

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
 A Statement of Need and Fiscal Impact accompanies this form.

Public Utility Commission	860
Agency and Division	Administrative Rules Chapter Number
Diane Davis	(503) 378-4372
Rules Coordinator	Telephone

PO Box 2148, Salem, Oregon 97308-2148

**RULE CAPTION**

In the Matter of Revisions to the Residential Service Protection Fund Administrative Rules.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

<b>October 28, 2009</b>	<b>10:00 a.m.</b>	PUC Main Hearing Room – 1 <sup>st</sup> Floor 550 Capitol Street NE Salem, Oregon 97301	Patrick Power
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** 860-033-0055

**AMEND:** 860-033-0001 through 860-033-0560

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 183, 756, 759 & Ch. 290 OL 1987

Other Auth.:

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290 OL 1987

**RULE SUMMARY**

The rules in Division 033 regarding the Residential Service Protection Fund programs need to be updated to reflect current practices, to embrace new technologies, to improve reporting requirements to ensure that the Commission is reimbursing providers only for eligible customers, and to make housekeeping, organizational and other clarifying improvements.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 540 on comments and file them by email to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, Oregon 97301. To view documents filed, see <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=15803>

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at [diane.davis@state.or.us](mailto:diane.davis@state.or.us) or (503) 378-4372 by close of business October 23, 2009, to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

### **October 28, 2009, Close of Hearing**

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

/s/Diane Davis

Diane Davis

09/11/09

Signature

Printed name

Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

In the Matter of Revisions to the Residential Service Protection Fund Administrative Rules.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Revisions to the Residential Service Protection Fund Administrative Rules.

Statutory Authority: ORS 183, 756, 759 &amp; Ch. 290 OL 1987

Other Authority:

Stats. Implemented: ORS 756.040, 759.036 &amp; Ch. 290 OL 1987

**Need for the Rule(s):** The rules in Division 033 regarding the Residential Service Protection Fund programs need to be updated to reflect current practices, to embrace new technologies, to improve reporting requirements to ensure that the Commission is reimbursing providers only for eligible customers, and to make housekeeping, organizational and other clarifying improvements.

**Documents Relied Upon, and where they are available:**OAR 860-033 available online at [http://arcweb.sos.state.or.us/rules/OARS\\_800/OAR\\_860/860\\_033.html](http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_033.html)

47 CFR § 54 (10 – 8 – 2008 Edition available online at  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_08/47cfr54\\_08.html](http://www.access.gpo.gov/nara/cfr/waisidx_08/47cfr54_08.html)

Sections 2 to 16, chapter 290, Oregon Laws 1987, available online at <http://www.leg.state.or.us/ors/759.html>

**Fiscal and Economic Impact:**

Some telecommunications providers indicated that the new reporting requirements proposed in these rules may require programming changes to existing systems. One such provider anticipated costs up to \$50,000 to implement the reporting requirements. Clarifying changes to the rules should expedite processing and help to ensure that only eligible customers receive appropriate benefits.

**Statement of Cost of Compliance:****1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The proposed changes to the Division 033 rules may have a positive impact on the Commission by reducing the time spent by its Staff to clarify and explain ambiguous and confusing rules. There will be no impact on other state agencies or units of local government. Telecommunications providers may experience a cost of compliance in relation to the reporting requirements but the potential magnitude of these additional costs cannot be quantified at this time. Otherwise the public will not experience a cost of compliance.

**2. Cost of compliance effect on small business (ORS 183.336):****a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

The businesses subject to this rule are telecommunications providers. Some telecommunications providers are small businesses. As stated above, some of them may experience programming costs to comply with reporting requirements.

**b. Projected reporting, recordkeeping, and other administrative activities required for compliance, including costs of professional services:**

The proposed amendments to these rules increase the reporting, recordkeeping or other administrative activities required by the telecommunications providers for compliance with the rule. The increased reporting is necessary to ensure that only eligible customers receive appropriate benefits.

**c. Equipment, supplies, labor and increased administration required for compliance:**

The telecommunications providers responding to requests for information about costs of compliance indicated that once the initial programming was completed, if necessary, the increased reporting would be performed within the duties of personnel currently responsible for reporting.

**How were small businesses involved in the development of this rule?**

The small businesses subject to this rule were given the opportunity to participate in rounds of informal comments on drafts of the proposed rule and in a Commission Staff sponsored workshop.

**Administrative Rule Advisory Committee consulted?:** No

**If not, why?:**

The telecommunications providers subject to this rule were given the opportunity to participate in rounds of informal comments on drafts of the proposed rule and in a Commission Staff sponsored workshop. In addition the Telecommunication Devices Access Program Advisory Committee members reviewed the draft proposed rules and provided informal comment to the Commission Staff.

/s/Diane Davis

Diane Davis

diane.davis@state.or.us

09/11/09

Signature

Printed name

Date Filed

PUBLIC UTILITY COMMISSION OF OREGON

DIVISION 33

~~OREGON TELEPHONE ASSISTANCE PLAN (OTAP)~~ RESIDENTIAL SERVICE PROTECTION FUND (RSPF)

860-033-0001

Applicability

The rules ~~contained~~ in this Division apply to all ~~local-exchange~~ telecommunications service-providers that offer service in Oregon with access to the Oregon Telecommunications Relay Service, including telecommunications utilities, unincorporated associations, and cooperative corporations and to the applicants for and recipients of RSPF benefits.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040 & Ch. 290, OL 1987

Hist.: PUC 3-1999, f. & cert. ef. 8-10-99

860-033-0005

~~Residential Service Protection Fund Definitions~~

For the purpose of this division:

(1) "Basic Service" means "basic telephone service" as defined in OAR 860-032-0190~~(2)~~. For qualifying low-income recipients, basic service also includes access to toll-limitation services.

(2) "Eligible Telecommunications Carrier" means a provider of telecommunications service, including a cellular, wireless or other common carrier, that is certified by order of the Commission as eligible to receive federal universal service support throughout a designated service area by having met the eligibility criteria set forth in 47 C.F.R. § 54.201 (2008) and in Commission Order 06-292.

~~(23) "Eligible Telecommunications Provider" means a provider of telecommunications service, including a cellular, wireless or other common carrier, that is certified by order of designated as such by the Commission to receive universal service support throughout the service area for which the Commission as eligible to provide OTAP to its qualifying customers throughout a designated service area by having met designation is received, who meets~~ the following eligibility criteria:

(a) ~~Offers The telecommunications provider must offer the services supported by the federal universal service fund~~ under 47 C.F.R. § ~~CFR Section~~ 54.101 (2008) ~~using as adopted by the FCC on May 8, 1997, in CC Docket 96-45,~~ either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another Eligible Telecommunications Carrier throughout the service area). Pursuant to 47 C.F.R. § 54.201(f) (2008), the requirement of using its "own facilities" includes, but is not limited to, purchasing

**unbundled network elements from another carrier eligible telecommunications provider throughout the service area;**

(b) ~~The telecommunications provider must~~ **advertises** the availability of **and the charges for** such services ~~and the charges thereof~~ using ~~media~~ **medium** of general distribution; **and**

(c) **Demonstrates that it will comply with OAR 860-033-0005 through 860-33-0100A cellular, wireless, or other radio common carrier is eligible for designation as an "eligible telecommunications provider" for purposes of the Residential Service Protection Fund program.**

(43) "Local Exchange Service" means a "local exchange telecommunications service" as defined in ORS 759.005(1)(c).

(4) ~~"Monthly Billing" means the billing period between the first day and last day of a calendar month.~~

(5) "Oregon Telephone Assistance Program" ~~or~~ **"OTAP"** means a program established by the Commission that offers reduced local exchange rates to eligible low-income residential customers.

(6) **"Oregon Telecommunications Relay Service" or "OTRS" means a facility authorized by the Commission to provide telecommunications relay service.**

(7) ~~"Outstanding Accounts" means amounts owing to the Commission including, but not limited to, current accounts receivable and accounts that, which the Commission has written off through appropriate legal procedures. The term does not include amounts owing to the Commission that, which have been lawfully discharged through bankruptcy proceedings or amounts that are the subject of a proceeding pending before the Commission.~~

(7) ~~"Quarterly Billing" means the billing periods for the four quarters in each calendar year, which are January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.~~

(8) "Residential Service Protection Fund" ~~or~~ **"RSPF"** means a legislatively approved fund in the Oregon State Treasury **that supports the Oregon Telephone Assistance Program, the Telecommunication Devices Access Program and the Oregon Telecommunications Relay Service.**

(9) "RSPF Surcharge" means a specified amount up to 35 cents per month **collected from against** each paying retail subscriber who has telecommunications service with access to the telecommunications relay service, **except as provided in OAR 850-033-0006(2).**

(a) ~~The RSPF surcharge shall be applied on a telecommunications circuit designated for a particular subscriber. One subscriber line shall be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit. For providers of central office based services, the surcharge shall be applied to each line that has unrestricted connection to the telecommunications relay service. These central office based service lines that have restricted access to the Oregon Telecommunications Relay Service (OTRS) shall be charged based on software design. For cellular, wireless, or other radio common carriers, the surcharge shall be applied on a per-instrument basis.~~

~~(b) The RSPF surcharge does not apply to interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications providers certified pursuant to ORS 759.020, radio common carriers, and interexchange carriers or other services exempt by the Constitution or laws of the United States or the State of Oregon.~~

~~(c) The Commission annually shall review the surcharge rate and the balance in the Residential Service Protection Fund and may adjust the amount of the surcharge to ensure the fund has adequate resources but does not exceed six months of projected expenses. The annual review by the Commission shall take place every January.~~

(10) "Remittance Report" means the RSPF remittance report completed on a form provided by the Commission.

**(11) "Telecommunication Devices Access Program" or "TDAP" means a program established by the Commission that provides Assistive Telecommunication Devices or Adaptive Equipment at no additional cost beyond telephone service for customers who are deaf, severely hearing-impaired, severely speech-impaired, deaf-blind or disabled.**

**(12) "Telecommunications service" means the offering of telecommunications as defined in 47 C.F.R. 54.5 (10-1-08 Edition) for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.**

**(13) "Toll Limitation Service" means a service provided by an Eligible Telecommunications Providers that allows an OTAP recipients to choose not to block the completion of outgoing toll calls from their telecommunications circuits (toll blocking) or to specify a certain toll usage that may be incurred on their telecommunications circuits-per month or per billing cycle (toll control).**

~~(12) In computing any period of time prescribed or allowed by these rules, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the time period shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event the time period runs until the end of the next day which is not a Saturday or a legal holiday. Legal holidays are those identified in ORS 187.010 and 187.020.~~

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 7-1995(Temp), f. & cert. ef. 8-17-95 (Order No. 95-860); PUC 14-1995, f. & cert. ef. 12-20-95 (Order No. 95-1328); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 18-2000, f. & cert. ef. 10-24-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

860-033-0006

**Monthly and Quarterly RSPF Surcharge: General Provisions, Remittance Reports and Fees Payment**

**(1) The surcharge rate and the balance in the RSPF is reviewed annually by the Commission each October. The Commission may adjust the amount of the surcharge to ensure the fund has adequate resources but does not exceed six months of projected expenses. A rate adjustment ordered by the Commission following the annual review becomes effective January 1 of the year following the review.**

**(2) The surcharge imposed by Oregon Laws Chapter 1987, Section (7)(1) does not apply to:**

**(a) Counties and political subdivisions.**

**(b) Federal, state and municipal government bodies or public corporations. For purposes of this rule, "public corporation" means a corporation formed by a state or local government authority for the public's benefit or for a public purpose.**

**(c) Federally chartered corporations specifically exempt from state excise taxes by federal law.**

**(d) Federally recognized Native-American Tribes, and tribal members who live within federally recognized Indian country and are enrolled members of the tribe with sovereignty over that Indian country.**

**(e) Foreign government offices and representatives that are exempt from state taxation by treaty provisions.**

**(f) Regional housing authorities exempt from all state taxes and assessments by ORS 307.092.**

**(g) Interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications services providers certified pursuant to ORS 759.020, radio common carriers and interexchange carriers.**

**(h) Any other agency, organization or person claiming an exemption is required to identify the authority for its claim to a provider. If a telecommunications provider is unable to determine the status of a subscriber the Commission will determine whether the subscriber is exempt.**

**(3) Each telecommunications provider must:**

**(a) Collect the RSPF surcharge by charging the specified amount to each retail subscriber with access to the telecommunications relay service, including OTAP eligible subscribers. The RSPF surcharge is applied on a telecommunications circuit designated for a particular subscriber.**

**(A) One subscriber line is counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit.**

**(B) For providers of central office based services, the surcharge is applied to each line that has unrestricted connection to the telecommunications relay service. For central office based service lines that have restricted access to the Oregon Telecommunications Relay Service (OTRS), the surcharge is charged based on software design.**

**(C) For cellular, wireless, or other radio common carriers, the surcharge is applied on a per-instrument basis.**

**(b) Identify the surcharge on each retail customer's bill as a separate line item named "RSPF Surcharge."**

**(4)** Each telecommunications provider must submit **to the Commission** the RSPF ~~Remittance Report~~ and surcharge fees **each billing period**. ~~The remittance report and surcharge fees are due on or before~~ the 21st calendar day after the close of each monthly or quarterly **as follows: billing period**. ~~The telecommunications provider must send the remittance report and surcharge fees to the RSPF manager at the Commission.~~

(a) Each telecommunications provider ~~who~~**that** has 1,000 or more customers must collect and submit the RSPF surcharge fee and ~~Remittance Report~~ monthly.

(b) Each telecommunications provider ~~who~~**that** has fewer than 1,000 customers must collect the RSPF surcharge fee and submit the ~~Remittance Report~~ either monthly or quarterly **in January, April, July, and October** at the telecommunication provider's discretion.

**(25)** Each telecommunications provider must submit the ~~Remittance Report~~ and surcharge fee with no exceptions. If ~~theno~~ surcharge **is** collected ~~is \$0.00~~, the telecommunications provider must still submit ~~its~~ monthly or quarterly ~~Remittance Report~~ **specified in section (4) of this rule, at the telecommunication provider's discretion**.

**(36)** ~~To cover administrative costs,~~ For each billing period that a telecommunications provider fails to submit the surcharge fees in full on or before the ~~day it is~~ due ~~date~~as required by these rules, the telecommunications provider must pay a late payment fee in accordance with OAR 860-011-~~00800110~~. The Commission may not impose a late payment fee until the surcharge fees are five business days past due.

**(7) If the telecommunications provider fails to submit the surcharge fee in full on or before the due date, the telecommunications provider must pay interest in accordance with OAR 860-011-0110.**

**(48)** If a telecommunications provider fails to file a ~~Remittance Report~~ as required by these rules, the telecommunications provider must pay a late report fee in accordance with OAR 860-011-~~00800110~~. The Commission may not impose a late report fee until the ~~Remittance Report~~ is five business days past due.

**(5) If the telecommunications provider fails to submit the surcharge fee in full on or before it is due, the Commission will add interest in accordance with OAR 860-011-0080.**

**(69)** If the amount shown due on a ~~Remittance Report~~ is not paid by the due date, the Commission may issue a proposed order to set the sum due. The Commission may waive **the late report fee, the late payment fees and the interest on the unpaid surcharge fees, or any combination thereof,** if the **telecommunications provider files a written waiver request and provides** evidence showing that the telecommunications provider submitted the **Remittance Report and** surcharge fees late due to circumstances beyond its control.

**(710)** The telecommunications provider must pay a ~~service~~ fee in accordance with OAR 860-011-~~00800110~~ for each payment returned for non-sufficient funds.

**(11) Remittance Report Records: A telecommunications provider must keep all records supporting each Remittance Report for three years, or if a Commission review or audit is pending, until the review or audit is complete, whichever is later.**

**(12) In computing any period of time prescribed or allowed by these rules, the first day of the act or event is not included. The last day of the time period is included, unless the last day is a Saturday or legal holiday; then the time period runs until the end of the next day that is not a Saturday or a legal holiday. Legal holidays are those identified in ORS 187.010 and 187.020.**

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 18-2004, f. & cert. ef. 12-30-04

### **860-033-0007**

#### **Estimated Report**

(1) For any time period for which a telecommunications provider fails to file a ~~Remittance Report~~ as required by these rules, the Commission may ~~make~~**determine** a proposed surcharge assessment based upon any information available to the Commission.

(2) The proposed assessment ~~shall~~**must**:

~~(a) It~~**(a) Include** a late payment fee equal to 9 percent of the proposed assessment amount, up to a maximum of \$500 for that reporting period;

~~(3b) Each~~**Include interest on the** proposed assessment ~~shall bear interest on the~~ amount ~~proposed~~ at the rate of 9 percent per annum from the day the surcharge fee was originally due; ~~and~~

~~(4c) The Commission's proposed assessment for a non-filed RSPF remittance report must be~~ made no later than 3 years after the ~~Remittance Report's~~ due date.

~~(5) Notwithstanding subsection (4)(2)(c) of this rule, if the telecommunications provider did not hold a certificate of authority, if one was required by law, the Commission shall have~~ an unlimited time to propose an assessment for the time period represented by the non-filed ~~Remittance Report~~. The proposed assessment ~~shall~~**must** include all late payment fees as specified in this rule.

~~(6) Prior to the expiration of~~**During** the ~~30-day~~ period allowed for filing a petition for a hearing, the telecommunications provider may file its ~~Remittance Report~~. ~~The Commission shall accept the report and calculate~~**pay the surcharge**, late report fees, late payment fees, and interest. **The Commission must accept the Remittance Report, surcharge payment, late report fee, late payment fee and interest if correctly calculated** in accordance with the original due date for the ~~subject~~ time period's ~~Remittance Report specified in these rules for the report and payment, if any, accompanying the report.~~

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## 860-033-0008

### Commission Audit and Proposed Assessment

(1) For any time period for which a telecommunications provider's ~~Remittance Report~~ was due, the Commission may audit the telecommunications provider as the Commission deems necessary and appropriate.

(2) The Commission's audit must begin no later than three years after the ~~Remittance Report~~'s due date. After completion of the audit, the Commission may propose to assess an additional surcharge amount due from the telecommunications provider.

(3) If a telecommunications provider failed to file a ~~Remittance Report~~ within the time period specified in these rules, the Commission ~~shall~~must add to the proposed assessment a late payment fee equal to 9 percent per annum of the amount of the proposed assessment, up to a maximum of \$500.

(4) Each proposed assessment ~~shall~~bears interest on the additional surcharge amount proposed at the rate of 9 percent per annum from the day the original surcharge amount was due.

(5) Notwithstanding section (2) of this rule, if the telecommunications provider did not hold a certificate of authority, if one ~~was~~required by law, the Commission ~~shall~~havehas an unlimited time to audit the telecommunications provider for the surcharge fees.

**(6) A telecommunications provider must produce for inspection or audit upon request of the Commission or its authorized representative all records supporting its Remittance Reports. The Commission, or its representative, must allow the telecommunications provider a reasonable time to produce the records for inspection or audit.**

**(7) In addition to any other penalty allowed by law, the Commission may suspend or cancel a telecommunications provider's certificate of authority to provide telecommunications service for its failure to produce for inspection or audit the records required by this rule.**

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## 860-033-0009

### Notice and Hearing on Proposed Orders

(1) The Commission ~~shall~~must provide a written ~~notice of a~~ proposed order or other notice of proposed assessment upon the telecommunications provider, as well as a proposal to revoke or suspend the telecommunications provider's certificate of authority. ~~The Commission will allow the telecommunications provider an opportunity to request a hearing before the Commission on the notice of proposed action.~~

(2) Within 30 days after the service of the notice of proposed assessment or a proposed order, a telecommunications provider may petition the Commission in writing for a hearing. **The telecommunications provider must specify in its petition all of the reasons it disputes the notice of proposed assessment or proposed order.**

(a) If a petition is not filed within the 30-day period, the Commission ~~shall~~may enter a final order or assessment based upon information in the Commission's files.

(b) If a petition is filed within the 30-day period, the Commission ~~shall~~must grant the telecommunications provider a hearing and give the telecommunications provider at least 10 days' notice of the time and place of a hearing.

(3) The ~~telecommunications provider must specify in its petition all reasons it disputes the notice of proposed action. The Commission shall conduct a~~ hearing on the telecommunications provider's petition is conducted under its~~the~~ Commission's rules governing hearings and proceedings.

~~(4) A Commission decision regarding the outcome of the petition shall become final after service of the Commission's order upon the petitioning telecommunications provider.~~

~~(5) A proposed assessment made by the Commission under these rules is due and payable on the 10th day after the~~ service date of the Commission's ~~order becomes~~ final order.

(5) If the Commission has not received payment of the surcharge and penalties assessment within the specified time, the Commission may suspend or cancel a telecommunications provider's certificate of authority to provide telecommunications service for its failure to pay the assessment required by this rule.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## OREGON TELEPHONE ASSISTANCE PROGRAM (OTAP)

### **860-033-0010**

#### **OTAP Applicability**

The Oregon Telephone Assistance Program (OTAP) is designed to provide a reduced rates or discount for an eEligible tTelecommunications pProvider's basic service, whether sold separately or in combination with other services, to for low-income customers who meet eligibility requirements. An Eligible Telecommunications Provider must offer OTAP reduced rates or discounts with all service offerings that include basic telephone service. Reduced rates or discounts apply to the single line, or service that is functionally equivalent to a single line, serving the eligible household recipient's principal residence. Eligible Telecommunications Providers and OTAP must treat OTAP data as confidential information, to the extent allowed by law, and OTAP data may be used only for OTAP program purposes. ~~The surcharge is levied on each local access line. All telecommunications utilities, public utilities, competitive providers, cooperative corporations, and unincorporated associations providing telecommunications service are required to follow these provisions.~~

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## 860-033-0030

### OTAP Eligibility

(1) Eligibility for OTAP ~~can be~~is demonstrated by ~~one of the following methods:~~

~~(a) An~~ Application to the Commission by an individual currently;

~~(a) r~~RReceiving benefits from the federal food stamp program or receiving benefits from another Commission-approved low-income public assistance program for which eligibility requirements do not exceed 135 percent of the poverty level;

(b) Certificationed by an agency contracting with the Commission to qualify an individual as meeting eligibility criteria; or

(c) Certificationed of as eligibilityle in a public assistance program ~~which that~~ the Commission has determined to meet eligibility criteria.

(2) An applicant or recipient ~~is may be~~ required to furnish his/ or her social security number before ~~his/her~~ OTAP eligibility can be determined or verified. Failure to do so will may result in denial of benefits.

(3) An applicant must sign a written authorization (OTAP application) permitting the Commission to release necessary information to an eEligible ~~†~~Telecommunications pProvider and, as necessary, to the following: Department of Human Services, and the applicant's personal representative or ~~a~~-legal guardian.

(4) The Commission must be able to verify an individual's continuing participation in a qualifying program. Continuing OTAP eligibility ~~will be~~is based on monthly or quarterly~~periodic~~ recertification by the Commission.

~~(5) Eligible telecommunications providers and OTAP shall treat OTAP data as confidential information, to the extent allowed by law, to be used for OTAP program purposes only. The OTAP benefit is limited to one single line, or single line equivalent, at the applicant's or recipient's principal residence. Generally, only one OTAP benefit is allowed per residential address, but the Commission may make exceptions for certain facilities including but not limited to rooming houses and other independent living facilities.~~

~~(6) An~~ The name of the applicant or recipient ~~is required to be~~must appear on the ~~named subscriber to~~billing statement for the ~~local~~-telecommunications service in order for that household~~recipient~~ to qualify for OTAP benefits. The Commission may waive this requirement if it determines that good cause exists.

(7) An applicant who did not receive ~~his or her~~ benefits from an Eligible ~~†~~Telecommunications pProvider after being approved by the Commission may be reimbursed up to a maximum of one year six months of OTAP benefits credited to ~~their telephone line~~the applicant's account. An Aapplicants must submit their a written request to the Commission ~~in writing~~in order to receive the OTAP credit.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 11-1995, f. & ef. 11-27-95 (Order No. 95-1217); PUC 6-1997, f. & ef. 1-10-97 (Order No. 97-005); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## 860-033-0035

### OTAP Benefits

(1) A residential customer qualifying for the OTAP benefit ~~shall~~ pay a reduced monthly rate, ~~for an eligible telecommunications carrier's service~~ as established by the Commission, for basic service, whether sold separately or in combination with other services, provided by an Eligible Telecommunications Provider. The monthly OTAP benefit ~~shall~~ include:

(a) The federal baseline ~~l~~lifeline support ~~shall be~~ equal to the Eligible ~~l~~telecommunication ~~e~~carriers tariff rate for the federal end user common line charge for primary residential lines; ~~and an additional federal lifeline support of \$1.75 approved by the FCC in FCC Order No. 97-157, Paragraph 351, and consented to by the states; and~~

(b) An additional federal Lifeline support of \$1.75 in accordance with 47 C.F.R. § 54.403 (2008);

(c) The State of Oregon support of \$3.50; and

(d) An additional federal lifeline support, in an amount equal to one-half the amount of support provided by the State of Oregon up to a federal maximum of \$1.75, ~~which shall be~~ available to the el~~l~~ligible ~~t~~telecommunications ~~e~~carriers Providers ~~who that~~ provide OTAP benefits to qualifying low-income recipients;

(ed) For each qualifying low-income individual living on federally recognized tribal lands, provided this support does not bring the basic local rate below \$1.00 per month:

(A) An additional federal lifeline support, in an amount up to \$25.00 per month, ~~shall be~~ available for each eligible resident of tribal lands; and

(B) A total of up to ~~\$31.75~~\$35.00 each month, including first and second tier federal support amounts per primary residential connection, ~~shall be~~ available for each eligible resident of tribal lands on basic local residential service, as prescribed in ~~FCC Order No. 00-208, Paragraph 424~~7 C.F.R. § 54.403 (2008).

(f) A qualifying tribal Lifeline customer must directly contact the local Eligible Telecommunications Provider to receive tribal Lifeline support.

(2) The OTAP benefit ~~shall be~~is provided for each billing period ~~during which that~~ a customer ~~has been~~is determined eligible for assistance. When a customer ~~has been~~is determined eligible for less than an entire billing period, the benefit ~~shall be~~is prorated.

(3) Initial benefits become effective on the date the Commission receives the signed OTAP application (written authorization) from an eligible customer.

(4) ~~A~~ Customers removed from or denied OTAP may reapply by telephone or online when ~~they again meet~~ eligibility ~~le~~le criteria. Benefits then become effective on the date the Commission ~~r~~e verifies the customer's eligibility.

**(a) A customer removed from or denied OTAP benefits after the Commission is notified that the customer is no longer eligible because the customer is not currently receiving benefits from one of the qualifying programs listed OAR 860-033-0030(1) may file a written request for a hearing to appeal the termination.**

**(b) At the hearing, the customer must provide to the Commission written documentation showing the customer's current participation in one of the qualifying programs listed in OAR 860-033-0030(1).**

**(5) A customer who has not received OTAP benefits for three or more years must submit a new signed OTAP application.**

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290 OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 2-2002, f. & cert. ef. 2-5-02

## **860-033-0040**

### **OTAP Alternatives**

(1) In lieu of OTAP participation, an **eEligible fTelecommunications carrierProvider** may apply to the Commission for authority to provide low-income telephone assistance through an alternative plan. An **eEligible fTelecommunications carrierProvider's** application **shallmust** demonstrate **that**:

(a) Customers eligible for OTAP will receive a benefit not less than the benefit the same customers would have received from OTAP;

(b) Customers who qualify for assistance under OTAP will also qualify for assistance under the **eEligible fTelecommunications carrierProvider's** alternative plan; and

(c) Administrative costs for an alternative plan will be **no-greaterless than or equal to** the administrative costs **would-be** if the **eEligible fTelecommunications carrierProvider** participated in OTAP.

(2) **An** Eligible **fTelecommunications carriersProvider** providing low-income telephone assistance under an alternative plan **shallmust** inform the Commission monthly of the number of subscribers receiving a benefit and the total dollar amount in benefits provided by the **eEligible fTelecommunications carrierProvider's** plan.

(3) Eligible subscribers **shallmust** continue receiving benefits under the Commission plan until the **eEligible fTelecommunications carrierProvider's** alternative plan is approved by the Commission and implemented by the **eEligible fTelecommunications carrierProvider**.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 18-1997, f. & cert. ef. 12-17-97

860-033-0045

## OTAP Compensable Expenses

(1) Each ~~e~~Eligible ~~†~~Telecommunications ~~p~~Provider ~~shall~~may be compensated from the ~~Residential Service Protection Fund~~ for enrolling new OTAP customers and for benefit specific costs incurred as a consequence of participating in OTAP.

(a) The Eligible †Telecommunications pProviders may be compensated for each customer enrolled for the OTAP benefit at the Commission's ~~shall~~ request, compensation by submitting invoices

(b) Benefit costs include the revenue the Eligible Telecommunications Provider foregoes by providing local service to qualified low-income customers at the OTAP reduced rate or discount.

(2) To receive compensation, an Eligible Telecommunications Provider must submit a reimbursement form no later than 21 calendar days after the end of the billing period. ~~A~~The Eligible †Telecommunications pProvider's reimbursement form must indicate the number of qualified customers who were enrolled during the billing period, the number of customers who received the OTAP benefit during the billing period, and the amount of revenue foregone during that same period.

(a) An Eligible Telecommunications Provider with 1,000 or more OTAP customers must submit the ~~invoice~~reimbursement form monthly.

(b) An Eligible †Telecommunications pProvider with ~~less~~fewer than 1,000 monthly customers ~~shall~~may submit ~~an invoice~~the reimbursement form either monthly or quarterly. ~~Funds will be disbursed to a provider no more than 20 calendar days after the Commission receives a properly filed invoice:~~

~~(a) Each eligible telecommunications provider will be compensated for benefit costs. Compensation will equal the revenue the provider foregoes by providing local service to qualified low-income customers at a reduced rate. The telecommunications provider's invoices shall indicate the number of qualified customers who received the OTAP benefit during a specified period and the amount of revenue foregone during the same period;~~

~~(b) Each eligible telecommunications provider shall receive compensation for each customer it enrolls for the OTAP benefit at the Commission's request. The telecommunications provider's invoices shall indicate the number of customers who were enrolled during a specified period;~~

~~(c) Each eligible telecommunications provider shall be compensated for the cost of preparing special administrative reports for OTAP. The telecommunications provider's invoices shall include the number and type of administrative reports prepared for the Commission during a specified period; and~~

~~(d) An eligible telecommunications provider may not authorize OTAP benefits for customers without Commission approval. A telecommunication provider who grants OTAP benefits to ineligible customers will have the total amount of the OTAP benefits that were given to those customers deducted from the monthly or quarterly OTAP reimbursement invoices that the telecommunications provider submits to the Commission.~~

~~(e) An eligible telecommunications provider shall be compensated for the cost of preparing and distributing educational materials about OTAP at the Commission's~~

~~request. The telecommunications provider's invoices shall indicate the number of customers receiving the materials and include an itemized accounting of the cost of preparing the materials. The Commission must approve all expenses before the materials are distributed to customers.~~

~~(23) The Commission will~~may determine the compensation amount based on the costs an ~~e~~Eligible ~~t~~Telecommunications ~~p~~Provider would reasonably incur to accomplish each task referred to in section (1) of this rule. The Commission disburses funds from the RSPF to the Eligible Telecommunications Provider within 45 calendar days after the Commission receives a properly completed reimbursement form.

~~(34) Each eEligible tTelecommunications pProvider providing low-income telephone assistance under an approved alternative plans shall~~may be compensated for benefit and ~~administrative enrollment~~ costs. However, compensation from the ~~Residential Service Protection Fund shall~~ may not be ~~no~~ greater than the compensation ~~the~~ providers would have received had ~~they~~it participated in OTAP.

~~(45) Governmental agencies contracting with the Commission to certify the eligibility requirements of individuals or to perform other administrative functions authorized by these rules shall~~be compensated based on the terms of the contract.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## **860-033-0046**

### **OTAP Auditing and Accounting, Reporting and Auditing**

(1) Based upon accounting procedures approved by the Commission, ~~e~~Eligible ~~t~~Telecommunications ~~carriers~~Providers ~~shall~~must maintain accounting records so that costs associated with OTAP can be separately identified. Records ~~shall~~must be provided to the Commission upon request.

~~(2) The OTAP staff shall conduct an internal audit on a biennial basis and report the results to the Commission.~~

(2) Active OTAP Customer Report: The Active OTAP Customer Report is a listing of all customers receiving the OTAP benefit. The listing may include the customers' telephone numbers, addresses or Commission-assigned OTAP Identification Number.

(a) Each Eligible Telecommunications Provider with 1,000 or more OTAP customers must submit monthly to the Commission in an electronic format accessible by the Commission, an Active OTAP Customer Report.

(b) Each Eligible Telecommunications Provider with fewer than 1,000 OTAP customers must submit quarterly to the Commission in an electronic format accessible by the Commission an Active OTAP Customer Report.

(3) Order Activity Report: The Order Activity Report is a listing of all OTAP customers whose service was disconnected. The Commission may also require additional information such as a listing of all OTAP customers whose telephone numbers or addresses have changed.

(a) Each Eligible Telecommunications Provider with 1,000 or more OTAP customers must submit monthly to the Commission in an electronic format accessible by the Commission an Order Activity.

(b) Each Eligible Telecommunications Provider with fewer than 1,000 OTAP customers must submit quarterly to the Commission in an electronic format accessible by the Commission an Order Activity Report. (4) No Match Report: When the Commission notifies the Eligible Telecommunications Provider of customers who meet eligibility criteria, the Eligible Telecommunications Provider must notify the Commission of any discrepancy that prevents a customer from receiving the OTAP benefit. Notification of discrepancies may be submitted electronically in a format accessible by the Commission.

(5) The Commission reserves the right to audit the records of an Eligible Telecommunications Provider that provides OTAP benefits or low-income telephone assistance.

(6) OTAP Records: Each Eligible Telecommunications Provider must keep all OTAP records and supporting documentation for three years, or if a Commission review or audit is pending, until the review or audit is complete, whichever is later.

(a) An Eligible Telecommunications Provider must produce for inspection or audit upon request of the Commission or its authorized representative all OTAP records and supporting documentation. The Commission, or its representative, must allow the Eligible Telecommunications Provider a reasonable time to produce the records for inspection or audit.

(b) In addition to any other penalty allowed by law, the Commission may suspend or cancel an Eligible Telecommunications Provider's certificate of authority to provide telecommunications service for its failure to produce for inspection or audit the records required by this rule.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97

## Link-Up America

860-033-0050

### Link-Up America Eligibility

~~(1) The Commission adopts the Federal Communications Commission (FCC) eEligibility criteria for Link-Up America.~~ is demonstrated by application to the Commission by an individual currently:

~~(2) Each applicant and recipient must:~~

~~(a) Be certified by an organization approved by the Commission as meeting the requirements of an established income test for a low-income assistance program offered through the Department of Human Resources or qualify for the Low Income Energy Assistance Program (LIEAP). LIEAP recipients must provide the Commission a document demonstrating their participation in the program.~~

~~(b) Submit their Link-Up America applications to the Commission. The Commission will forward their application to the applicant's telecommunication provider.~~

~~(a) Receiving benefits from the federal food stamp program or receiving benefits from another Commission-approved low-income public assistance program for which eligibility requirements do not exceed 135 percent of the poverty level;~~

~~(b) Certified by an agency contracting with the Commission to qualify an individual as meeting eligibility criteria; or~~

~~(c) Certified as eligible in a public assistance program that the Commission has determined to meet eligibility criteria.~~

~~(e2) An applicant or recipient may be required to furnish his/ or her social security number before his/her eligibility in Link-Up America eligibility can be determined or verified. Failure to do so will result in denial of benefits.~~

~~(3) An applicant must sign a written authorization (OTAP application) permitting the Commission to release necessary information to an Eligible Telecommunications Provider and, as necessary, to the following: Department of Human Services, and the applicant's personal representative or legal guardian.~~

~~(4) Eligible Telecommunications Providers and OTAP must treat Link-Up America data as confidential information, to the extent allowed by law, and Link-Up America data may be used only for OTAP program purposes.~~

~~(5) The name of the applicant or recipient must appear on the billing statement for the telecommunications service in order for that recipient to qualify for Link-Up America benefits. The Commission may waive this requirement if it determines that good cause exists.~~

~~(2) Security deposit requirements will be waived for residential applicants who are eligible for Link-Up America and who satisfy the credit requirements of OAR 860, division 021, or if the qualifying low-income consumer voluntarily elects toll blocking from the provider, where available.~~

~~(3) If an applicant does not meet the credit requirements of OAR 860, division 021, or has an outstanding bill with the eligible telecommunications provider, the deposit will not be waived and the applicant will be subject to the conditions and payment arrangements contained in OAR 860, division 021.~~

~~(4) An eligible telecommunications provider shall offer a 50 percent reduction in its tariffed line connection charge, up to a maximum reduction of \$30, to eligible Link-Up America applicants. This assistance does not cover special features, services, or deposits. Eligible residents living on federally recognized tribal lands shall receive an additional reduction of up to \$70 to cover 100% of the charges between \$60 and \$130 for a total maximum support amount of \$100 per qualifying low-income subscriber on tribal lands with initial connection or line extension costs of \$130 or more as prescribed in FCC Order No. 00-208, Paragraph 59. Tribal Lifeline recipients must contact their telecommunications providers directly to submit Link-Up America Applications.~~

~~(5) An eligible telecommunications provider shall offer a deferred schedule for payment of the charges assessed for commencing service, for which the consumer does not pay interest. The interest charges not assessed to the consumer shall be for connection charges of up to \$200 that are deferred for a period not to exceed one~~

~~year. Charges assessed for commencing service include any charges that the provider customarily assesses to connect subscribers to the network. These charges do not include any permissible security deposit requirements.~~

~~(6) An eligible telecommunications provider's Link-Up America program shall allow a customer to receive the benefit of the Link-Up America program for a second or subsequent time only for a principal place of residence with an address different from the address at which the Link-Up America assistance was previously provided.~~

~~(7) An eligible telecommunications provider shall seek reimbursement from the National Exchange Carrier's Association (NECA), an authorized agent of the FCC.~~

~~(8) Failure by a customer to make payments as agreed upon with the eligible telecommunications provider will result in disconnection of service pursuant to OAR 860, division 021.~~

~~(9) Upon FCC approval of a Commission OTAP and Link-Up America plan, an eligible telecommunications provider subject to Oregon Law 1987, Chapter 290, shall file appropriate tariffs or price lists with the Commission.~~

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183, 756, 759 & Ch. 290 OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290 OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 8-1989, f. & cert. ef. 6-8-89 (Order No. 89-724); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & ef. 4-18-96 (Order 96-102); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 2-2002, f. & cert. ef. 2-5-02; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## **860-033-0055**

### **Link-Up America Benefits**

**(1) Security deposit requirements may be waived for a residential applicant who is eligible for Link-Up America and who satisfies the credit requirements of OAR Chapter 860, Division 021, or if the qualifying low-income applicant voluntarily elects toll blocking, where available, from the provider.**

**(2) If an applicant does not meet the credit requirements of OAR Chapter 860, Division 021, or has an outstanding bill with the Eligible Telecommunications Provider, the deposit is not waived and the applicant is subject to the conditions and payment arrangements contained in OAR Chapter 860, Division 021.**

**(3) An Eligible Telecommunications Provider must offer a 50 percent reduction in its tariffed line connection charge, up to a maximum reduction of \$30, to eligible Link-Up America applicants. This assistance does not cover special features, services, or deposits. Each eligible resident living on federally recognized tribal lands, with initial connection or line extension costs of \$130 or more as prescribed in 47 C.F.R. § 54.411 (2008), may receive an additional reduction of up to \$70 to cover 100% of the charges between \$60 and \$130 for a total maximum support amount of**

**\$100. A qualifying Tribal Lifeline customer must directly contact the local Eligible Telecommunications Provider to receive tribal Link-Up support.**

**(4) An Eligible Telecommunications Provider must offer to the Link-Up America recipient a deferred payment schedule for connection charges up to \$200. Payment for the connection charges may be deferred for a period not to exceed one year. The Eligible Telecommunications Provider may not charge the Link-Up America recipient interest on the deferred amount during the deferral period. Connection charges include any charges that the provider customarily assesses to connect subscribers to the network. These charges do not include any permissible security deposit requirements.**

**(5) A Link-Up America recipient who fails to make payments as agreed with the Eligible Telecommunications Provider is subject to disconnection of service pursuant to OAR Chapter 860, Division 021.**

**(6) An Eligible Telecommunications Provider's Link-Up America program must allow a customer to receive the benefit of the Link-Up America program for a second or subsequent time only for a principal place of residence with an address different from the address where the Link-Up America assistance was previously provided.**

**(7) An Eligible Telecommunications Provider may seek reimbursement from the Universal Service Administrative Company, an authorized agent of the FCC.**

**(8) Upon FCC approval of a Commission OTAP and Link-Up America plan, an Eligible Telecommunications Provider subject to Oregon Law 1987, Chapter 290, must file appropriate tariffs or price lists with the Commission.**

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183, 756, 759 & Ch. 290 OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290 OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 8-1989, f. & cert. ef. 6-8-89 (Order No. 89-724); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & ef. 4-18-96 (Order 96-102); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 2-2002, f. & cert. ef. 2-5-02; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; ~~formerly 860-033-0050(2) – (9)~~

## **860-033-0100**

### **Toll Limitation Service**

Upon request **and availability**, a qualifying OTAP recipient ~~shall be~~ entitled to ~~the~~ **Toll Limitation Service** from an ~~eligible~~ **Eligible Telecommunications carrier Provider**, ~~when available~~, at no additional charge.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ORS ~~759.030~~**759.036** & Ch. 290, OL 1987

Hist.: PUC 18-1997, f. & cert. ef. 12-17-97

## Telecommunication Devices Access Program (TDAP)

860-033-0505

### TDAP Definitions

(1) "Adaptive Equipment" means special telecommunications equipment that permits a person with a disability, other than a hearing- or speech-impairment, to communicate effectively on the telephone.

~~(2) "Applicant" means a person who applies for an assistive telecommunication device, adaptive equipment, and/or signal device.~~

~~(3) "Assistive Telecommunication Device" means a device that uses a keyboard, acoustic coupler, display screen, Braille display, speakerphone, or amplifier to enable a peopleperson who areis deaf, deaf-blind, severely hearing impaired, severely speech impaired or who havehas a disability that prevents them from usinguse of a standard telephone to communicate effectively on the telephone.~~

~~(4) "Assistive Telecommunication Device or Adaptive Equipment Maintenance Service" means a facility authorized by the Commission to repair any reasonably damaged assistive telecommunication device or adaptive equipment.~~

~~(5) "Authorized Distributor" means a facility authorized by the Commission to distribute a Assistive tTelecommunication dDevices and a Adaptive eEquipment.~~

~~(4) "Authorized Maintenance Center" means a facility authorized by the Commission to repair any reasonably damaged Assistive Telecommunication Device or Adaptive Equipment.~~

~~(6) "Disabled" means a physical condition other than hearing or speech impairment that requires use of adaptive equipment beforeprevents a person can use thefrom effectively communicating on a standard telephone.~~

~~(7) "Distribution Center" means a facility authorized by the Commission to distribute adaptive equipment.~~

~~(8) "Household" means all occupants living in one dwelling.~~

~~(9) "Local Exchange Carrier" means a "telecommunications utility" as defined in ORS 759.005(12)(e) or cooperative association that switches and transports communications between customers linked inside an exchange.~~

~~(10) "Recipient" means a person whose application for assistive telecommunication devices or adaptive equipment has been approved by the Commission and who receives assistive telecommunication devices or adaptive equipment.~~

~~(11) "TDAP Manager" means a person employed by the Commission to implement the Telecommunication Devices Access Program (TDAP).~~

~~(12) "TeleBraille" means a two-unit system designed for face-to-face and telephone communication through the use of a modified assistive telecommunication device equipped with a typewriter keyboard, visual display, and acoustical coupler, linked to a Braille display with a 20-cell dynamic Braille display.~~

~~(13) "Telecommunication Devices Access Program or TDAP" means a program established by the Commission which with the Telecommunication Devices Access Program Advisory Committee's advice provides assistive telecommunication devices or adaptive equipment and dual party relay services at no additional cost beyond~~

~~telephone service for customers who are deaf, severely hearing-impaired, severely speech-impaired, or deaf-blind.~~

~~(14) "Telephone Relay Center" means a facility authorized by the Commission to provide telephone relay service.~~

(157) "TTY" is a telecommunication device for the deaf that uses a keyboard and a one-inch screen to transmit messages back and forth through a telephone line.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

### **860-033-0506**

#### **Telecommunication Devices Access Program Advisory Committee (TDAPAC)**

The TDAPAC ~~shall~~ consists of 12 Oregon residents appointed by the Commission as prescribed by Oregon Laws 1987, Chapter 290, Section 12. The TDAPAC ~~shall~~must meet regularly with the ~~TDAP~~PRSPF Manager to give advice concerning matters of general development, implementation, and administration of TDAP. TDAPAC meetings are public, and minutes ~~shall~~must be provided to the public upon request.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ORS ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & cert. ef. 4-18-96 (Order No. 96-102); PUC 18-1997, f. & cert. ef. 12-17-97

### **860-033-0510**

#### **TDAP ~~Applicability~~Purpose**

TDAP is designed to provide ~~a~~Assistive ~~t~~Telecommunication ~~d~~Devices or ~~a~~Addaptive ~~e~~Equipment and services to deaf, severely hearing-impaired, severely speech-impaired, deaf-blind, or disabled customers who meet eligibility requirements.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ORS ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99

### **860-033-0530**

#### **TDAP Eligibility**

(1) ~~An applicant is eligible to receive assistive telecommunication devices or adaptive equipment from the TDAP if the applicant:~~ A person may apply to receive

an Assistive Telecommunication Device or Adaptive Equipment from the TDAP. The application must be submitted using the form provided by TDAP. The TDAP application form is available online at <http://www.puc.state.or.us/PUC/rspf/tdapapp.pdf>, from the Commission and from certain community resources.

(2) A TDAP applicant must provide the TDAP with:

- ~~(a) Shows evidence of regular access to a specific telephone number in Oregon; and~~
- ~~(b) Shows he or she is an Oregon resident; and~~
- ~~(c) Submits to the Commission a written form~~ A properly completed application

including a:

~~(A) Provided by the TDAP, and~~

~~(B) Signed by a licensed physician, audiologist, speech pathologist, vocational rehabilitation counselor from the Oregon State Vocational Rehabilitation Division, or a person certified by the program as qualified to determine whether a person meets the eligibility requirements of TDAP, and~~

~~(C) A statement that the applicant is deaf, severely hearing-impaired, severely speech-impaired, deaf-blind, or has a disability that prevents him or her from using use of a standard telephone. This statement must be signed by~~

(A) A licensed physician who may certify that the applicant is deaf, deaf-blind, severely hard of hearing, severely speech impaired or has a physical condition other than a hearing or speech impairment that requires use of adaptive equipment to use the telephone;

(B) An audiologist or a hearing aid specialist who may certify only that the applicant is deaf or severely hearing-impaired;

(C) A speech pathologist who may certify only that the applicant is severely speech impaired;

(D) A vocational rehabilitation counselor from the Oregon State Vocational Rehabilitation Division who may certify that the applicant is deaf, deaf-blind, severely hard of hearing, severely speech impaired or has a physical condition other than a hearing or speech impairment that requires use of Adaptive Equipment to use the telephone; or

(E) A person certified by the Commission as qualified to determine whether a person meets the eligibility requirements of TDAP.

~~(d) For an applicant person under 18 years of age, or an adult applicant who is determined to require a legal guardian, a parent or a guardian must apply on the applicant's that person's behalf and assume full responsibility for the aAssistive tTelecommunication dDevice or aAdaptive eEquipment and services. An Eemancipated minors areis considered an adults. Applicants under the age of 18 years of age must sign a new Conditions of Acceptance form within 30 calendar days after they become 18 years of age. Failure to do so will result in the Commission billing the parent or guardian If the application is signed by a person asserting power of attorney for the applicant or by a legal guardian, the person signing the application may be required to provide the Commission with evidence of the power of attorney or legal guardianship device.~~

(23) The TDAP ~~shall~~may only approve applications for persons who cannot use ~~the~~standard telephone for expressive or receptive communication. The TDAP ~~shall~~must provide equipment suitable to access the telecommunications system.

~~(34) The TDAP shall provide one assistive telecommunication device or adaptive device per household. However, two assistive telecommunication devices or adaptive devices.~~The TDAP may provide one Assistive Telecommunication Device or one Adaptive Equipment unit per eligible person. The one device or unit provided may also include an accessory device such as a loud ringer or signal device, as applicable. More than one Assistive Telecommunication Device or Adaptive Equipment unit may be provided to a household if more than one eligible person permanently resides in the household.

(45) If the Commission purchases new devices that may benefit a ~~current~~ TDAP recipient more than the ~~Commission-provided~~ equipment currently provided by TDAP to the recipient is currently using, the ~~TDAP may~~Commission will allow the recipient to use both the current and new device for a ~~two-week~~60-day trial period. The recipient must return the ~~equipment that is~~ less beneficial equipment to the ~~Commission~~TDAP within five business days after the end of the trial period. If the recipient fails to return the equipment, the recipient is responsible for paying the TDAP for the cost of the more expensive equipment.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036, & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

**860-033-0535**

### **Ownership of and Identification Conditions for Use of Assistive Telecommunication Devices or Adaptive Equipment**

#### **The following are ownership and identification procedures:**

(1) All ~~a~~Assistive ~~t~~Telecommunication ~~d~~Devices or ~~a~~Adaptive ~~e~~Equipment purchased under the TDAP ~~will~~ remain the property of the State of Oregon. The ~~Authorized d~~Distributors ~~must and distribution centers shall~~ record the serial number of each ~~a~~Assistive ~~t~~Telecommunication ~~d~~Device or ~~a~~Adaptive ~~e~~Equipment unit. An ~~distribution center~~Authorized Distributor's failure to comply may terminate the ~~center~~distributor's contract with the State of Oregon.

(2) Before receiving an Assistive Telecommunication Device or Adaptive Equipment, a recipient must sign the Conditions of Acceptance Agreement. A recipient who received TDAP equipment when under the age of 18 must sign a new Conditions of Acceptance form within 30 calendar days after becoming 18 years of age. Similarly, if there is a change in legal guardian for an adult recipient, the new guardian must sign a Conditions of Acceptance form within 30 calendar days of the change in guardianship. Failure to do so will result in the Commission billing the parent or guardian of record for the device.

**(3) Before the requested equipment is distributed, an applicant or recipient must pay in full all outstanding accounts with the Commission.**

**(4) Any Assistive Telecommunication Device or Adaptive Equipment distributed to an eligible recipient under this program may**~~Any assistive telecommunication device or adaptive equipment distributed to eligible applicants under this program shall~~ not be sold, loaned, or otherwise transferred from the possession of the original recipient. Unauthorized transfers ~~will~~ subject the recipient to repossession of the ~~a~~**A**ssistive ~~t~~**T**elecommunication ~~d~~**D**evice or ~~a~~**A**daptive ~~e~~**E**quipment, prosecution, or liability for the full purchase price of the equipment.

**(35) Any** recipient who moves to a different address within Oregon must report the new address to the Commission within 30 calendar days of the move. A recipient who moves out of Oregon **must return all Assistive Telecommunication Devices or Adaptive Equipment received through the TDAP to an Authorized Distributor or the Commission before moving out of Oregon. A recipient,**~~or~~ who is no longer receiving telephone services, ~~shall~~**must** return all ~~a~~**A**ssistive ~~t~~**T**elecommunication ~~d~~**D**evices or ~~a~~**A**daptive ~~e~~**E**quipment received through the TDAP to an **Authorized Distributor distribution center** or the Commission within 30 calendar days after termination of ~~I~~**L**ocal ~~e~~**E**xchange ~~s~~**S**ervice ~~or before leaving Oregon, whichever is sooner. However, a recipient may take assistive telecommunication devices or adaptive equipment on travel outside Oregon. The recipient must obtain written permission from the TDAP Manager if the travel will be for more than 90 calendar days.~~

~~(4) Recipients must sign the Conditions of Acceptance Agreement before they receive an assistive telecommunication device or adaptive equipment.~~

~~(5) Stolen Equipment or Equipment Damaged by Acts of Nature or Disasters:~~

~~(a) If the equipment is stolen, a recipient must notify the local law enforcement agency within 24 hours of the time the recipient discovers the theft. A recipient shall forward a copy of the police report to the TDAP Manager or a distribution center within five Commission business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the Commission's TDAP Manager within two Commission business days after the theft was reported. The recipient shall forward his/her written report to the TDAP Manager that describes the theft and includes any witnesses' names, addresses, and telephone numbers.~~

~~(b) If the equipment is stolen outside the United States, the recipient must submit a copy of the police report to the TDAP Manager within five Commission business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the TDAP Manager within two Commission business days after returning to Oregon. The recipient shall forward to the TDAP Manager his/her written report that includes the purpose of the recipient's travel; includes any witnesses' names, addresses, and telephone numbers; and describes the theft.~~

~~(c) If the equipment is damaged due to acts of nature or disasters that include floods, storms, fire, or other acts of nature, the recipient must submit an insurance, fire department, police report, or other equivalent documentation about the event within five business days after the date the event occurred.~~

**6) A recipient may take Assistive Telecommunication Devices or Adaptive Equipment on travel outside Oregon. The recipient must obtain written permission from the RSPF Manager if the travel will be for more than 90 calendar days.**

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97 860-033-0535(5)

Renumbered to 860-033-0536; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

**860-033-0536**

**TDAP Recipients' Liability**

**(1) The recipient ~~will be held~~is financially responsible for any damage to the equipment that is not caused by normal wear and tear, ~~or~~ acts of nature, or disasters. To avoid financial responsibility for damaged equipment, the recipient must prove to the Commission that the damage was caused by normal wear and tear or acts of nature or disasters. The ~~Commission will also hold the~~ recipient **is also** financially responsible for the full replacement cost of the equipment if the recipient moves out of Oregon without returning the equipment.**

**2) Stolen Equipment or Equipment Damaged by Acts of Nature or Disasters:**

**(a) If the equipment is stolen, a recipient must notify the local law enforcement agency within 24 hours of the time the recipient discovers the theft. A recipient must forward a copy of the police report to the RSPF Manager within five business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the RSPF Manager within five business days after the theft was reported. The recipient must forward a written report to the RSPF Manager that describes the theft and includes any witnesses' names, addresses, and telephone numbers.**

**(b) If the equipment is stolen outside the United States, the recipient must submit a copy of the police report to the RSPF Manager within five business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the RSPF Manager within five business days after returning to Oregon. The recipient must forward to the RSPF Manager a written report that includes any witnesses' names, addresses, and telephone numbers; and describes the theft.**

**(c) If the equipment is damaged due to acts of nature or disasters, including, but not limited to floods, storms or fire, the recipient must submit an insurance claim, fire department report, police report, or other equivalent documentation about the event within five business days after the date the event occurred.**

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~**759.036** & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-

14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97 Renumbered from 860-033-0535(5); PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

**860-033-0537**

**BillingHolding Recipients Financially Responsible for Damaged, Lost, or Otherwise Not Returnedfor Assistive Telecommunication Devices or Adaptive Equipment**

(1) Invoices:

(a) The Commission ~~shall~~**must** mail ~~two~~**an** invoice ~~notices, at least 30 calendar days apart,~~ indicating the amount of and the reason for such invoice to the responsible recipient at the last known address. The recipient ~~shall have~~**has** 30 calendar days **from the mailing date of the invoice** to respond ~~to each notice.~~

(b) The invoiced recipient may call or meet with the **TDAPRSPF** Manager to discuss and attempt to resolve the invoices. At the **TDAPRSPF** Manager's discretion, further investigation may be initiated. If the investigation finds that the invoice was issued in error (for example, there is no verifiable reason for the invoice having been sent), the invoice may be canceled.

(c) If the Commission does not receive payment, the **TDAPRSPF** Manager ~~shall~~**may** begin the ~~complaint process pursuant to ORS 756.500~~**collection activities.**

~~(2d)~~ (2d) Incorrect address: When an invoice is returned with an incorrect address and the invoiced recipient has not notified the **TDAPRSPF** Manager of an address change as required by TDAP rules, the amount billed to the recipient ~~shall~~**becomes** a liquidated debt.

**(2) Proposed Order:**

**(a) If the recipient does not respond to the invoice within 30 days from the mailing date of the invoice, the Commission may issue a written proposed order assessing the amount due.**

**(b) The recipient may pay the assessment in full within 30 days of the mailing date of the proposed order or may file a written petition for a hearing within 30 days of the mailing date of the proposed order. A written petition for a hearing must clearly specify all the reasons the recipient disputes the proposed assessments.**

**(A) If the recipient pays in full the proposed assessment within the 30 days of the mailing date of the proposed order, the Commission will accept the payment and discontinue any further collection activities for that assessment.**

**(B) If the recipient timely files a written petition for a hearing as set forth in subsection (b), the Commission must grant the recipient a hearing and give at least 10 days notice of the time and place of the hearing. The Commission will conduct the hearing under its rules governing hearings and proceedings.**

**(3) Commission Order:**

**(a) If the recipient does not respond to the proposed order within 30 days from the mailing date of the proposed order, or after considering the testimony presented at hearing, the Commission will enter an order. Any charges assessed by order of the Commission become due and payable on the 10th day after day the order is entered.**

**(b) If the recipient does not respond to the Commission Order, the account may be referred to the Department of Revenue or a collection agency for collection.**

~~(3) Recipients and applicants who request equipment must have paid all outstanding accounts with the Commission.~~

(4) ~~Billing~~ Collection procedures for a household recipient with ~~more than two or more~~ a Assistive ~~†~~ Telecommunication ~~d~~ Devices or a Adaptive ~~e~~ Equipment units:

(a) The Commission ~~shall~~ must mail a letter to the recipient ~~who most recently applied for the equipment~~, asking the recipient to return the equipment within 30 calendar days, and

(b) If the Commission does not receive a response, the Commission ~~shall~~ must send an invoice to the recipient. If the recipient does not pay the amount billed, the Commission may ~~bill one or all the recipients in the household~~ take the necessary action against the recipient to either regain possession of the State of Oregon's equipment or receive the full replacement value of such equipment.

~~(e5)~~ When the Commission receives notice that a recipient is deceased, the Commission ~~shall~~ must request that the estate return the equipment. The Commission may bill the estate for the cost of replacing the equipment if it has not been returned, or if it is returned in damaged condition.

(6) If the lost, damaged, or otherwise not returned equipment is obsolete or is no longer offered by the TDAP, the Commission may waive the recipient's financial responsibility.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~ 759.036 & Ch. 290, OL 1987

Hist.: PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04

## 860-033-0540

### Distribution Procedures for Assistive Telecommunication Devices or Adaptive Equipment

(1) Subject to appropriation and approval of expenditures for a Assistive ~~†~~ Telecommunication ~~d~~ Devices or a Adaptive ~~e~~ Equipment and services purchased by the Commission, the Commission may contract with any governmental agency or other entity to establish ~~authorized for assistive telecommunication devices or adaptive equipment distributors, an assistive telecommunication devices or adaptive equipment distribution center network, and an assistive telecommunication devices or adaptive equipment maintenance center~~ an Authorized Distributor network and an Authorized Maintenance Center network.

(2) If demand exceeds supply, the Commission ~~will~~ may distribute a Assistive ~~†~~ Telecommunication ~~d~~ Devices or a Adaptive ~~e~~ Equipment to customers on a first-come first-serve basis.

(3) ~~The authorized distributors shall~~ Each Authorized Distributor must inform the TDAP in writing of all incoming and outgoing ~~shipping orders~~ shipments of a Assistive ~~†~~ Telecommunication ~~d~~ Devices or a Adaptive ~~e~~ Equipment. The written information ~~shall~~ must include the serial numbers ~~they~~ engraved on all assistive telecommunication devices or adaptive equipment by the Authorized Distributor.

(4) ~~The assistive telecommunication devices or adaptive equipment distribution centers shall inform the TDAP in writing of all incoming and outgoing shipping of assistive telecommunication devices or adaptive equipment with the engraved serial numbers.~~

(5) Upon notice from the ~~TDAP~~RSPF Manager, the ~~distribution centers shall~~Authorized Distributor must distribute ~~a~~Assistive ~~t~~Telecommunication ~~d~~Devices or ~~a~~Adaptive ~~e~~Equipment to eligible applicants.

(6) ~~The distribution centers shall~~Authorized Distributor must require ~~all applicants~~each recipient, including ~~the parents and/or~~ legal guardians, to sign the Conditions of Acceptance Agreement form supplied by the TDAP before ~~they are~~ providing ~~an~~aAssistive ~~t~~Telecommunication ~~d~~Device or ~~a~~Adaptive ~~e~~Equipment unit. ~~The distribution centers and~~Authorized Distributor and Authorized ~~m~~Maintenance ~~e~~Centers shallmust forward all forms to the ~~TDAP~~RSPF Manager.

(7) If needed, the Commission ~~will~~may contract with an agency or individual(s) to provide training on ~~a~~Assistive ~~t~~Telecommunication ~~d~~Devices or ~~a~~Adaptive ~~e~~Equipment to specialized populations.

(8) ~~Neither authorized assistive telecommunication devices or adaptive equipment distributors, distribution centers, maintenance centers, nor the TDAP shall provide~~ Recipients of Assistive Telecommunication Devices or Adaptive Equipment are responsible for replacement paper for the ~~a~~Assistive ~~t~~Telecommunication ~~d~~Device or ~~a~~Adaptive ~~e~~Equipment, the payment of the recipient's monthly telephone bill, ~~the~~ purchase or lease cost of recipient's telephone, ~~or~~ the cost of replacement light bulbs for signal devices and batteries for the equipment.

(9) ~~The distribution center shall disseminate~~Authorized Distributor must provide each recipient a copy of ~~telephone rate reduction application forms~~the OTAP application form, mailing forms for purchasing TTY paper, and ~~telephonetelecommunications~~ relay service information handouts.

(9) The recipient must return defective or damaged equipment to the Commission, at the Commission's expense, prior to receiving repaired or replacement equipment. The Commission will decide whether to replace or to repair the damaged or defective equipment. The requirement to return defective or damaged equipment prior to receiving repaired or replaced equipment may be waived by the RSPF Manager.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 16-2004, f. & cert. ef. 12-1-04

**860-033-0545**

**TDAP Compensable Expense**

(1) The ~~authorized assistive telecommunication devices or adaptive equipment distributors, distribution centers,~~Authorized Distributors and the Authorized

~~mMaintenance eCenters, and eligible telecommunications providers shall~~ may be compensated from the Residential Services Protection Fund for specific costs incurred as a result of participating in the TDAP. These contracted programs and services shall must request compensation by submitting an invoice to the Commission at least quarterly. Funds will must be disbursed to these contracted programs or services no more than 30 calendar days after a properly filed invoice is received by the Commission:

(a) ~~The eligible telecommunications providers shall be compensated for the costs associated with the verification of service status and notification to the TDAP of service termination under OAR 860-033-0535(7).~~

(b) ~~The authorized assistive telecommunication devices or adaptive equipment distributors will~~ Authorized Distributors may be compensated for coordinating and storing the aAssistive tTelecommunication dDevices or aAdaptive eEquipment. Invoices shall must indicate all services performed by distributors and the number of the aAssistive tTelecommunication dDevices or aAdaptive eEquipment units provided to recipients. Compensable services shall must include the cost of aAssistive tTelecommunication dDevices or aAdaptive eEquipment with an identification number, shipping costs, storage costs, delivery costs, and other related costs.

(eb) ~~The distribution centers will~~ Authorized Distributors may be compensated for the cost of preparing and distributing the aAssistive tTelecommunication dDevices or aAdaptive eEquipment and maintenance services requested by the customers. Invoices shall must indicate the number of the aAssistive tTelecommunication dDevices or aAdaptive eEquipment unit including the engraved identification on either distributing aAssistive tTelecommunication dDevices or aAdaptive eEquipment to the recipient or receiving aAssistive tTelecommunication dDevices or aAdaptive eEquipment repair orders from the recipient. The specific tasks of preparation and services in distributing the aAssistive tTelecommunication dDevices or aAdaptive eEquipment shall beare subject to written agreement between the Commission and the contracted aAssistive tTelecommunication dDevices or aAdaptive eEquipment personnel.

(dc) ~~The assistive telecommunication devices or adaptive equipment~~ Authorized mMaintenance eCenters shall may be compensated for repairing the damaged aAssistive tTelecommunication dDevices or aAdaptive eEquipment, the storage of extra assistive telecommunication devices or adaptive equipment replacements, and the required insurance for storage. Invoices shall must indicate the labor and parts of the damaged aAssistive tTelecommunication dDevices or aAdaptive eEquipment, the storage cost, and the insurance premium cost, including aAssistive tTelecommunication dDevices or aAdaptive eEquipment identification inventory.

(ed) The Commission will determine the rate of compensation based on the cost the ~~distribution center~~ Authorized Distributor should reasonably incur to accomplish each task.

(2) Based upon accounting procedures established by the Commission, the ~~assistive telecommunication devices or adaptive equipment~~ Authorized dDistributors, distribution centers, and Authorized mMaintenance eCenters shall must maintain accounting records in such a manner that costs associated with TDAP can be separately identified. ~~Their records will be audited by the Commission~~ The Commission may audit the records of an Authorized Distributor or an Authorized Maintenance Center.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03

### **860-033-0560**

#### **Oregon Telecommunications Relay Service (OTRS)**

~~(The OTRS will~~must comply with the Americans with Disabilities Act's requirements ~~incorporated with the Federal Communications Commission's Adopted Rules of CC Docket No. 90-571, dated July 11, 1991~~as set forth in 47 C.F.R. § 64.601-64.606 (2008).

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ORS ~~759.030~~759.036 & Ch. 290, OL 1987

Hist.: PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97