best approach for implementing relay services to serve Maine's citizens is one that allows for the most rapid deployment of reliable

services statewide in the near term, while not making commitments which will impair Maine's ability to take advantage of the anticipated developments outlined above in the long term.

The Commission recommends that a phased solution be adopted as outlined below.

- ▶ We recommend that the mandate of the Department of Human Services under 22 M.R.S.A. § 3601 to provide statewide relay services be reemphasized and enforced. So that DHS will have the resources necessary to fulfill this mandate, we recommend that two positions be created within DHS for this purpose. This will ensure the most direct involvement of Maine's hearing and speech impaired community in the creation and operation of relay services.

- ▶ We recommend that the affected community be involved on a continuing basis in the provision of relay services in Maine, through an advisory board to the Department of Human Services. We suggest that this board consist of nine (9) members appointed by the Commissioner of the Department of Human Services. These members could include:
 1. the Director of the Division of Deafness in the Bureau of Rehabilitation, or his designee,
 2. the Chairman of the existing Advisory Committee to the Division of Deafness, or his designee,
 3. a member from the Maine Association of the Deaf,

4. a member from the Maine Center on Deafness,
5. a member from the Governor Baxter School for the Deaf,
6. a member from Ingraham Volunteers,
7. a member from New England Telephone,
8. a member from the Telephone Association of Maine, and
9. a member from the Office of the Public Advocate.

- ▶ We further recommend that the Public Utilities Commission support the advisory board through the appointment of technical advisors by the Chairman of the Public Utilities Commission.
- ▶ We recommend that Maine explore a link-up with the New York Relay Service, under contract with the New York Telephone Association, for a two year period. We recommend that six months prior to the expiration of the two-year contract, that DHS and its advisory board re-examine long-term alternatives, in light of ongoing developments, and should report the results of its analysis to the Legislature.
- ▶ The Legislature should commit to a regular annual appropriation of \$475,000 to fund relay services in Maine. As always, the best way to fund social services of this type is out of the State's General Fund. As an alternative, an increase of 0.17% in the sales tax on telephone services could be adopted. The amount needed from general funding or the sales tax should be reduced by the imposition of a user fee which would apply to relay service calls above a monthly usage block. This user fee should be waived for low-income residential customers.

- Since much of Maine's affected community is now receiving relay services from Ingraham Volunteers' Dial-for-the-Deaf Program, we recommend that at a minimum, those services be maintained at existing levels until a continuous statewide relay service is implemented.

Proposed legislation to implement these recommendations is included as Appendix D to this Report.

APPENDICES

APPENDIX A

CHAPTER 24
P&S LAWS OF 1989

APPROVED

MAY 15 1989

BY GOVERNOR

24

P & S LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

H.P. 640 - L.D. 874

**An Act to Authorize the Public Utilities Commission to
Study the Implementation of Continuous Relay Services for
Deaf, Hearing Impaired or Speech Impaired Persons**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is the belief of the Joint Standing Committee on Utilities that the Public Utilities Commission should make provisions for the establishment of a system to provide continuous telephone relay services for deaf, hearing impaired or speech impaired persons who must rely on teletypewriter equipment for telephone communications; and

Whereas, for the Public Utilities Commission to complete the study outlined in this Act, the commission should start as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Public Utilities Commission Study. The Public Utilities Commission shall undertake a study of the implementation of a system to provide continuous telephone relay services to deaf, hearing impaired or speech impaired persons who must rely on teletypewriter equipment for telephone communications.

The study shall include a review of the following topics regarding continuous telephone relay services:

1. Alternative system designs and implementation plans for a statewide system;

2. The potential benefits and practicality of developing a regional, multi-state system;

3. Cost estimates for alternative system designs;

4. Alternative mechanisms for funding the system; and

5. A recommendation for a system to serve the State and a recommended method of funding the system.

Sec. 2. Consultation with and cooperation of other agencies. The Public Utilities Commission shall consult with appropriate agencies and organizations serving the deaf community, with representatives of the deaf community and with relevant state agencies. The other state agencies shall cooperate with the Public Utilities Committee in conducting the study.

Sec. 3. Report. The Public Utilities Commission shall report their findings to the joint standing committee having jurisdiction over utility matters by January 5, 1990. The report shall include draft legislation for the implementation of a plan to provide a continuous telephone relay service.

Sec. 4. Staff. The Public Utilities Commission may contract for services to complete this study.

Sec. 5. Special Assessment. Every telephone utility subject to an assessment pursuant to the Maine Revised Statutes, Title 35-A, section 116 shall be subject to an additional assessment on its intrastate gross operating revenues to produce no more than \$45,000 in revenues in fiscal year 1989-90. This assessment may be billed on the effective date of this Act and shall be due July 1, 1989. The revenues produced from this assessment shall be used to conduct the study. These funds shall be raised and accounted for in accordance with the provisions of Title 35-A, section 116 and shall be paid to the Treasurer of State and deposited in a separate account in the Public Utilities Commission Regulatory Fund. The assessment charged to utilities under this section is a just and reasonable operation cost for rate-making purposes. Any funds remaining in the fund after the study has been completed will be returned proportionately to the utilities assessed.

Sec. 6. Allocation of the Public Utilities Commission Regulatory Fund. Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal year ending June 30, 1990 and shall be segregated, apportioned and disbursed as designated in the following schedule.

1989-90

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division

All Other

\$45,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

In House of Representatives, 1989

Read twice and passed to be enacted.

..... Speaker

In Senate, 1989

Read twice and passed to be enacted.

..... President

Approved 1989

..... Governor

APPENDIX B

LIST OF PARTICIPANTS

**RELAY SERVICE STUDY
NON-PUC PARTICIPANT INVITEES**

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Jane Morrison, Exec. Dir.
Ingraham Volunteers, Inc.
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Portland, ME 04101

Sources of Information Used in this Report

Many people contributed information for this report in many different ways. The names of some of these people and the organization or agency with which they are associated are listed below for those who participated in Maine-specific portions of our study. Most of the people were contacted directly as part of this project, but in a few cases the source of information was indirect through reports, statements or letters made available to the PUC's consultants for this study.

Joseph Sukaskas - Public Utilities Commission
Joel Shifman - Public Utilities Commission
Dale Gavin - Public Utilities Commission
Chris Simpson - Public Utilities Commission
Barbara Alexander - Public Utilities Commission
Rich Kania - Public Utilities Commission
Clay Jordan - Independent
Dorothy Rogers - Independent
Edward Welch - Relay Service Advisory Committee
Carol Dobson - Relay Service Advisory Committee
Margaret Haberman - Relay Service Advisory Committee
Frank Burbank - Relay Service Advisory Committee
Lois Morin - Relay Service Advisory Committee
John C. Dodge - Public Advocate
Stephen Ward - Public Advocate
William Nye - Division of Deafness Advisory Committee
Jane Morrison - Ingraham Volunteers
Mary McDermott - NYNEX Service Corporation
John Barrett - New England Telephone
William Spencer - New England Telephone
David Lawlor - Bureau of Mental Health
Bonnie M. Snow - Maine Association of the Deaf
James Snow - National Fraternal Society of the Deaf
Norman Perrin - Division of Deafness
Cushman D. Anthony - State Representative
Stewart Ferguson - Independent
Karen Leary - Ingraham Volunteers
Sharon Campbell - Maine Center on Deafness
Catherine Fries - Governor Baxter School
Christopher St. John - Pine Tree Legal Assistance

APPENDIX C

NOTES OF PUBLIC MEETINGS

MINUTES
RELAY SERVICE ADVISORY COMMITTEE
December 6, 1989

CALL TO ORDER

The Relay Service Advisory Committee met at 9:15 a.m. on December 6, 1989, at the Maine Public Utilities Commission. Present were: Al Sonnenstrahl, Dr. Carl Jensema, and Paul Taylor (TDI); Chairman Ken Gordon, Joseph Sukaskas, Dale Gavin, Chris Simpson, Joel Shifman, and Barbara Alexander, (MPUC); Rep. Cushman Anthony and Rep. Rosalie Aikman (Legislature); John Dodge (Office of Public Advocate); Al Warren (NET); Norm Perrin, Ginny Colson, and Alice Johnson (DHS); Jane Morrison and Karen Leary (IV); William Nye, Clay Jordan, Dorothy Rogers, Bonnie Snow (Maine Assoc. of the Deaf); Frank Burbank, Ed Welch, Kathy Welch, and Lois Morin. Joseph Sukaskas presided over the meeting; Margaret Haberman and Polly Bell interpreted.

Chairman Gordon welcomed everyone. He stated the importance of this meeting as a means of obtaining input from various entities, and explained the Committee would be reviewing the consultant's work to date in order to cover all points of view in the PUC's report to the Legislature. Joe explained that this meeting would combine the agenda for both the November 21st meeting and this meeting to cover the preliminary report and final report.

OLD BUSINESS

Background Joe went over the background of the Relay Service Study to update those who were unable to attend the last meeting. He stated that the Joint Standing Committee on Utilities approved L.D. 874 and the Legislature enacted Chapter 24 of the Private and Special Laws of 1989 in May 1989, which authorized the Public Utilities Commission to study a state-wide relay service. RFPs for an outside consultant to assist with this study were issued by the PUC in July. In August, Staff evaluated the 11 qualified proposals received and recommended TDI as the consultant to work with the Commission.

NEW BUSINESS

Surveys Al Sonnenstrahl stated that the valuable recommendations gathered today and the findings of surveys conducted over the country will be combined to establish an efficient program. Al explained that TDI has analyzed data received from both the deaf and hearing communities. He stated that survey information shows that funding varies in the nine states that already have a relay service program; some states have arranged to cover costs through volunteer donations while other states finance through state grants, a surcharge, a tax base, or a rate base. Al advised that the telephone bills in one state carried a line item worded "deaf access" which raised concerns. A relay service is not just for the hearing impaired; it benefits the hearing community as well. In California, for every hearing impaired user there are 20 hearing users. The California program costs began at \$15 a call and is now down

NEW BUSINESS
(Cont'd)

to \$6 a call. The users are more comfortable with the system which shortens the length of a call. As knowledge of the system was spread, the number of calls skyrocketed.

Al explained that the Maine survey questionnaire was distributed to about 30 consumers. Of the 20 responses received, the main request was for 24-hour coverage with equal access. The hearing community participants felt that equal access to telephone service in the state should be available to the deaf community.

Judge Greene Decision Al stated that as a result of a decision by the Court overseeing the case which broke up AT&T, Judge Greene, local phone companies cannot get involved in relay services.

Americans with Disabilities Act (ADA) Al reported that the ADA is a bill currently before Congress. One of the recommendations in that Act requires all telephone companies to see that each state is provided relay service. The ADA would require that everyone have equal access with no restrictions on the number of calls or usage.

Communications Act The Communications Act of 1934 states that all people should have equal opportunity to use the telephone system.

Paul advised that this Act was designed to encourage equal access for all Americans who use the telephone. This occurred back when America was mainly rural and the telephone lines were in urban areas. It was very expensive to install phone lines 20-30 miles out of the city. After the passage of this Act it was the responsibility of all telephone companies to share the installation expense for the rural areas. The same principle of accessibility now applies to the deaf community. The hearing impaired are asking that they be allowed to have the same access as hearing people. Paul added that the Committee needs to make sure that the quality of the relay service is good. California has 255,000 calls per month with a blockage rate of more than 1% and it is causing problems. In New York the blockage rate is 2% and going down slowly.

Joel questioned the analogy between the development of universal telephone service in rural areas and the provision of deaf relay services. He added that the provision of service in rural areas required the expertise of major companies to build lines to serve the rural areas, with high capital costs. With the deaf relay service there are two costs; the capital costs of the relay stations which is small and the additional costs of operating the system which is higher. Joel stated that it may be more cost effective overall for a hearing person, if he makes numerous calls to deaf people, to purchase a TDD.

NEW BUSINESS
(Cont'd)

Funding Models Paul explained that four funding models are frequently discussed. In the experience of other states, the trend has moved towards funding through the base rate. In California the individual charge for relay service is less than \$2 a year (12¢/month). The amount is small for most people and the end result of that charge is that all hearing impaired have equal access.

Low Income Rep. Anthony expressed concern for low income consumers in relation to any increases in their telephone bills.

TDD Training Concerning distribution of TDDs as an alternate to relay services, Al stated that in many business offices personnel don't know how to use a TDD. Some don't know when a TDD call was being made to their office; they were not told that the machine needs to be plugged in when being used, and others were not aware of TDD terminology. Al suggested TDD orientation is needed, with training in terminology and typing skills, as well as operation and upkeep of the machine itself. Joel pointed out that if a business doesn't staff their TDD, their customers will need a relay service to contact the office. He added that having the business pay the cost of providing the relay service will encourage them to train employees on the usage of the TDD.

SNET In Connecticut, Southern New England Telephone has agreed to contribute \$1 million towards a relay system and to guarantee the service for 5 years. Al advised that it is unknown if the amount is enough (5¢/line) or whether it will meet the demand. He stated that they will have to inquire further. He did make note that the larger the number of access lines, the lower the cost. Al stated that a full time operator is a major cost factor. It may be beneficial to consider a regional concept and share with other states.

Ingraham Volunteers (IV) Jane stated that Ingraham Volunteers started with all volunteers and has been providing local relay services since 1984. She advised that the present setup consists of a program director and two others who handle the calls. There is one in-coming local line, one in-coming WATS line, and one out-going WATS line. The relay service is available from 7:00 a.m. to 10:00 p.m., and then the Sheriff's Office handles emergency calls. Jane reported that funding has been a major problem. The Legislature has not increased funding enough to keep up with current needs.

Jane advised that NET estimates IV would need three more lines to keep up with the present load so that in order to handle present traffic the office should quadruple staff and telephone lines. Joe stated that any forecasts of traffic information on relay services are generally inadequate.

NEW BUSINESS
(Cont'd)

New York Center Paul reported that the New York relay center building is 20,000 sq. ft., has enough room for 250 operators, and is now about half full. The building was constructed with the possibility of housing a regional center in mind. Paul stated that TDI met with the New York State Telephone Association, the primary contractor for the relay services in New York. Business firms underwrite much of the cost of the relay system, because of the large number of businesses in New York; the cost is 12¢ per access line for both residence and business lines.

Relay Procedure Joe inquired on the cost to New York to create and continue the relay service operations. Paul advised that the set up cost was \$2 million, about 15% of the annual cost. The annual cost is a little over \$10 million. Paul pointed out that New York started small and has expanded to present size. He estimated a cost of between \$10 to \$11 million a year to service 11 million access lines in New York. The cost to Maine alone would be a little more than if Maine went with a regional center.

TDI estimated that a relay service for Maine would carry a first year expense of \$587,000, a second year of \$700,000, a third year of \$800,000, and a fourth year of \$900,000; that assumes a 1,800 sq. ft. building and 18 relay operator positions. The set up would be \$80,000 with the understanding that all facilities are leased.

Relay Features Al advised that there is a lot happening in the world pertaining to relay service features, such as a voice carry over system. This reduces expenses by eliminating the time lag. He stated that BELLCORE is conducting a study on a speech to text system, but it may be 5-15 years before it is available. Carl stated this technology is improving rapidly. The best program so far is by IBM, which recognized 50,000 words spoken by one person; every word had to be talked into the computer for that person four times or more. He added that there is a program designed that would recognize 10-15 words spoken by anyone. Carl advised that it would be many years before a computer would recognize words by any voice. Speech by many voices is too confusing.

Rep. Anthony inquired about close circuit television and whether Maine should plan a system with that in mind. Al advised that technology is moving toward fiber optics which would involve a new wiring system to each home. Carl advised that his company is working with Dupont in Delaware on a telephone/television system. He is doubtful that this country would have such a system until fiber optics are in place to each home, perhaps in another 20 years; we do not have the technology to send pictures through telephone company wires.

NEW BUSINESS

California Study Al reported that a study in California showed a lot of areas where costs could have been reduced. Forty percent of the calls to their 800 number originated from the Los Angeles area where the relay center is located. As a result, it cost the program almost \$2 million for local calls to go through the 800 number. A second program run by AT&T used their own long-distance lines. If AT&T had used another company's line at a discount they would have saved another \$2 million.

BELLCORE Presentation In response to a question from Ed Welch, Al advised that BELLCORE conducted a study to improve the service and reduce the cost of the relay system. He stated that at the last meeting a representative from BELLCORE explained the different features they are researching that are still in the experimental stage. These features are: automated call set-up; automated billing; speech pass-through; processing of TDD-user text; multiplexed operators; improved functionality for phone-user; limited application of speech synthesis; and operator assistance to user.

Emergency Calls Ed Welch stated that IV traffic load exceeds staff capabilities and that they are doing the best they can. He stressed that in the case of an emergency it is necessary to have equal access to the use of the telephone. If a hearing impaired person cannot get through to Ingraham Volunteers, they are also unable to reach the necessary emergency service required.

Committee Reports Joe stated that there is nothing in written form available for circulation yet. He advised that the purpose of today's meeting is to obtain input to include in a final report of recommendations to the Legislature. There are a few reports from TDI and the latest report received yesterday, along with other data which TDI has not yet had a chance to put together that Staff needs to review before the Committee's report can be drafted.

IV Funding Jane advised that IV is faced with a problem of funding, which runs out June 30, 1990. She added that they were able to get \$51,000 from the Legislature to meet expenses for this year. A bill submitted requesting funding for next year was not accepted. This has been appealed and IV is waiting the outcome from the Appropriations Committee. Jane recommended that when the Committee recommendations are made that mention of extended funding beyond June, 1990 be included. Rep. Anthony added that this is a year of fiscal cutbacks and even if it is possible to have a bill introduced for additional money to continue at the current rate it will need strong PUC support. Rep. Anthony encouraged the Committee to recommend some form of maintenance at the existing level of services until an improved level can be established. Jane advised that

NEW BUSINESS
(Cont'd)

IV is not committed to run operations as they have done in the last 10 years; they would be willing to change the way they do business. They would like to evaluate changes needed and have the opportunity to provide a better service if finances are available to support such a system.

Alternatives Al stated that TDI came up with several recommendations. One consideration was on the lines of the most cost effective system with the shortest start up time. TDI recommended hooking up with New York and AT&T has agreed to cooperate in hooking up within one month. Al advised that the starting cost would run 6¢ a line which would be increased to 8¢ or 9¢ per year, per access line. In all, the cost to hook up with the New York relay service for the first year would total \$354,000. A Maine system may take one year to get started and then the cost would run around \$587,000; a total of over \$3 million in a four-year period. With AT&T in New York it would be a total of \$1.9 million over four years. It appears to be cheaper to hook up with New York and start in one month. But it would mean that the control of the system would be out of state; all the money would be going to New York. Maybe Maine could keep some control by having a local relay system in Portland and other calls use the 800 number that would go to New York.

ADA Bill Al advised that the ADA bill was passed in the Senate and is now in the House. Where this will lead us is very unpredictable. He stated that the FCC is now in the process of writing rules for interstate services. ADA recommends that a relay system is provided within three years of the bill passing. Working with New England states on a regional system will take time. If a regional center is considered it may take one year to develop and another year to start a relay center. In considering a temporary hook up with New York, Paul advised that a study by NYSTA showed that Maine has 19 local telephone companies that could share the start up cost in proportion with access line. A shared 10-15% start up cost (\$354,000) would be shared between the 19 local telephone companies in Maine on the basis of each company's number of access lines.

Summary Joe advised that Staff is considering many factors. He reviewed points covered through today's meeting. The New York relay operated by AT&T is now in service and was built with expansion capacity. The building may be used on a short turn around basis. Some regulatory personnel within NET are meeting over the next couple of days. One possible outcome of those meetings is that NYNEX may decide to enter relay service as a line of business. The ADA is pretty close to passing in Washington. Recommendations to the FCC are to create a nationwide system. The PUC's report is due on January 5th. The PUC will consider alternatives that will deploy continuing services as rapidly as possible. He added that it

NEW BUSINESS
(Cont'd)

may be necessary to request an interim solution. There are a number of developments as well as the time factor that might favor the adoption of an interim solution.

Joe stated that the PUC's next step is to compile all information, data, and suggestions into a report of recommendations to the Legislature. Before we get into any of our recommendations we have more questions and answers between Staff and TDI. We want to gather as much input from as diverse a community as we can. As you can see there are a lot of possibilities before us with a fairly involved set of criteria to evaluate. The demand is for a good quality service that can accommodate the estimated volume with a long term or continued funding policy.

ADJOURNMENT

The meeting adjourned at 12:00 p.m.

MINUTES
RELAY SERVICE ADVISORY COMMITTEE
November 21, 1989

CALL TO ORDER

The Relay Service Advisory Committee met on November 21, 1989, at the Maine Public Utilities Commission. Present were Al Sonnenstrahl, Dr. Carl Jensema, and Paul Taylor (TDI); Joseph Sukaskas, Dale Gavin, (MPUC); Al Warren and John Barrett (NET); Pat Perry (NYNEX); Bill Terhune (BELLCORE); Norm Perrin (DHS); Clay Jordan, Dorothy Rogers, and Louise Morin. Joseph Sukaskas presided over the meeting; Margaret Haberman interpreted.

OLD BUSINESS

Background Joe gave a brief background of the Relay Service Study stating that in May 1989, the Legislature enacted legislation (L.D. 874) to authorize the Public Utilities Commission to study a statewide relay service. L.D. 874 became effective as Chapter 24 of the Private and Special Laws of 1989. In July the PUC issued an RFP for an outside consultant to assist with this study. Of the 150 requests received, there were 11 qualified responses. In August, Staff evaluated the 11 proposals and recommended TDI as the consultant to work with the Commission. Joe reported that TDI began work in September.

Joe advised that today the Committee will fulfill one task outlined in the contract, which is to confer with Staff and any group connected with Staff in the implementation of the system. Joe asked that TDI give an overview of work they have done to date.

NEW BUSINESS

TDI Progress Al Sonnenstrahl reported that TDI has conducted three draft studies throughout the country and in Maine. The three possibilities of relay service implementation in Maine are: Maine working by itself; working with various states; or working within the New York system.

National Survey Al reported that studies showed there are about nine states involved in relay service and listed their importance as to the type of service they offer. Some states are funded through rates; one is funded by different groups or volunteers. He added that the quality of service varied. Only one state was concerned with cost effectiveness and selected the lowest bidder. That state had to submit RFPs again and start over because the group that provided their relay services had to close due to a lack of funding. Al advised that California has statewide relay service through a contract with AT&T. They have a charge of 10¢ per access line and provide a TDD distribution program. They started with

NEW BUSINESS
(Cont'd)

50,000 calls per month two years ago (1987) and are up to 250,000 calls. The number of calls increases as the public becomes aware of the service. A TDD manufacturer commented on the distribution of TDDs: for every one they delivered to a deaf resident in California, they would receive about four more orders from family members.

Maine Survey Al reported that through the survey in Maine they learned that deaf people are asking for reliable and effective services and that the hearing people are very supportive to setting up a relay service within Maine. Al reported that the major question in Maine is how to go about funding and providing this service.

New England Survey A third study involved the New England states (except Connecticut and Rhode Island). They all expressed a general interest in working together. Al stated that a Maine service depending on the number of access lines in the State, would probably cost 15¢-20¢ per access line. He added that if Maine connected to the New York system, the cost would run 8¢ per access line, taking into account the 17% rate of return being realized by AT&T for the New York relay service. New York has a higher ratio of business access lines to residential lines, and thus it is the business people who subsidize the service in New York. Because of its strong rural character, Maine has a stronger residential access line ratio. Therefore, in Maine, residential lines would bear a greater burden.

Al related that Massachusetts is experimenting with limited hours of service (7:00 p.m. to 10:00 p.m.) five days a week and a few hours of service on the weekend.

Billing Terminology Al suggested that any reference to "hearing impaired" should not be on customer telephone bills. He proposed that if a charge is to appear in the bill, a broader term referring to all impaired people, not just to deaf people, should be used (e.g., "equivalent access").

Pending Legislation Norm stated that in 1987 there was a law passed (P.L. C503) which mandated TDDs in public places. That law was set up with the Department of Administration working with the Department of Human Services, Division of Deafness. The first phase of the law, placing TDDs within major departments, has been completed. The second phase includes broadening TDDs within the state in various locations. Most public places that have a pay phone would have TDDs: airports, bus depots, train stations, and hospitals. Norm advised that the original bill did not include any basis for enforcement. He reported that an amendment has been prepared to authorize the Human Rights Commission to handle the enforcement of the law.

NEW BUSINESS
(Cont'd)

TDD Safety Feature Norm stated that Altro Tech has devised a secure system to enable TDD pay phones. Carl reported that with this device, when connection is made to another TDD, a drawer would open to permit access to the TDD. He stated that the supplier rents these at a charge of \$80 a month.

NET/NYNEX: NYNEX Evaluation Joe introduced John Barrett of NET, who advised that Pat Perry would give NYNEX's evaluation of providing relay services. Using a slide presentation format Pat advised that NYNEX is actively evaluating the need for communication services for the disabled. Among the issues are pending legislation, public network and new technology, and improving the quality of life for an increasing population. Pat stated that there are laws and bills pending on both the federal and state level which will require the telecommunications industry to provide services that are comparable to voice communications to the disabled.

Federal Level Pat advised that a bill pending on the federal level for Americans with disabilities mandates intra/interstate relay services, with costs separated by jurisdiction to be recovered through the rate making process. She reported that in regards to FCC Docket No 87-124, conclusions were that the benefits of an interstate relay outweighed the costs and that the costs should be recovered from interexchange carriers' tariffed charges. Two alternatives proposed by the FCC are that the interexchange carriers, (individually or jointly) would manage the service or that the National Exchange Carriers Association (NECA) would manage it. In the 87-124 Docket the majority of commentators agreed that intrastate relays should be expanded for interstate calling. NYNEX filed reply comments endorsing the majority opinion and requiring regulatory framework to be flexible and allow for innovative features and technologies in the network.

State Level Maine, Massachusetts, New York, and Rhode Island are looking at similar requirements on the state level. The New York PSC had a relay service mandate effective January 1989, and has contracted with AT&T. Pat stated that the rate of return on equity is 20%. Massachusetts has a comparable bill which is looking at a dual party relay system. Rhode Island has four bills pending that deal with funding and TDD procedural issues.

Judge Greene Waiver The Court responsible for oversight of the AT&T breakups, Judge Greene, granted a waiver which allows "Baby Bell" companies like NYNEX to use their interstate official-use-only trunks to provide relay services. Pat explained that this permitted NET to set up relay services across states.

NEW BUSINESS
(Cont'd)

Benefits Pat listed the benefits of the relay service to both the disabled/elderly and government/community: educational services, home health care, banking & shopping, electronic mail and rehabilitation services; and participation of disabled in society, increase in work force, and lower social program cost.

Public Network NYNEX supports affordable relay services. Pat reported that NYNEX felt the best way to accommodate the relay service would be to include it in the public network. Network efficiencies would enhance the ability of the disabled to communicate.

Demographics Pat reported statistics in the NYNEX region which showed a population total of 880,000 hearing/speech impaired and 5,058,700 disabled/elderly. She also had figures of five New England states that gave a population total of 41,196 deaf or hard of hearing (these figures are based in part on a Vermont study by Jerome Schein and Marcus Belk in 1970). Paul pointed out that the decibel figures are very misleading. He stressed that there is decibel loss and frequency loss and they both should be taken under consideration in any study.

Implementation NYNEX is considering relay service implementation in the five New England states. They felt this would be the most cost effective way to go. Carl inquired if NYNEX had conducted a cost analysis of services. Pat advised that none has been done as yet and that it would depend on where the service is situated. She agreed to supply the information when it becomes available. John stated that a lot of work has been postponed because of the three-month work stoppage in services. Pat reported that NYNEX is working with state commissions, evaluating intrastate cost recovery, and looking at the use of gateway services for the disabled.

BELLCORE: Concept Bill stated that he is studying what is called Telecommunication Network for the Deaf. He stated that the concept is to improve the way the service is provided and make it more cost effective. Bill reported that today when a TDD call is made a relay operator calls the second party and then remains on the line for the duration of the call. With the BELLCORE concept, the relay operator could be involved in a number of services and only connected to the line when required, thus reducing on-line time and cost.

Objectives Bill reported that BELLCORE is looking at specific objectives such as: understanding the needs of the deaf community in the field of telecommunications and studying the technology available that would allow BELLCORE to improve deaf relay service and reduce cost of providing the service; developing and testing the system, including the human factors; and then conducting a trial phase. He stated that a five-

NEW BUSINESS
(Cont'd)

month concepts trial, scheduled to begin in March of 1990, will be conducted in Washington, D.C. BELLCORE expects to determine which features to recommend from trial feedback. BELLCORE would provide input for decision making, but it would be up to the regional telephone companies to decide what to do with the information. Bill reported that the results of the trial will be available to all operating companies who fund the work. He commented that all have funded the work done in 1989, but only five companies have committed to funding the trial next year. Bill also mentioned the use of speech synthesis; he stated that there was one drawback; a clean text is needed (not what is normally received over the TDD). He added that this has not been perfected into the system but there may be some special software that could be used in connection with this device.

Training Norm questioned the complexity of the system. Bill advised that it will require a lot of training for the consumer to understand the system and make the best use of it.

Discount Norm reported on a recent law that would allow a 70% discount for agencies that provide vocal relay services. He stated that because of the NET strike he has not had an opportunity to discuss this with the telephone company.

Emergency Appropriation Norm reported that a law was passed during the summer session for an appropriation of \$51,000 to fund the existing Ingraham Volunteers' relay system through 1990. This is a one-time funded emergency appropriation.

Implementation Joe stated that the schedule of implementation is in the hands of the Legislature and will depend on the priority that they assign to it. He added that the Commission is required to report on recommendations and courses to follow to the Legislature by January 5th.

Pat advised that once a decision is made as to where to place the service, it would take approximately one year before a program could be started in Maine.

Joe stated that because a number of people, including Legislators and representatives from Ingraham Volunteers, were unable to attend today's meeting there will be time allowed for their participation at the December 6th meeting.

ADJOURNMENT

The meeting adjourned at 2:05 p.m.

RELAY SERVICE ADVISORY COMMITTEE
MEETING WITH TDI PERSONNEL
November 6, 1989

CALL TO ORDER A meeting with the representatives from Telecommunications for the Deaf, Inc. (TDI) was held at the Maine Public Utilities Commission on November 6, 1989. Present were Al Sonnenstrahl, Dr. Carl Jensema, and Paul Taylor (TDI); Joseph Sukaskas, Dale Gavin, Chris Simpson, Joel Shifman, Chairman Ken Gordon and Commissioner Liz Paine (MPUC); Norm Perrin and Dave Lawlor (DHS), and Bill Nye (Advisory Committee). Joseph Sukaskas presided over the meeting; Ruth Vigna interpreted.

NEW BUSINESS Report Correction Joe asked TDI representatives to check page 9 of their second report where they make reference to "inter LATA" provided by NET and inquired if perhaps they meant to refer to "intra LATA." Al and Carl agreed that it should read "intra LATA." Joe advised that they provide a corrected page because this material may be included in the Committee's report to the Legislature.

California Audit Al described an audit conducted of the California relay system; there are some unnecessary expenses in AT&T's relay system. Dale inquired on the reluctance of AT&T to cooperate in sharing information. The response was that anything that comes out of AT&T is considered proprietary information. Joe stated that it would be helpful to have this addressed in the Committee's report to the Legislature. He mentioned that if the company responsible for overseeing implementation isn't held accountable, there may be argument for continued regulatory measures.

NYSTA Paul advised that AT&T is only a subcontractor and that the primary contractor is New York State Telephone Association. Paul felt that NYSTA is concerned about costs and that whatever they could do to keep costs down, would be reported in their board minutes. The NYSTA is only 10 months old, having started in January. He reported that by the beginning of next year New York should have a good idea on cost figures. Paul reported that New York telephone rates went up by 12¢ four months ago for relay services only.

Maine Options Carl questioned options for Maine if joined with New York, particularly Maine control since New York would be host. Paul suggested that Maine's 19 LECs could share with New York's 41 LECs, each having a choice in the operation of the system. He continued, that if Maine is not happy, the 19 LECs could present the problem; the process would be democratic. Carl stated

NEW BUSINESS
(Cont'd)

that the whole thing is how to keep control of AT&T. Paul advised that AT&T is controlled by NYSTA and that in 1992, at the end of their five-year contract, there will be an audit. The 12¢ figure is not frozen. If costs are too high the contract ends.

Regional Implementation Joe advised that one way to set up the relay system would be through a regional system. One avenue to this approach would be the Telecommunications Committee of NECPUC. He stated that the MPUC would be involved within the New England states and that New York sits in on these meetings as a guest (without any direct membership). He encouraged this approach. Joe did add that each state commission is responsible to their own Legislature and the funding may not be consistent. This committee could explain our concerns to the other jurisdictions.

Time Factor Chairman Gordon stated that numerous details need to be worked out. Paul stated that a time requirement should be set. He stressed the fact that this can be studied too much. Chairman Gordon advised that it would take New England a couple of months, possibly a year to set up services. He added that the Committee needs to be flexible about the number of states involved. He reported that other states are interested in the problem, but wasn't sure where they stand. He indicated that the NECPUC subcommittee may not meet before the new year. Al felt that to construct a working system from scratch would take at least three years.

Local Service Carl reported that he was hearing more and more about the idea of keeping local cost local. Joe added that this issue has been addressed in community discussions throughout the state.

RECESS

The Committee recessed at 1:00 p.m. for a lunch break and reconvened at 2:00 p.m.

Legislature Status Chris explained that he found the Legislature to be split on the question of funding by ratepayers or taxpayers. He stressed a feeling of the Legislators' strong desire to delete agenda items from the budget that deal with the general fund or taxpayer funding. That is somewhat at odds with the Commission's position. Chris reported that Rep. Anthony is on record stating this should have been ratepayer funded. Rep. Handy and Rep. Adams have not committed on the issue, they are open to argument. Rep. Paradis has expressed a strong concern of raising rates for customers for a program like this. Chris explained that some Legislators are very resistant to ratepayer funding. The Commission's position might be that since the relay system would benefit all taxpayers, funding should come from the general fund. Norm stated that a few of the new Legislators see a need for benefits for the deaf. He felt they have to have a two-way system. He reported that this is the attitude throughout the country.

NEW BUSINESS
(Cont'd)

Norm advised that the new Americans with Disability Act shows that there is a national trend for full access for hearing impaired people. Paul stated that Congress had the urban citizens pay for rural area line connection. The people in Maine are now asking for the same consideration for the deaf community.

Network Paul explained that the telephone itself is not useful to the deaf without a TDD. He added that a relay service is more than a piece of equipment; the relay service and TDD are part of the telephone network. Paul felt that based on this the service should be regulated by PUC as a utility entity. He stated the importance that the deaf community not have to worry whether their telephone service (relay service) will be available from year to year.

Low Income Chris informed those present that one problem of obtaining funds from the ratepayers is passing on higher rates to low-income ratepayers.

TDI Report Joe requested that TDI file reports before the next two Committee meetings. The first one could be a draft report including surveys with an integrated list of alternatives, as well as using the regional approach, pros and cons of ratepayer/taxpayer funding, and information on Ingraham Volunteers and AT&T. Joe advised that he would like to review a set of alternatives, listing options, to take to the Legislature. He requested that this report include 3 or 4 recommendations and that it be available a few days before the next Committee meeting. Carl advised that TDI would put together a first draft report listing preliminary possibilities, showing cost, rates, and recommendations.

Ingraham Volunteers (IV) Discussion followed on a meeting held with IV earlier in the day. TDI was impressed with their honest presentation. Those attending that meeting had the impression that the company wants to improve. A question of their technical knowledge was brought up and the Committee felt they could subcontract with the telephone company. Paul advised that TDI could set up what the people need in terms of standards and then forward a list of requirements to IV. Even if IV did not wish to operate relay services in the future, they would be a valuable resource for such essential functions as training.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

APPENDIX D

PROPOSED IMPLEMENTING LEGISLATION

Proposed Legislation to Implement Recommendations of the Public Utilities Commission Regarding the Implementation of a PLAN to Provide Continuous Telecommunications Relay Services in Maine, Submitted Pursuant to Chapter 24 P&S, May 19, 1989.

SECOND REGULAR SESSION

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

AN ACT to Establish A System To Provide Continuous Telecommunications Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons Who Must Rely On Teletypewriter Equipment For Telecommunications.

(EMERGENCY)

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, deaf, hearing impaired and speech impaired persons must use teletypewriters in order to make telephone calls; and

Whereas, the only means for deaf, speech impaired and hearing impaired persons to engage in vocal telephone communications through a telecommunications relay service; and

Whereas, the telecommunications relay service presently provided in Maine is limited in nature and should be upgraded; and

Whereas, without telephone relay services deaf, hearing impaired and speech impaired persons will lack a primary means of obtaining fire, police, medical and other emergency services, obtaining information about and access to government programs and services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 M.R.S.A. § 3601, sub-§ 1 is amended to read:

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

A. "Advisory board" means the Telecommunications Relay Services Advisory Board.

A-1 B. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.

A. C. "Department" means the Department of Human Services.

A-2 D. "Hearing impaired person" means a person whose sense of hearing is defective, but still functional, with or without amplification.

E. "Speech impaired person" means a person whose speech is nonfunctional or defective for the purpose of ordinary communication.

B. F. "Telephone Telecommunications relay service" means a service transmitting messages and information between a person using standard telephone equipment for spoken communications and a deaf, or hearing impaired or speech impaired person using teletypewriter equipment in conjunction with standard telephone equipment for communications in a written visual form.

C. G. "Teletypewriter" means a teletypewriter and other telecommunications equipment used by deaf, and hearing

impaired and speech impaired persons ~~people~~ to conduct telephone communications.

D. H. "Teletypewriter system" means the network of teletypewriter equipment used for telephone communications to or by deaf, ~~or~~ hearing impaired or speech impaired persons who must rely on teletypewriter equipment in order to engage in telephone communications.

Sec. 2. 22 M.R.S.A. § 3601, sub-§ 2 is amended to read:

2. ~~Telephone~~ Telecommunications relay services. The Department of Human Services shall administer a statewide ~~program to provide telephone~~ telecommunications relay services for deaf, ~~and~~ hearing impaired and speech impaired persons who must rely on teletypewriter equipment for ~~telephone communications~~ telecommunications. ~~The program shall, to the extent possible, provide for 24 hour emergency relay services.~~ The telecommunications relay services shall be consistent with the provisions of section 3603.

Sec. 3. 22 M.R.S.A. § 3602 is amended to read:

§ 3602. Telecommunication equipment ~~services~~ for the deaf, hearing impaired and speech impaired

1. **Money for telecommunication typewriters.** The Bureau of Rehabilitation within the Department of Human Services, pursuant to any appropriation of money to the bureau of telecommunication typewriters for the deaf, hearing impaired and speech impaired, shall, upon request, provide up to 50% of the cost of telecommunication typewriters to any organization or municipality that makes available the remaining funds for this equipment in a manner satisfactory to the Director of the Bureau of Rehabilitation.

2. **Telecommunications Equipment Fund.** A Telecommunications Equipment Fund is established. The Division of Deafness in the Bureau of Rehabilitation may accept any gifts or grants for the purposes of this section. These, and any authorized appropriations shall be deposited in the fund, and disbursed in accordance with this section. The fund may be used for purchase, lease, upgrading, installation, maintenance and repair of special telecommunications equipment for the deaf, hearing impaired or speech impaired. The Division of Deafness under the Bureau of Rehabilitation may draw on the fund in accordance with the Telecommunications Equipment Plan required under subsection 3.

3. **Telecommunications Equipment Plan.** The Division of Deafness shall develop a plan to make special telecommunications equipment available to deaf, hearing impaired

and speech impaired persons and to distribute money from the Telecommunications Equipment Fund. The plan shall be developed by the Division of Deafness annually, not later than January 1st, in accordance with the rule-making procedures in Title 5, chapter 375. The plan shall provide for the expenditure of money from the fund for the benefit of deaf, hearing impaired and speech impaired persons for the purchase, lease, upgrading, installation, maintenance and repair of special telecommunications equipment capable of serving their needs. Persons who profoundly deaf or speech impaired so that they cannot use the telephone for expressive or receptive communications, as verified by a written report from an otologist, audiologist or physician are eligible for the assistance from the fund. The plan shall include specific criteria that will govern the priorities assigned to various persons who need this equipment. The criteria shall take into account household income, degree of impairment, need for emergency communications, living arrangements and other factors deemed relevant by the Division of Deafness.

Sec. 4. 22 M.R.S.A. § 3603, is enacted to read:

§ 3603 Telecommunications relay services.

1. Telecommunications relay services.

Telecommunications relay services administered by the Division of Deafness shall conform to the following requirements:

a. Services shall be available on a statewide basis;

b. Services shall be available twenty-four hours per day;

c. Relay service communications shall be considered confidential to the parties involved;

d. Any restrictions to the type of calls handled by the provider of the telecommunications relay service (e.g., collect calls, automated information services) shall be made known to users of the services upon request; and

e. Any rates or charges for telecommunications relay services shall be made known to users of the services upon request.

2. Contract for telecommunications relay service.

The Division of Deafness shall contract for the establishment of a continuous statewide telecommunications relay service. The contract shall be for a term of two years and shall, to the

extent possible, provide for implementation of a continuous statewide telecommunications relay service on or before January 1, 1991.

3. Review of Contract. Eighteen months after the implementation of a continuous statewide telecommunications relay service, the Division of Deafness shall submit a report to the joint standing committees of the Legislature having jurisdiction over human resources and utilities. The report shall address the following topics:

a. Status of the existing telecommunications relay services in Maine;

b. Alternative telecommunications relay service options including estimates for costs and implementation dates; and

c. Recommendations and draft legislation for long-term implementation of telecommunications relay services in Maine.

4. Advisory board. There shall be within the Division of Deafness a Telecommunications Relay Service Advisory Board consisting of 9 members to be approved by the Director of

the Division of Deafness. The members shall include the Director of the Division of Deafness or his designee, the Chairman of the Advisory Committee to the Division of Deafness created pursuant to section 3074 or his designee, a member from the Maine Association of the Deaf, a member from the Maine Center on Deafness, a member from the Governor Baxter School for the Deaf, a member from Ingraham Volunteers, a member from New England Telephone, a member from the Telephone Association of Maine and a member from the Office of the Public Advocate. The Public Utilities Commission shall provide technical assistance through the appointment by its Chairman of one or more non-voting technical advisors to the advisory board. Members of the advisory board shall be compensated according to the provisions of Title 5, chapter 379.

The Director of the Division of Deafness shall appoint from the advisory board, a chairman to serve for a term not to exceed 2 years. A vice-chairman may be appointed to serve as acting chairman in the absence of the chairman. The board shall meet at the call of the chairman but not less than 4 times during the calendar year. The chairman may delegate, as necessary, duties to members to carry out the functions of the board.

5. Advisory board; powers and duties. The advisory

board shall advise the Director of the Division of Deafness regarding telecommunications relay service matters and shall assist in preparing the report to the Legislature required under this section.

6. User Fee

a. Calculation. The Director of the Division of Deafness shall establish a user fee to be assessed to all users of telecommunications relay services that is based on 30% of the cost of providing the telecommunications relay services.

b. Application. The user fee shall apply on a monthly, per-minute basis. No user fee shall be assessed on the user's first 60 minutes of usage per month. For each minute of usage above 60 per month, the user fee shall apply.

7. Telecommunications Relay Service Fund. A Telecommunications Relay Service Fund is established. The Division of Deafness may accept any gifts or grants for the purposes of this section. These gifts or grants, all monies generated by the user fee provided for in this section and any authorized appropriations shall be deposited in the fund, and disbursed in accordance with this section.

8. Use of Telecommunications Relay Service Fund. The Division of Deafness shall use the Telecommunications Relay Service Fund to obtain telecommunications relay services that conform with this section.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

HUMAN SERVICES, DEPARTMENT OF

Continuous Statewide Telecommunications
Relay Services

	1990-91	1991-92
Positions	(2.0)	(2.0)
Personal Services	\$ 44,500	\$ 51,600
All Other	\$475,000	\$475,000
Total	\$519,500	\$526,600

Provides funds for implementation of continuous statewide telephone relay service and two Rehabilitation Assistant II positions to help administer that service.

Limited Telecommunications

Relay Services

All Other \$ 51,000

Provides funds to maintain the
existing limited telecommunications
relay services through the end
of the fiscal year 1990-91
or until such time as the continuous
statewide telecommunications relay
services are in place.

Emergency Clause. In view of the emergency cited in the
preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Section 1 adds to the definitions section of 22 M.R.S.A.
§ 3601(1) the definition of "advisory board" and a "speech
impaired person."

Section 2 modifies § 3601(2) to require that the

telecommunications relay system administered by the Division of Deafness be consistent with the provisions set forth in § 3603.

Section 3 clarifies that § 3602 pertains to telecommunications equipment as distinguished from telecommunications relay services which are dealt with in § 3603.

Section 4 articulates the features and implementation of a Maine telecommunications relay service. Subsection 1 describes the basic features of the relay services. Subsection 2 directs the Division of Deafness to contract for the establishment of the relay services and, to the extent possible, implement a relay service on or before January 1, 1991. Subsection 3 requires the Division of Deafness to evaluate the State's relay services eighteen months into the term of the contract. Subsections 4 and 5 describe the creation and function of a 9 member Advisory Board to provide input to the Division of Deafness on relay service matters. Subsection 6 creates a user fee that will be paid by users of the relay services. The user fee will not apply for the first 60 minutes of each user's monthly usage of the relay services. Users using the relay services for more than 60 minutes in any month will be assessed a per-minute usage fee for each additional minute. Subsections 7 and 8 provide for the creation and usage of a Telecommunications Relay Service Fund.

Section 5, the appropriation portion of the bill, is divided into two portions. The first portion relates to the implementation of continuous statewide telecommunications relay services. It provides for the creation of 2 positions in the Division of Deafness to help implement and administer the relay services. It also appropriates \$475,000, the estimated full annual cost of providing continuous statewide relay services. The second part of section 5 is intended to provide funds to maintain the existing limited relay services until the continuous statewide relay services are in place.

