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TO PARTIES OF RECORD IN RULEMAKING 13-03-008:

This is the proposed decision of Commissioner Darcie L. Houck. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ MICHELLE COOKE
Michelle Cooke
Acting Chief Administrative Law Judge

MLC:sgu
Attachment

Decision **PROPOSED DECISION OF COMMISSIONER HOUCK**

(Mailed 1/17/2023)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Add
Speech Generating Devices to the Deaf
and Disabled Telecommunications
Program.

Rulemaking 13-03-008

**DECISION IN PHASE 2 ON THE SUPPLEMENTAL TELECOMMUNICATIONS
EQUIPMENT (VOICE OPTIONS PILOT) AND SPEECH GENERATING DEVICE
PROGRAMS**

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DECISION IN PHASE 2 ON THE SUPPLEMENTAL TELECOMMUNICATIONS EQUIPMENT (VOICE OPTIONS PILOT) AND SPEECH GENERATING DEVICE PROGRAMS

Summary

This decision reviews two programs within the Deaf and Disabled Telecommunications Program (Public Utilities Code §§ 2881 et seq): (1) the Supplemental Telecommunications Equipment program (also known as Voice Options Pilot) and (2) the Speech Generating Device program. Based on this review, we find that limited revisions to the two programs are reasonable. In addition, we adopt the Voice Options Pilot as a permanent program. This decision concludes that the goals of Phase 2 of this proceeding have been met.

Rulemaking 13-03-008 is closed.

1. Background

The Commission established programs by its decisions in the 1970s to provide telecommunications services and equipment to persons who are deaf and hard of hearing. Beginning in 1979, the Legislature codified and expanded these programs through enactment of several provisions in Public Utilities Code § 2881 et seq.¹ The Commission created the Deaf and Disabled Telecommunications Program (DDTP) to implement these legislative requirements. The DDTP now offers assistive telecommunications services and equipment to California residents who are certified as having a hearing, speech, mobility, vision, or cognitive disability.

Pursuant to Pub. Util. Code § 2881(g), the DDTP is funded via a surcharge not to exceed one-half of one percent on customer telephone bills in California. The surcharge is designated on customer bills as the "California Relay Service

¹ Senate Bill 597 (Chapter 1142, Stat. 1979); all statutory references are to the Public Utilities Code, unless otherwise noted.

and Communications Devices Fund Surcharge.” The amount of this surcharge is set by Pub. Util. Code § 2881(g), as recently amended by Assembly Bill (AB) 14 (Aguiar-Curry, Stats. 2021, Ch. 658).²

On March 21, 2013, the Commission initiated this proceeding to implement the provisions of AB 136 (Beall, Stats. 2011, Ch. 404). As described by the Commission in Rulemaking (R.) 13-03-008, AB 136 amended Pub. Util. Code § 2881 as follows:

“[AB 136] modifies the Deaf and Disabled Telecommunications Program (DDTP) through the addition of Speech Language Pathologists to the list of agents that can certify individuals as being eligible to receive equipment from the DDTP. AB 136 also expands the equipment provided by the DDTP to include Speech Generating Devices (SGD).”³

A number of parties participated in the first phase of this proceeding, including Lewis Golinker for Assistive Technology Law Center (ATLC); the Division of Ratepayer Advocates (now known as the Public Advocates Office at the California Public Utilities Commission, herein “Cal Advocates”); Verizon California, Inc.; University of California at San Francisco; Amyotrophic Lateral Sclerosis Center; Center for Accessible Technology (CforAT); and Speech Communications by Telephone, Inc.

On December 19, 2013, the Commission adopted Decision (D.) 13-12-054. This decision implements AB 136 by creating a program to provide speech generating devices to customers certified with a speech disability.⁴ This program

² California state legislative materials can be found at website for California Legislative Information at: <https://leginfo.legislature.ca.gov/faces/home.xhtml>.

³ R.13-03-008 at 1.

⁴ The federal government defines speech generating devices on the website for the Centers for Medicare & Medicaid Services at www.cms.gov as “durable medical equipment that provides

Footnote continued on next page.

is known as the Speech Generating Device (SGD) program. In this same decision, the Commission adopted another program to provide assistive devices known as Supplemental Telecommunications Equipment (also known as STE or the Voice Options Pilot).⁵ The Commission adopted these programs under its general statutory authority set forth in Pub. Util. Code §§ 2881 et seq.

Also, in D.13-12-054, the Commission concluded that several issues concerning these two new programs required further development. Therefore, the Commission laid out a review process and directed that this review takes place in Phase 2 of the proceeding.⁶

Several procedural events occurred before the initiation of Phase 2. On October 20, 2015, a prehearing conference (PHC) was held. On October 26, 2015, the Administrative Law Judge (ALJ) issued a ruling seeking additional information on several recently enacted laws and the potential impact of those laws on the programs adopted in D.13-12-054. On February 11, 2016, CforAT filed a motion seeking a status conference (STC). The ALJ scheduled and held a STC on June 20, 2016. On August 16, 2016, the ALJ issued a ruling incorporating additional materials into the record and seeking comments. CforAT filed comments on September 7, 2016 and reply comments on September 21, 2016.

On January 16, 2020, the ALJ issued a ruling seeking comments on a report entitled “An Evaluation of the Voice Options Pilot Program” prepared by

an individual who has a severe speech impairment with the ability to meet his or her functional, speaking needs.”

⁵ This pilot (aka Voice Options Pilot) was created to provide program participants new iPads with a speech-generating application. As stated in D.13-12-054 at 3-4, the Commission already provided telecommunications equipment, such as amplified telephones, speakerphones, and teletypewriters (TTYs) to people with certain disabilities under a program referred to as the California Telephone Access Program or CTAP (also part of the DDTP).

⁶ D.13-12-054 at OPs 3, 6, 7, and 8.

WestEd.⁷ The ruling also sought comments from parties on whether the Commission should close this proceeding and, if not, what additional issues should be considered. ATLC and CforAT filed comments. Parties made it clear that, based on the need for the Commission to explore remaining issues, closure of the proceeding was premature.

On December 21, 2020, after considering the comments by parties seeking the Commission's review of additional issues, the ALJ issued a ruling initiating Phase 2 of this proceeding (December 2020 ALJ Ruling). The December 2020 ALJ Ruling included a report by the Commission's Communications Division regarding the Voice Options Pilot (Voice Options Staff Report), and requested comments on that report. Cal Advocates and CforAT filed comments on February 4, 2020 and February 5, 2020, respectively.

On October 15, 2021, the ALJ issued another ruling in Phase 2 (October 2021 Ruling). This ruling included a report by the Communications Division on the Speech Generating Device Program (Speech Generating Device Staff Report), and requested parties file comments on that report. CforAT filed comments on November 29, 2021.

This decision addresses the issues framed in D.13-12-054 for further consideration in Phase 2, as addressed in the ALJ's Phase 2 December 2020 ALJ Ruling. This decision also addresses the comments by parties on the Voice Options Staff Report and Speech Generating Device Staff Reports issued by the Commission's Communications Division.

⁷ The WestEd report is attached to the January 16, 2020 ALJ ruling and is available on the Commission's website at the Docket Card for this proceeding. WestEd is a nonpartisan, nonprofit research, development, and service agency engaged by contract to serve as evaluator of the Voice Options Program.

Rulemaking 13-03-008 is closed.

2. Jurisdiction

Pub. Util. Code §§ 2881 et seq. provides the authority and states the requirements and goals for the Commission to design and implement programs to provide telecommunications services and equipment for the deaf and disabled. This includes contracting with vendors for services and equipment, establishing and controlling committees, providing funds and rate recovery, and directing each telephone corporation subject to the Commission's jurisdiction to comply with its determinations and specifications.

Pub. Util. Code § 701 states that the Commission may supervise and regulate every public utility in the State and may do all things which are necessary and convenient in the exercise of such power and jurisdiction.

Pub. Util. Code § 702 states that every public utility shall comply with every order, decision, direction, or rule made or prescribed by the Commission and shall do everything necessary or proper to secure compliance therewith by all of its officers, agents, and employees.

Pub. Util. Code § 761 provides that, whenever the Commission, after a hearing, finds that the rules, practices, equipment, appliances, facilities, or service of any public utility, or the methods of manufacture, distribution, transmission, storage, or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate, or insufficient, the Commission shall determine and, by order or rule, fix the rules, practices, equipment, appliances, facilities, service, or methods to be observed, furnished, constructed, enforced, or employed.

3. Issues Before the Commission

D.13-12-054 states the issues for Phase 2, as further explained in the December 2020 ALJ Ruling. The issues and considerations for Phase 2 are:

1. Options regarding development of an exemption or expedited application process for specific needs or where desirable (OP 3),
2. More detailed instructions regarding administration of the distribution programs for the SGD and the Voice Options Pilot (OP 6, and December 2020 ALJ Ruling at 4),
3. Consideration of whether to request guidance from speech language pathologists and other experts regarding equipment and applications provided by the SGD distribution program (OP 7 and December 2020 ALJ Ruling at 4),
4. Guidelines for Commission staff where funding from other sources has been denied and the Commission may be responsible for full funding of speech generating devices (OP 9 and December 2020 ALJ Ruling at 4), and
5. A review and response to recommendations and comments by stakeholders regarding various staff reports and ALJ rulings (December 2022 ALJ Ruling at 3).

4. Discussion

The Commission has reviewed the record of this proceeding, including the staff reports and parties' comments filed in response to the ALJ Rulings. The results of this review are set forth below.

We find that the best way to address the issues is in the context of the two programs at issue. We first review the Supplemental Telecommunications Equipment Program (aka Voice Options Pilot). We then review the Speech Generating Device Program. We conclude by assessing whether we have met the requirements and objectives of our orders in D.13-12-054. In each section, we review and address the recommendations and comments of the stakeholders.

4.1. Supplemental Telecommunications Equipment Program (aka Voice Options Pilot)

We first consider parties' comments and address several aspects of the Voice Options Pilot. This includes several specific issues within the four identified for this proceeding, such as the application process, administration, outreach, customer access, guidance from outside experts, and funding. We begin with our consideration of whether the Voice Options program should be made permanent, and conclude that it should.

4.1.1. Adoption of Voice Options Pilot as Ongoing Program

The Commission in D.13-12-054 adopted a pilot program within the DDTP. This program is referred to as the Supplemental Telecommunications Equipment program (aka Voice Options Pilot). The program provides iPads with a pre-installed speech-generating application to eligible participants.⁸

The Commission directed staff to develop the specific aspects of program implementation. Staff did this through workshops and two reports.⁹ In addition, the Commission entered into a contract with California Foundation for Independent Living Centers (CFILC) to assist with program administration. Upon completion of the CFILC contract, the Commission entered into an inter-agency agreement with the Department of Rehabilitation (DOR or Department) for continued assistance with program administration.¹⁰ Parties'

⁸ ALJ Ruling December 21, 2020, Attachment (Staff Report) at 1.

⁹ The Commission staff held a workshop on April 29, 2014, and issued a report on August 4, 2014. On August 16, 2016, staff issued another report, followed by a workshop on January 22, 2016. (See ALJ Ruling December 21, 2020, Attachment (Staff Report) at 1; also D.13-12-054 OP 10).

¹⁰ ALJ Ruling December 21, 2020, Attachment (Staff Report) at 1.

comments were sought on The Voice Options Staff Report filed with the December 2020 ALJ Ruling to consider further program development.

CforAT raises several questions about why the Voice Options Pilot has continued to remain a pilot program and whether and how this pilot phase will end or transition to a permanent program. In addition, CforAT states that the pilot does not appear to conform to a “typical” pilot program adopted by the Commission and, as a result, asks the Commission to clarify the exact questions the Commission seeks to address through the “pilot” phase of the program, explain how the pilot is and will be evaluated by the Commission, and whether (and how) the Commission will extend, terminate, or modify the pilot.¹¹

Similarly, Cal Advocates states that the Voice Options Staff Report is deficient because it lacks findings and conclusions about the Voice Options Pilot under the administration of the DOR.¹² Cal Advocates states that the staff report should be amended to include currently available data to support an evaluation of whether the goals of the Voice Options Pilot are being met.¹³

To address these concerns, we first clarify the purpose of this pilot. As the Commission explained in D.13-12-054, the purpose is:

“...to provide alternative equipment for those speech-disabled persons who cannot or would rather not receive the services of an SLP [speech language pathologist], and/or would rather choose a telecommunications assistive device for themselves.”¹⁴

¹¹ CforAT February 5, 2021 Comments at 15.

¹² Cal Advocates February 5, 2021 Comments at 3.

¹³ Cal Advocates February 5, 2021 Comments at 4.

¹⁴ D.13-12-054 at 38.

This purpose was reiterated in the Voice Options Staff Report, stating that the purpose is “to provide program participants new iPads with a speech-generating application.”¹⁵

In terms of CforAT’s and Cal Advocates’ questions about evaluating the Voice Options Pilot, we note that the Commission, through our staff, has been working with the DOR (the current administrator) to evaluate the pilot. This work includes the DOR incorporating the results of this evaluation in its reports to the Commission on a monthly basis.¹⁶ We, through our staff, intend to continue to analyze and compare the administration of the program under CFILC versus DOR. We expect that the results of this analysis will provide a reasonable basis to identify possible improvements to the program.

The Commission finds it reasonable the process relied upon by staff, together with the DOR, to evaluate the pilot. Moreover, based on the Commission’s review of these reports and parties’ comments, the Commission finds that the program has provided substantial benefits to applicants. As a result, we adopt the pilot as a permanent program. Monthly statistics reports about Voice Options should continue going forward under the permanent program for purposes of evaluating whether the program is continuing to meet its goals.

¹⁵ ALJ Ruling December 21, 2020, Attachment (Staff Report) at 1.

¹⁶ These reports can be found on the Commission’s website at the page for the DDPT at the following link: <https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/ddtp/speech-generating-devices>.

4.1.2. Voice Options Administrator and Related Issues

CforAT asked questions and made recommendations regarding the various administrators of the Voice Options Pilot.¹⁷ As noted above, the Commission first contracted with CFILC to assist with program administration and later entered into an interagency agreement with DOR for a similar purpose. CforAT says that the Voice Options Staff Report fails to provide sufficient details about the Commission's relationship with CFILC by failing to:

"explain why it was decided that the Commission would enter into a non-competitive contract with a nonprofit agency [CFILC] to develop an entirely new distribution system, who made this decision, or why it took over three years from the date that the Decision [D.13-12-054] authorizing the pilot was issued until Phase 1 of the pilot was launched."¹⁸

The Voice Options Staff Report addresses this issue as follows:

"On January 4, 2016, the CPUC entered into a non-competitive bid contract with CFILC to administer the Voice Options Pilot. As discussed above, the contract was not competitively bid because CPUC staff concluded that, at the time, CFILC was the only vendor having the relevant experience and statewide coverage to administer the STE pilot."¹⁹

¹⁷ CforAT raises several issues related to the Speech Generating Device program in comments on the December 21, 2020 staff report, which addresses the Supplemental Telecommunications Equipment program. CforAT raises these same issues in comments on the October 15, 2021 staff report, which addresses the Speech Generating Device program. To minimize duplication, the Commission addresses these comments in the section of this decision pertaining to the Speech Generating Device program.

¹⁸ CforAT February 5, 2021 Comments at 14.

¹⁹ ALJ Ruling December 21, 2020, Attachment (Voice Options Staff Report) at 1.

This clarification provides sufficient information regarding the Commission's relationship with CFILC, and we find that the contract arrangement was reasonable.

CforAT states that the Voice Options Staff Report is deficient because it does not include any

“discussion of why the program was subsequently transferred [from CFILC] to the Department of Rehabilitation rather than integrated into the existing [California Telephone Access Program or CTAP] telecommunications distribution program of DDTP.”²⁰

CforAT is correct that this issue is not addressed in the staff report. The reason that integrating the Voice Options Pilot into the CTAP distribution program was not previously considered as an option, however, was because the California Communications Access Foundation (CCAF),²¹ which administers the CTAP under contract with the Commission, lacked experience working with individuals with speech disabilities requiring augmentative and alternative communication (AAC) devices.²² In addition, CCAF did not indicate interest in administering the Voice Options Pilot. Nonetheless, we will continue through our staff to consider all integration options, including integration with CTAP, going forward.

CforAT requests more information about the costs associated with the Voice Options Pilot when administered by CFILC and as now administered by the DOR, stating:

²⁰ CforAT February 5, 2021 Comments at 14-15.

²¹ CCAF is a non-profit corporation that specializes in improving access to telecommunications services for people with disabilities and other traditionally underserved populations.

²² AAC devices are “augmentative and alternative communication” devices, such as a tablet or laptop that helps someone with a speech or language impairment to communicate.

“There has never been a clear accounting provided in the record of this proceeding of the cost of creating an entirely new distribution system or the effective cost of distribution for each of the small number of STE [Supplemental Telecommunications Equipment] devices actually provided.”²³

CforAT is correct that a focus on costs is important. We consider costs in the context of all programs within the DDPT. We will, through our staff, make this cost information more readily available to the public, and will do this as part of staff updating the DDTP webpage in 2023.

CforAT states that the Voice Options Staff Report provides an incomplete description of the payment structures used for each administrator, stating:

“[The report] describes a change in payment structure from a subcontracting system [with CFILC] to a system of grant agreements in conjunction with the program’s transition from CFILC to DOR. It does not explain why this is a better system or provide any explanation of the decision-making process or total costs.”²⁴

CforAT is correct that the staff report describes a change in contractual arrangements when the administration of the program moved from CFILC to the DOR. The staff report describes the change as follows:

“In contrast with the process relied upon by CFILC, which subcontracted with demonstration centers, the Department of Rehabilitation’s relationship with its demonstration centers has taken the form of grant agreements. The grant agreement format is different than the subcontracting format because grantees are paid a non-variable flat rate for each participant added to Voice Options whereas the CFILC subcontractors were reimbursed for time and materials. Under the grant agreements, the Department of Rehabilitation serves as the

²³ CforAT February 5, 2021 Comments at 15.

²⁴ CforAT February 5, 2021 Comments at 16.

grantor and the demonstration centers as the grantee. More specifically and as stated in the grant agreements, the Department of Rehabilitation, as the grantor, provides the grantee “a conditional grant of funds that shall assist Grantee to provide short-term and long-term loans of Voice Options Program iPads to eligible people with verified speech or language disabilities, with the goal of increasing their ability to communicate independently.”²⁵

This explanation clarifies that this change was suggested by the DOR. The Commission has reviewed this process and finds the arrangement reasonable in terms of the administration of the program by another state agency.

CforAT states that the DOR may not be the appropriate administrator of this program because, according to CforAT, the DOR “primarily serves job seekers,” rather than the specific population potentially interested in Voice Options.²⁶ We disagree with CforAT’s characterization of the DOR as primarily serving job seekers because this does not fully reflect the Department’s mission. While DOR is widely known for its vocational rehabilitation programs, the DOR provides programs serving differing needs, including the Independent Living Program. The Commission concludes that the DOR’s ability to build upon its Independent Living Program to promote the Voice Options program makes the DOR Commission partner for program administration now and for the foreseeable future.

CforAT requests additional information about how the DOR reaches people who might not receive the typical services provided through the Department.²⁷ In response, the Commission points out that the Voice Options

²⁵ ALJ Ruling December 21, 2020, Attachment (Staff Report) at 3.

²⁶ CforAT February 5, 2021 Comments at 17.

²⁷ CforAT February 5, 2021 Comments at 17-18.

Staff Report identified several methods of outreach relied upon by the DOR to promote the pilot, including CFILC's Ability Tools.²⁸ As explained in the Voice Options Staff Report, the DOR is also seeking to engage with other established organizations and entities that, for example, assist the aging and older adults, speech and hearing centers, ear, nose, and throat medical specialists, community rehabilitation programs, and community-based organizations serving individuals with disabilities.²⁹ The Commission finds that the current outreach efforts by the Department are reasonable but will, through our staff, continue to monitor the Department's outreach efforts and consider improvements.

CforAT states that, while the Voice Options Staff Report indicates that the DOR is revising its outreach techniques to "target historically marginalized and underrepresented communities," no information is provided about the DOR's plans to accomplish this goal.³⁰ We agree with CforAT that accomplishing outreach is important. Statistical information depicting the DOR's efforts to reach underserved communities can be found in the DOR's monthly reports on the Voice Options Pilot. These reports can be found on the Commission's website.³¹ For example, these reports address the percentage of African Americans and non-English speaking populations served by the Voice Options Pilot. Our review of these reports convinces us that the efforts by the DOR, together with those of Commission staff, have improved, and will continue to

²⁸ More information about CFILC's Ability Tools is available at <https://abilitytools.org/about/mission-history.php>.

²⁹ ALJ Ruling December 21, 2020, Attachment (Voice Options Staff Report) at 4.

³⁰ CforAT February 5, 2021 Comments at 17.

³¹ This information can be found on the Commission's website at the page for the DDPT at the following link: <https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/ddtp/speech-generating-devices>.

improve, that outreach to historically marginalized populations and underrepresented communities. The DOR's refinement of outreach efforts, as reflected in the publicly available reports, are reasonable and should continue.

CforAT states that while the Voice Options Staff Report describes outreach methods to promote Voice Options, CforAT requests clarification on whether the Commission has partnered with CTAP, as administered by CCAF, for outreach concerning the pilot.³² We have not. Rather, we note that the administrator of CTAP is aware of the Voice Options Pilot and continues to refer interested participants to the DOR. The Commission finds the referral by CCAF/CTAP of inquiries about Voice Options to the DOR is reasonable.

4.1.3. Customer Access Issues

CforAT states that the Voice Options Staff Report provides no indication of whether any support was provided for individuals seeking to access the Voice Options Pilot between the end of the initial phase of the Voice Options Pilot on June 30, 2019 and the official launch of next phase of the pilot under the administration of the DOR on June 26, 2020.³³ CforAT is correct that this was not addressed in the Voice Options Staff Report. In fact, the Voice Options Pilot was placed on hold for approximately one year while the administration of the program was transferred from CFILC to the DOR. This hiatus was disruptive. The Commission is confident, however, that the program is now being effectively administered by the DOR, and will continue to be so.

The Voice Options Staff Report, according to CforAT, states that an applicant can apply "remotely," and does not need to physically visit a

³² CforAT February 5, 2021 Comments at 17.

³³ CforAT February 5, 2021 Comments at 15.

demonstration center to be eligible to participate in the program. CforAT questions, however, how an applicant could effectively apply without visiting a center. That is because it is unlikely that any applicant is able to use a phone or computer to communicate and an applicant's only means of communication is likely in-person.³⁴ The Commission acknowledges that this aspect of the staff report is unclear. We clarify now that this "remote" option was included in the report because during the pandemic (when this report was prepared) the DOR offered alternative ways to remotely begin/continue participating in the program. The alternative ways may not have been optimal. Nonetheless, the Commission finds that this optional "remote" arrangement, as part of the adjustments made during the pandemic, was reasonable. The Commission also confirms that in-person applications are now available.

CforAT explains that on numerous occasions during this proceeding, it has suggested that the Commission implement an expedited process to provide equipment under Voice Options to applicants with terminal illnesses.³⁵ CforAT further explains that its requests for updates on the development of such a process have largely gone unanswered.³⁶

The Commission agrees with CforAT's that it is critical to implement a process for applicants with terminal illnesses to obtain equipment on an expedited basis. Moreover, in response to CforAT's suggestions, staff has already been processing applications submitted by an applicant with terminal illnesses on a priority basis when staff is notified by the applicant (or a representative of the applicant) of the terminal illness. In addition, when staff

³⁴ CforAT February 5, 2021 Comments at 16, quoting December 21, 2020 Staff Report at 3.

³⁵ CforAT February 5, 2021 Comments at 3-4.

³⁶ CforAT February 5, 2021 Comments at 3-4.

updates the application form and initiates the electronic submission process for application in early 2023, we expect that this expedited process will be specifically described on the updated application form so that the process is clear to all applicants.

Cal Advocates states that the Commission and the DOR:

“...should develop plans for the distribution of VOP [Voice Options Pilot] program devices, accessories, and voice communications applications to people with disabilities during a declared state of emergency, specifically, in emergency evacuation centers.”³⁷

The Commission appreciates Cal Advocates raising this issue. Staff is researching the problem. The Commission intends to continue to address this issue when reviewing the entire DDTP in a potential new rulemaking, which the Commission anticipates voting upon in early 2023.

4.1.4. Devices and Software

CforAT requests additional information, beyond the information provided in the Voice Options Staff Report, on

how many loaner iPads are available, whether the existing library of loaner iPads is routinely exhausted, or why additional loaners could not be obtained to allow more time for clients to test the devices.³⁸

CforAT is correct that this additional information is not readily available. We find value in having this data available on the Commission’s website. We will, through our staff, work with the DOR to develop a method to share this data on the updated Commission’s DDTP webpage, which we expect to be completed early in 2023.

³⁷ Cal Advocates February 5, 2021 Comments at 5.

³⁸ CforAT February 5, 2021 Comments at 18.

CforAT requests additional information, beyond the information provided in the Voice Options Staff Report, to clarify the availability of different generations of iPads, specifically the 5th, 6th, or 7th generation iPads.³⁹ The Commission clarifies that only the 7th generation iPads are available for short-term loans, but the 5th, 6th, and 7th generation iPads are available for long-term loans depending on the accessories needed. That is, the typical process is that an applicant will be offered a 7th generation iPad unless a requested accessory is only compatible with a prior generation. The Commission finds this process reasonable. Information regarding the generations of iPads available in the program will also be provided with the planned DDTP webpage update, together with the information related to the availability of loaner iPads, discussed above.

Cal Advocates states that the DOR, as the program administrator, “should continue monitoring device compatibility issues and maintain access to multiple generations of iPad devices, accessories, and applications as necessary” to support individual preferences.⁴⁰ We agree and will request that the DOR monitor device compatibility issues and maintain access to prior models. At the same time, we recognize that the DOR will face limits in its ability to do so since it cannot control when iPad models or accessories are discontinued by the manufacturers and become unavailable.

CforAT requests additional information about how the DOR works with applicants when testing the available pre-loaded apps on a tablet. CforAT appears to be seeking more information about this process so that it has

³⁹ CforAT February 5, 2021 Comments at 19, citing to December 21, 2020 Staff Report at 6.

⁴⁰ Cal Advocates February 5, 2021 Comments at 4.

assurance that applicants understand options and are able to choose the best option.⁴¹ Our review of the process shows that each applicant is provided with assistance throughout this decision-making process. The process typically unfolds as follows: During the app demonstration process, an applicant works directly with the demonstration center staff person and receives a demonstration of all five available speech apps. At the end of the demonstration of all the apps, the applicant may borrow an iPad with all five apps for further trial. This borrowing stage is referred to as a short-term loan. At the end of the short-term loan, the applicant chooses the app that is the best fit and then may take an iPad with the selected app for a long-term loan. The demonstration center staff helps throughout the process. We conclude that applicants are provided with reasonable and appropriate assistance during the entire demonstration process by the DOR.

CforAT requests information pertaining to when the DOR will consider adding new apps to Voice Options.⁴² This is an important concern. Commission clarifies that staff and the DOR have updated the apps in the Voice Options Pilot on a regular basis. This is done in connection with the biannual Voice Options Pilot's stakeholder meeting, where participants can suggest new apps and provide input. Based on these suggestions, Commission staff and the DOR will continue to consider and add new apps to the program. Going forward, the Commission finds that reviewing the apps in the Voice Options Program, and updating these twice per year, is reasonable.

⁴¹ CforAT February 5, 2021 Comments at 18.

⁴² CforAT February 5, 2021 Comments at 19.

4.2. Speech Generating Device Program

We next consider parties' comments and address several aspects of the Speech Generating Device Program. This includes a number of questions raised by CforAT in its filed comments on the October 2021 Ruling and the Speech Generating Device Staff Report. We address several specific issues within the four identified for this proceeding, such as the application process, funding, outreach, engagement, and other possible program improvements. We begin by considering CforAT's comments on the application process and possible improvements.

4.2.1. SGD Applications and Related Issues

CforAT provides several examples of how the application for the Speech Generating Device program is difficult to understand and may be confusing.⁴³ For example, CforAT suggests that Section 2 of the application be clarified to indicate whether a legal guardian or emergency contact is needed and/or why such information is needed. CforAT says that Section 2 of the application could also be modified remove the requirement to provide an emergency number. CforAT states that Section 4 of the application should be modified to remove the requirement to identify the person who will assist with any related installation needs because the application states that installation is the responsibility of the applicant. Lastly, CforAT asserts that portions of the application are duplicative. We agree with CforAT that aspects of the application identified by CforAT should be clarified or removed. In addition, we find that the application should be streamlined by removing duplicative information. The Commission, through our staff, will make these changes to the

⁴³ CforAT February 29, 2021 Comments at 11.

application in conjunction with its development of an electronic application form and submission process in early 2023, as described below.

CforAT states that “[i]mproving the forms and making them more understandable” is critical to streamline the application process “so that applicants are more likely to avoid common errors.”⁴⁴ CforAT states that improving the application for the Speech Generating Device program “would be more efficient than training vendors to work around confusing or ineffective instructions.”⁴⁵ The Commission agrees. We will continue to monitor and note deficiencies in the application for the Speech Generating Device program and, through our staff, implement changes to the application form that eliminate collection of unnecessary information and focus on increasing the accuracy of the information received. As a result, the Commission anticipates the overall application process will become more streamlined as staff will not have to engage in multiple efforts to verify and clarify the information.

CforAT states that “prompt adoption of a fully electronic review process” for application for the Speech Generating Device program is critical.⁴⁶ However, in response to details on the status of implementing an electronic review process stated in the Speech Generating Device Staff Report, CforAT suggests that fundamental improvements in this electronic process are needed. CforAT states, for example, that Kiteworks (the electronic platform used by staff) “is not widely used or accessible and requires paper filings.”⁴⁷ CforAT urges the Commission to adopt a more commonly available electronic platform for applicants to access

⁴⁴ CforAT November 29, 2021 Comments at 15.

⁴⁵ CforAT November 29, 2021 Comments at 15.

⁴⁶ CforAT November 29, 2021 Comments at 15.

⁴⁷ CforAT November 29, 2021 Comments at 15.

and complete required forms.⁴⁸ We note that the staff report explains the decision to rely on Kiteworks and, in addition, explains the current status of electronic submission of applications for the Speech Generating Device program, as follows:

“Prior to June 15, 2020, applications could only be submitted in hardcopy/paper format. However, the DDTP now only accepts electronic submittals. Application packages need to be electronically scanned and uploaded into Kiteworks, a secure file-sharing platform utilized by the CPUC. The DDTP shifted to receiving applications via Kiteworks in response to the COVID-19 pandemic, as a number of SGD manufacturers inquired about electronic submission since shelter-in-place orders precluded many employees from working onsite. The DDTP Team expects the acceptance of electronic applications to streamline the SGD application process by routing the application directly to team member responsible for review.”⁴⁹

As said in the staff report, and as stated above, the Commission recognizes that the application form for the Speech Generating Device program is transitioning from paper to electronic. The Commission anticipates that the process will be complete in early 2023 and, as part of this process, staff will review alternative on-line electronic platforms to Kiteworks.

CforAT states that the webpage links on the Commission’s website to the application for the Speech Generating Device program do not offer an application in Word format, which makes these forms difficult to access for some applicants.⁵⁰ We appreciate the comment. The issue apparently first arose when the Commission launched its new website in 2021. Staff has now corrected this

⁴⁸ CforAT November 29, 2021 Comments at 15.

⁴⁹ ALJ Ruling October 15, 2021, Attachment (Staff Report) at 6.

⁵⁰ CforAT November 29, 2021 Comments at 7.

issue. Moreover, as noted above, the Commission's staff is also working toward offering both an application form which can be submitted electronically and a version that will be available to download in Word. We conclude that these improvements, working toward both an electronic application and a downloadable Word version, reasonably address CforAT's concerns about the format of the application for the Speech Generating Device program.

CforAT expresses concern about the extent of authority to access private medical information required to be given by applicants to the Commission's staff. CforAT points to two releases which are part of the application process for the Speech Generating Device program: (1) Authorization for Release and (2) Provider Release Form.⁵¹ CforAT states that sharing medical information with the Commission staff imposes substantial privacy concerns, which are unreasonable within the context of seeking to participate in a state-provided telecommunications program. CforAT concludes by stating no reason exists for the Commission to have "complete access to an individual's medical records, and release of such documentation imposes substantial privacy concerns that should not accompany participation in a telecommunications program."⁵²

We agree that the release of medical records poses concerns. We point out that no protected medical information is requested in the application for the Speech Generating Device program. Applicants often voluntarily include private information, however, such as medical history and medical diagnoses, to supplement the required speech language pathologist's evaluation. As a result,

⁵¹ CforAT November 29, 2021 Comments at 9. These two releases are available as follows: (1) Authorization for Release: https://files.cpuc.ca.gov/SGD_Files/AuthorizationForRelease.pdf and (2) Provider Release Form: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/ddtp/providerreleaseform1.docx>.

⁵² CforAT November 29, 2021 Comments at 9.

the application currently includes two releases to permit the Commission to accept, retain, and review the protected information. We are not able at this time to delete the requirement for an applicant to enter into these releases. We cannot now do so because staff, as part of reviewing a person's application, necessarily reviews and retains protected information when it is provided by the applicant as supplemental information. While the releases are needed now, the Commission expects staff to take steps to eliminate the submission of protected information as part of the application process and move toward elimination of the need to obtain the two releases from the applicants, to the extent possible.

CforAT states that Pub. Util. Code § 2881(d)(1) provides several options for qualifying for the program's benefits, including either that the applicant is "certified" by a licensed speech-language pathologist or a physician. The Commission's application, however, requires that the applicant must be certified by both a licensed speech-language pathologist and a physician.⁵³ CforAT states that this requirement imposes unnecessary burdens not required by statute.⁵⁴ CforAT is correct. It is unnecessary and burdensome to require that an applicant obtain certification from both a licensed speech-language pathologist and a physician. The requirement should be removed with the introduction of the new on-line electronic application form and submission process in early 2023. In the meantime, it is reasonable for staff not to enforce compliance with this aspect of the application pending revision of the form to remove this requirement.

CforAT raises questions about the statement in the application for Speech Generating Devices that says any equipment will become the customer's

⁵³ CforAT November 29, 2021 Comments at 8-9.

⁵⁴ CforAT November 29, 2021 Comments at 8-9.

property. CforAT states that, if the equipment becomes property of the customer (implying ownership rights), such ownership may present negative tax consequences for participants. To ensure that distribution of this equipment does not inadvertently result in additional tax liabilities for applicants who need these devices, CforAT recommends that staff research the issues and determine whether the acquisition of a valuable medical device would result in impacts on benefits or taxes.⁵⁵ We understand this is a concern, but we are unable to resolve the tax implications of a participant's ownership of property under the DDTP, including the Speech Generating Device program. However, to increase transparency and assist participants in establishing any tax implications, the Commission directs staff to offer more information to participants about the value of the equipment. Going forward and upon distribution of the equipment, staff will ensure that participants receive a letter (a paper copy and, if available, via email) that states the manufacturer's suggested retail price (MSRP or list price) of the equipment. This letter will indicate that the MSRP is provided for tax purposes.

CforAT states that more information is needed in response to the directives in D.13-12-054 on the issue of expedited review for Speech Generating Device program applicants in certain dire circumstances, such as applicants with terminal illnesses.⁵⁶ CforAT acknowledges that the Speech Generating Device Staff Report provides more information on this topic but claims that the efforts described in the staff report are inadequate because no public process for obtaining input on staff's process from stakeholders exists.⁵⁷ CforAT also

⁵⁵ CforAT November 29, 2021 Comments at 10.

⁵⁶ CforAT November 29, 2021 Comments at 15.

⁵⁷ CforAT November 29, 2021 Comments at 15.

provides a specific recommendation for improving this expedited process, stating:

“There should be specific instructions on the application form for identification of applicants who need expedited processing, and there should be formal outreach to inform providers about this option. Then, the review process should expressly provide for expedited consideration in place of an informal agreement to process such applications first.”⁵⁸

CforAT identifies an important need. As noted in the Speech Generating Device Staff Report, the staff already prioritizes these applications when advised by an applicant (or the representative of an applicant) of a terminal illness.⁵⁹ The staff report also indicates that it regularly considers ways to improve the Speech Generating Device application process by reviewing the entire approval process to identify and address obstacles leading to delay in approving applications.⁶⁰ While staff has worked diligently to promote expedited consideration of applications with dire circumstances, more work may be needed. Staff should take additional steps, if necessary, to adopt a system that identifies and expedites applications with dire circumstances, such as terminal illness. Staff will update the application form and initiate an electronic submission process in early 2023. We expect the expedited process in cases of dire circumstances to be specifically described on the updated application form so that the process is clear to all applicants.

⁵⁸ CforAT November 29, 2021 Comments at 16.

⁵⁹ ALJ Ruling October 15, 2021, Attachment (Staff Report) at 8.

⁶⁰ ALJ Ruling October 15, 2021, Attachment (Staff Report) at 8.

4.2.2. Funding

CforAT states that it would be appropriate for the Commission to perform an assessment on the sufficiency of the funding for the Speech Generating Device program and, in addition, on the impact of changes in Medicare on this funding.⁶¹ CforAT is correct, and that work is ongoing. For example, funding for the Speech Generating Device program is addressed in DDTP Annual Reports.⁶² The DDTP Annual Reports also address program costs. As shown by the data in those reports, no shortfall is indicated. Furthermore, the Commission's staff addressed the funding impact of changes in Medicare on the Speech Generating Device program in the Speech Generating Device Staff Report.⁶³ The staff report concludes that, based on data from 2016 through 2019, funding for the Speech Generating Device program has not been significantly impacted by changes in Medicare.⁶⁴ The Commission finds reasonable the staff's conclusions regarding the sufficiency of the funding for the Speech Generating Device program and of the minimal impact on the program funding due to changes in Medicare. The Commission, through our staff, will continue to monitor this issue and provide details in the DDTP Annual Reports, as appropriate.

CforAT repeats a previously stated concern that the Commission's administration of the Speech Generating Device program, and particularity

⁶¹ CforAT February 5, 2021 Comments at 4.

⁶² The DDTP Annual Report is available on the CPUC's website at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/reports/ddtp/ddtp-2019-2020-ddtp-annual-report.pdf>.

⁶³ October 15, 2021 ALJ Ruling, Attachment (Staff Report) at 15-16.

⁶⁴ October 15, 2021 ALJ Ruling, Attachment (Staff Report) at 15-16.

funding aspects, is not sufficiently transparent.⁶⁵ The Commission agrees that increased transparency in program administration is needed. This might include creating a process where funding statistics are uploaded at certain intervals to the Commission's DDTP webpage to provide stakeholders with current information on a regular basis. However, at this time, the Commission does not have the database needed to support such a process. The staff will, however, continue to explore this proposal in conjunction with its update of the DDTP webpage set for early 2023. Staff will work toward the webpage providing greater transparency in the overall administration of the program, with a priority on clarity regarding funding, costs, and expenses of the DDTP program, including the Speech Generating Device program.

CforAT states that D.13-12-054 required the Commission to consider several finance issues, including development of guidelines for when funding from other sources is fully or partially denied and the Commission is responsible for funding the balance of the applicant's speech generating device. CforAT suggests the Commission has not acted on this directive in a timely manner, stating "While this requirement was issued in 2013, it was not acted upon for years."⁶⁶

CforAT is correct that the Commission in 2013 directed the ALJ to seek guidance from parties on finance issues. In particular, guidelines were sought for Staff to follow if funding from other sources was denied and the Commission would be responsible for full funding of Speech Generating Device program.⁶⁷ In accordance with this directive, the December 21, 2020 and October 15, 2021

⁶⁵ CforAT February 29, 2021 Comments at 12.

⁶⁶ CforAT February 29, 2021 Comments at 12.

⁶⁷ D.13-12-054 at 50.)

ALJ rulings requested further information on this issue.⁶⁸ In addition, the Speech Generating Device Staff Report provided an overview of the process relied upon by the Commission to assume full responsibility for funding the speech generating devices when other sources, such as insurance companies, do not pay the full amount. The Speech Generating Device Staff Report explains that “The DDTP Team knows that the PO [purchase order] amount may not be the same amount as the SGD manufacturer’s invoice.” Then the report explains how applicants obtain full reimbursement in this situation, stating:

“For example, an applicant requests \$10,000 worth of funding for an SGD, accessories, and a telecommunications component, and, in addition, provides a prior authorization (but no verification of actual amount of coverage). The prior authorization is not a guarantee of payment, and, as a result, often the insurance company will pay the applicant a different amount. In this example, the DDTP Team will authorize issuance of a purchase order for some amount, for example, 60% or \$6,000, with the assumption that the insurance provider will pay the remaining 40% or \$4,000. After the SGD manufacturer receives the purchase order, ships the items, and bills the insurer, at that point the insurance provider will indicate if and how much it will pay. If the insurer pays \$5,000, the SGD manufacturer will send the CPUC an invoice for \$5,000. Since the original purchase order was for \$4,000, the purchase order will be amended to reflect that the insurance provider is paying the SGD manufacturer more than initially anticipated.”⁶⁹

Therefore, while we acknowledge the delay, the issue of full or partial funding has now been addressed by staff.

⁶⁸ While the ALJ Rulings were not issued within the timeframe indicated in OP 9 of D.13-12-054, the Commission finds sufficient compliance since information has now been requested from parties on both December 21, 2020 and October 15, 2021.

⁶⁹ ALJ Ruling October 15, 2021, Attachment (Staff Report) at 14.

4.2.3. Outreach and Engagement

CforAT states that outreach to promote and publicize the Speech Generating Device program as not been “meaningful.”⁷⁰ CforAT further states that, based on informal discussions with stakeholders, the program is still not widely known and confusion continues to exist about the application process.⁷¹ CforAT recommends that the program be incorporated with CTAP so that outreach efforts regarding accessible telecommunication support/equipment in all the programs within DDTP include information on the Speech Generating Device program.⁷² In addition to consolidating outreach within DDTP, CforAT recommends that the program be promoted, on a regular and targeted basis, to speech language pathologists and other similar specialists by, for example, posting information on media outlets that specifically reach out to these professionals.⁷³

The Commission agrees with CforAT that outreach efforts for all programs within DDTP that provide accessible telecommunications equipment should be consolidated to the extent doing so promotes the programs to potential applicants and, at the same time, minimizes confusion between the various programs within DDTP. The Commission further agrees with CforAT that staff should take steps to promote the Speech Generating Device program more broadly to relevant professionals, such as speech language pathologists, and to media outlets that reach these professionals.

⁷⁰ CforAT November 29, 2021 Comments at 17.

⁷¹ CforAT February 5, 2021 Comments at 4.

⁷² CforAT November 29, 2021 Comments at 17.

⁷³ CforAT November 29, 2021 Comments at 17.

CforAT suggests that the Commission establish a process to add new equipment and apps to the Speech Generating Device program.⁷⁴ CforAT suggests that to establish such a process, overall program administration must be more transparent and responsive to changes in the assisted speech industry.⁷⁵ CforAT further suggests that the Commission's overall administration of the program would be improved by regularly scheduled input from speech language pathologists and other experts.⁷⁶

We agree with CforAT that regularly scheduled input will be a valuable improvement to the program. Commission staff currently holds biannual stakeholder meetings for Voice Options where participants are given an opportunity to suggest new apps and equipment. No similar opportunity is currently available for the Speech Generating Device program. Commission staff should develop a schedule of meetings, held on a regular biannual basis, to obtain input from participants and stakeholders (including speech language pathologists and other relevant experts) about new apps and equipment for the Speech Generating Device program. These meetings may be held in conjunction with other meeting on the DDTP programs, such as the Voice Options program, to promote efficiencies. The staff should provide notice of these meetings, including a proposed agenda, and serve the notice on the service lists of proceedings related to DDTP. The notice should also be published in the Commission's Daily Calendar. Staff should compile action items at each regular biannual meeting and report back to participants and stakeholders at the next meeting regarding progress on each action item.

⁷⁴ CforAT February 29, 2021 Comments at 12-14.

⁷⁵ CforAT February 29, 2021 Comments at 12-14.

⁷⁶ CforAT February 29, 2021 Comments at 12-14.

4.2.4. Miscellaneous Issues Related to the Speech Generating Device Program

CforAT states that, by establishing separate programs within the DDTP (e.g., the Speech Generating Device program and Voice Options program), the Commission has created “challenges, hurdles, inefficiencies, [and] lack of clarity.”⁷⁷ Consequently, CforAT requests an “explanation for why the SGD Distribution Program has been developed separately from the existing CTAP [California Telephone Access Program] to distribute accessible telecommunication equipment.”⁷⁸

We agree that multiple programs within the DDTP may have caused unnecessary confusion and difficulties for potential applicants and stakeholders. The programs developed separately within DDTP because, when D.13-12-054 was issued in 2013, the Commission was unable to rely on one entity to administer the variety of programs. As a result, the Commission divided the DDTP into separate programs. Nonetheless, we agree with CforAT that the structure of multiple similar programs should be reconsidered and, perhaps, consolidated to facilitate greater access to all the programs and increase efficiency. The issue of consolidation of the programs will necessarily include a broad review of the entire DDTP. A broad review is outside the scope of this proceeding. Instead, the Commission intends to consider undertaking such a review in a separate proceeding in early 2023.

CforAT points out that the data on the Speech Generating Device program in the October 15, 2021 Speech Generating Device Staff Report is for the period

⁷⁷ CforAT February 29, 2021 Comments at 13-14.

⁷⁸ CforAT February 29, 2021 Comments at 13-14.

January 1, 2016 – December 31, 2019⁷⁹ and describes this information as “two years out of date” and “does not take into account how the program has been available during the ongoing Covid-19 pandemic.”⁸⁰ CforAT further states that more transparency and public review is needed to improve the efficiency and effectiveness of the program.⁸¹

We agree that transparency is a priority. We note that prior staff reports have also covered only a two-year timeframe. The Commission acknowledges that this timeframe may appear out-of-date or untimely. At the same time, staff has worked diligently to compile the extensive data available on these programs and is now working to implement a more efficient database to allow more rapid and thorough data analysis. The staff addressed the issue of date analysis in its October 15, 2021 Speech Generating Device Staff Report and stated its intent to explore improving transparency and increase reporting.⁸² We will monitor staff’s progress in making the Speech Generating Device program more transparent and increasing the efficiency of data analysis for review by the public.

⁷⁹ CforAT November 29, 2021 Comments at 14.

⁸⁰ CforAT November 29, 2021 Comments at 14.

⁸¹ CforAT February 5, 2021 Comments at 5.

⁸² ALJ Ruling October 15, 2021, Attachment (Staff Report) at 3, stating: “In comments filed in response to a January 2020 ALJ ruling in the DDTP proceeding, parties have requested additional transparency on DDTP SGD activities, particularly on the application process pertaining to Durable Medical Equipment, funding and related updates for SGD applications for Durable Medical Equipment and the Voice Options Pilot. As mentioned above, the status of Voice Options was addressed most recently in a report issued in December 2020. The DDTP Team is committed to addressing transparency concerns and will continue to provide information at DOR’s Voice Options stakeholder meetings, through the DDTP Annual Reports, and in monthly DDTP consumer advisory board meetings. Further, DDTP Team will explore new opportunities for improved transparency, and plans to issue periodic, focused program reports, such as this report.”

4.3. Decision 13-12-054 – Compliance with OPs

We complete our review by assessing the extent to which our directives, as stated in the OPs of D.13-12-054, have been achieved.

4.3.1. OPs 4 and 5

In D.13-12-054, the Commission directed staff to (1) “implement the Speech Generating Device Rules and Supplemental Telecommunications Equipment Rules” (Voice Options), as adopted in D.13-12-054 (OP 5) and (2) “working with others as required, develop rules governing the administration of the Speech Generating Device and Supplemental Telecommunications Equipment [Voice Options] distribution programs” (OP 4).⁸³

We find that staff has complied with these directives. In particular, the reports prepared by staff (and issued with the December 19, 2020 and October 15, 2021 ALJ rulings regarding the Speech Generating Device program and the Voice Options Pilot) demonstrate staff’s implementation of the rules (OP 5). They also demonstrate staff working with others (including comments filed by Cal Advocates and CforAT) as required to develop distribution programs (OP 4).

4.3.2. OPs 3, 6, 7, and 9

In D.13-12-054, the Commission ordered a Phase 2 of this proceeding to examine specific items. Pursuant to the Commission’s directive, the ALJ issued a ruling on December 21, 2020 initiating Phase 2.⁸⁴ As stated in D.13-12-054, the Commission directed Phase 2 to: (1) examine options regarding development of an exemption or an expedited application process for instances where this is needed or desirable for speech generating devices (OP 3); (2) address “[m]ore

⁸³ D.13-12-054 at OPs 4 and 5.

⁸⁴ D.13-12-054 at OPs 3, 6, 7, and 9.

detailed instructions regarding the administration of the Speech Generation Device and Supplemental Telecommunications Equipment distribution programs” (OP 6); (3) “consider whether the Commission Program [DDTP] should request guidance from speech language pathologists and other experts regarding the equipment and applications provided under the Speech Generating Device distribution program” (OP 7); and (4) consider any guidance provided by parties regarding guidelines that the Commission’s Communication Division should follow when funding is denied from other outside sources and the Commission becomes responsible for funding all costs and expenses related to speech generating devices (OP 9).⁸⁵

We directed a Phase 2 in OPs 6, 7, and 9. Phase 2 was initiated by an ALJ ruling on December 21, 2020. Accordingly, this aspect of OPs 6, 7, and 9 has been accomplished.

Regarding OP 3, the Commission, through our staff, has explored options for an expedited application process, such as in dire circumstance. This is documented in the report dated October 15, 2021.⁸⁶ The objective of OP 3 has been achieved.

Regarding OP 6, CforAT states that the Commission has yet to address the order which, as paraphrased by CforAT “authorized development of additional rules to govern both the SGD [Speech Generating Device] and the STE [Supplemental Telecommunications Equipment/Voice Options] distribution programs, all to be considered in Phase 2 of the proceeding....”⁸⁷ While the

⁸⁵ D.13-12-054 at Ops 3, 6, 7, and 9.

⁸⁶ ALJ Ruling October 15, 2021, Attachment (Staff Report) at 8.

⁸⁷ CforAT February 29, 2021 Comments at 13.

Commission authorized more rules for the program in D.13-12-054, CforAT states that no changes have been considered by the Commission.

To the contrary, Commission staff has made a number of improvements to both the Speech Generating Device program and the Supplemental Telecommunications Equipment/Voice Options program following issuance of D.13-12-054. These improvements are documented in the two reports prepared by staff and attached to the ALJ rulings of December 21, 2020 and October 15, 2021. For example, staff worked closely with CFILC to implement Voice Options. Then, after learning about the most effective ways to reach potential applicants, staff contacted the DOR and worked with the Department to refine the administration of this program.⁸⁸ Similarly, regarding the Speech Generating Device program, staff made a number of improvements in administration of the program, including streamlining the application process. As explained in the October 15, 2021, staff report:

“The DDTP Team adopted procedural improvements to streamline the SGD application process. These improvements included (1) enabling the submission and acceptance of SGD applications electronically, which allows the application package to be received by the DDTP Team more quickly, and (2) eliminating the second level review of an SGD application by the DDTP Team, which was rendered unnecessary as the first level reviewers became more familiar and skilled with the review process.”⁸⁹

We agree with CforAT that further improvements could be made, and we will, through our staff, continue to refine both programs. However, based on the information provided in the December 21, 2020, and October 15, 2021

⁸⁸ ALJ Ruling December 21, 2020 at 1-2.

⁸⁹ October 15, 2021 ALJ Ruling, Attachment (Staff Report) at 2.

staff reports, the Commission finds that “more detailed instructions” contemplated in OP 6 pertaining to these two programs have been considered, developed, and implemented. Accordingly, the directives in OP 6 have been met.

OP 7 directs that Phase 2 will consider whether to request guidance from speech language pathologists and other similar experts regarding the equipment and applications provided under the Speech Generating Device program. This issue was considered in Phase 2, as documented in the two staff reports issued in this proceeding, dated December 21, 2020, and October 15, 2021. No further action is needed.

Regarding OP 9, the Commission ordered the ALJ to request further guidance from parties regarding guidelines that the Commission’s Communication Division should follow when funding is denied from other outside sources and the Commission becomes responsible for funding all costs and expenses related to speech generating devices. The ALJ did this by a Ruling which invited parties’ comments.⁹⁰ The staff has considered this issue, as documented in its two reports, dated December 21, 2020, and October 15, 2021. Thus, the objectives of OP 9 have been achieved.

4.3.3. OP 10

The Commission directed staff in D.13-12-054 at OP 10 to serve a “brief report” and for the ALJ to seek comments on the following issues:

1. how much money was spent during the first six months of the Speech Generating Device and the Supplemental Telecommunications Equipment programs;

⁹⁰ OP 9 directed that the ALJ request this guidance within 30 days of the date of the decision. The ALJ ruling requesting this guidance was not issued within 30 days. Nonetheless, the guidance was requested and received, and the requirement has been met.

2. whether an adjustment to the DDTP surcharge is necessary to support the new programs;
3. whether the Commission should adopt a cap on the amount spent on durable medical equipment under the Speech Generating Device and Supplemental Telecommunications Equipment programs (by each piece of equipment and by user); and
4. if such a cap should be in place, the amount of the cap.⁹¹

In compliance with this directive, staff prepared a report addressing these issues and the ALJ served this report, entitled *Deaf and Disabled Telecommunications Program Speech Generating Devices Distribution First Six Months – January 01, 2014 through June 30, 2014*, on parties by an August 4, 2014 ALJ ruling.⁹² Accordingly, based upon staff's issuance of this August 4, 2014 report via an ALJ ruling, the Commission finds that staff and the ALJ have complied with OP 10 of D.13-12-054.

5. Comments on Proposed Decision

The proposed decision of Commissioner Darcie L. Houck in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

⁹¹ D.13-12-054 at OP 10.

⁹² OP 10 states that the report will be issued by July 31, 2014 (covering first 6 months of programs). The report, entitled *Deaf and Disabled Telecommunications Program Speech Generating Devices Distribution First Six Months – January 01, 2014 through June 30, 2014*, was issued by an ALJ Ruling dated August 4, 2014 and is available on the Commission's website at the *Docket Card* for this proceeding. The August 4, 2014 ALJ Ruling did not seek comments by parties on the report, which was required by the Commission's directive in OP 10 of D.13-12-054. The Commission will take no further action regarding OP 10.

6. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Regina M. DeAngelis is the assigned ALJ in this proceeding.

Findings of Fact

1. As the Commission explained in D.13-12-054, the purpose of the Voice Options Pilot is “to provide alternative equipment for those speech-disabled persons who cannot or would rather not receive the services of a speech language pathologist, and/or would rather choose a telecommunications assistive device for themselves.”

2. Monthly statistics reports about Voice Options are available on the Commission’s website and have served to provide staff with data needed to evaluate whether the pilot is meeting its goals.

3. Commission staff works with the Department of Rehabilitation, the current administrator of the program, to evaluate the Voice Options Pilot program and the Department been incorporating the results of this evaluation in the monthly reports the Department provides to the Commission.

4. The Commission’s staff intends to analyze and compare the administration of Voice Options under CFILC (prior administrator) versus Department of Rehabilitation (current administrator) to determine additional program improvements.

5. Integrating the Voice Options Pilot into the CTAP distribution program within DDTP was not previously an option because the California Communications Access Foundation (CCAF), which administers the CTAP under contract with the Commission, lacked experience working with individuals with speech disabilities requiring AAC devices and did not indicate interest in administering the Voice Options Pilot.

6. The Commission considers costs of the CFILC and the Department of Rehabilitation partnerships in context of the other programs under the DDPT.

7. The Voice Options Staff Report describes a change in contractual arrangements when the administration of the program moved from CFILC to the Department of Rehabilitation.

8. The Department of Rehabilitation does not only serve job seekers but provides programs serving differing needs, including the Independent Living Program.

9. The Voice Options Staff Report identified several methods of outreach relied upon by the Department of Rehabilitation to promote Voice Options, including CFILC's Ability Tools, and that the Department of Rehabilitation is seeking to engage with other established organizations and entities that serve individuals with disabilities.

10. Statistical information depicting the DOR's efforts to reach underserved communities can be found in the DOR's monthly reports on the Voice Options Pilot. These reports can be found on the Commission's website.

11. The administrator of CTAP, known as CCAF, is aware of Voice Options and continues to refer interested participants to the Department of Rehabilitation.

12. While not addressed in the Voice Options Staff Report, the Voice Options Pilot was placed on hold for approximately one year while the administration of the program was transferred from CFILC to the Department of Rehabilitation.

13. While the Voice Options Staff Report addresses the possibility of "remote" applications for Voice Options, the Commission clarifies that in-person applications are now available. The "remote" option was included during the pandemic. In-person application options are now available.

14. It is critical to implement a process for applicants with terminal illnesses to obtain equipment on an expedited basis from Voice Options.

15. Commission staff is processing Voice Options applications submitted by those with terminal illnesses on a priority basis when staff is notified by the applicant (or a representative of the applicant) of the terminal illness.

16. It is important to understand the ability of the Department of Rehabilitation to distribute devices, accessories, and apps under Voice Options to people with disabilities during a declared state of emergency, specifically, in emergency evacuation centers and, therefore, staff is continuing to explore this issue.

17. Additional information on the availability of loaner iPads under Voice Options is not readily available but value exists in having this data available on the Commission's website.

18. Under Voice Options, only the 7th generation iPads are available for short-term loans; the 5th, 6th, and 7th generation iPads are available for long-term loans, depending on the accessories needed by the applicant.

19. DOR will face limits in its ability to maintain access to prior iPad models or accessories since it cannot control when such items are discontinued by the manufacturers and become unavailable.

20. During the app demonstration process for the Voice Options program, an applicant works directly with the demonstration center staff person and receives a demonstration of all five available speech apps. At the end of the demonstration of all the apps, the applicant may borrow an iPad with all five apps for further trial. This borrowing stage is referred to as a short-term loan. At the end of the short-term loan, the applicant chooses the app that is the best fit

and then may take an iPad with the selected app for a long-term loan. The demonstration center staff helps throughout the process.

21. The Department of Rehabilitation updated the apps in the Voice Options Pilot on a regular basis in connection with the biannual Voice Options Pilot's stakeholder meeting and will continue to review and update the apps twice per year going forward.

22. Regarding the Speech Generating Device program, Section 2 of the application requires clarification to indicate whether a legal guardian or emergency contact is needed and/or why such information is needed and to remove the requirement to provide an emergency number.

23. Regarding the Speech Generation Device program, Section 4 of the application requires clarification to remove the requirement to identify the person that will assist with any related installation needs because the application states that installation is the responsibility of the applicant.

24. To increase accessibility, the Commission's staff is working toward offering an electronic application for the Speech Generating Device program, which will be submitted on-line, and, in addition, a version of the application will be available to download in Word format.

25. A different platform for electronic applications, instead of Kiteworks, may be more accessible to applicants.

26. No protected medical documentation/information is requested in the Commission's application for the Speech Generating Device program. However, applicants often voluntarily include such information to supplement the required speech language pathologist's evaluation and, as a result, the application includes two medical releases, (1) Authorization for Release and (2) Provider

Release Form, to permit the Commission staff to accept, retain, and review the protected medical information.

27. Pub. Util. Code § 2881(d)(1) provides several options for qualifying for benefits under the Speech Generating Device program, including “certification” by a licensed speech-language pathologist or a physician but it is unnecessary, burdensome, and inconsistent with the statute to require certification by both.

28. The tax implications of a participant’s potential ownership of property under the DDTP, including the Speech Generating Device program, are not addressed by the Commission.

29. As indicated in the Speech Generating Device Staff Report, the Commission’s staff prioritizes application for the Speech Generating Device program presenting dire circumstance, such as a terminal illness.

30. While the Commission’s staff has worked diligently to promote expedited consideration of applications with dire circumstances, more work may be needed.

31. The sufficiency of funding for the Speech Generating Device program is addressed in the DDTP Annual Report and, as shown by the data in those reports, no shortfall is indicated.

32. The Commission’s staff addressed the funding impact of changes in Medicare on the Speech Generating Device program in the October 15, 2021 staff report and concludes that, based on data from 2016 - 2019, funding for the Speech Generating Device program has not been significantly impacted by changes in Medicare.

33. Increased transparency in the administration of the Speech Generating Device program is needed, such as creating a process where funding statistics are uploaded at certain intervals to the Commission’s DDTP webpage to provide

stakeholders with updated information on a regular basis but, at this time, the Commission does not have the database needed to support such a process.

34. In accordance with OP 9 of D.13-12-054, the December 21, 2020, and October 15, 2021 ALJ rulings in this proceeding requested further information on guidelines for when funding from other sources is denied and the Commission is responsible for funding the applicant's speech generating device.

35. Outreach efforts for all programs within DDTP that provide accessible telecommunications equipment should be consolidated to the extent doing so promotes the programs to potential applicants and, at the same time, minimizes confusion between the various programs within DDTP.

36. No opportunity to offer suggestions about new apps and equipment is provided for the participants and stakeholders for the Speech Generating Device program.

37. Multiple programs within the DDTP may cause confusion and difficulties but were developed separately within DDTP because when D.13-12-054 was issued the Commission was unable to rely on one entity to administer all the programs of the DDTP.

38. The structure of multiple similar programs within DDTP should be reconsidered and, perhaps, consolidated to facilitate greater access to all the programs and increase efficiency.

39. The Commission staff reports on the Speech Generating Device program routinely cover a two-year timeframe.

40. In D.13-12-054, the Commission directed staff to (1) "implement the Speech Generating Device Rules and Supplemental Telecommunications Equipment Rules" (Voice Options), as adopted in D.13-12-054 (OP 5) and (2) "working with others as required, develop rules governing the administration of

the Speech Generating Device and Supplemental Telecommunications Equipment [Voice Options] distribution programs” (OP 4).

41. The Commission’s staff made improvements in both the Speech Generating Device program and the Supplemental Telecommunications Equipment/Voice Options program following issuance of D.13-12-054. These improvements are documented in the Voice Options Pilot Staff Report and Speech Generating Device Staff Report.

42. D.13-12-054 at OPs 6, 7, and 9 directed the ALJ to initiate a Phase 2 of this proceeding.

43. Phase 2 of this proceeding was initiated by an ALJ ruling on December 21, 2020.

44. As stated in D.13-12-054, the Commission directed Phase 2 to: (1) examine options regarding development of an exemption or an expedited application process for instances where this is needed or desirable for speech generating devices (OP 3); (2) address “[m]ore detailed instructions regarding the administration of the Speech Generation Device and Supplemental Telecommunications Equipment distribution programs” (OP 6); (3) “consider whether the Commission Program [DDTP] should request guidance from speech language pathologists and other experts regarding the equipment and applications provided under the Speech Generating Device distribution program” (OP 7); and (4) consider any guidance provided by parties regarding guidelines that the Commission’s Communication Division should follow when funding is denied from other outside sources and the Commission becomes responsible for funding all costs and expenses related to speech generating devices (OP 9).

45. D.13-12-054 at OP 10 directs the Commission's staff to serve a "brief report" and for the ALJ to seek comments on the following issues: (1) how much money was spent during the first six months of the Speech Generating Device and the Supplemental Telecommunications Equipment programs; (2) whether an adjustment to the DDTP surcharge is necessary to support the new programs; (3) whether the Commission should adopt a cap on the amount spent on durable medical equipment under the Speech Generating Device and Supplemental Telecommunications Equipment programs (by each piece of equipment and by user); and (4) if such a cap should be in place, the amount of the cap.

Conclusions of Law

1. The process relied upon by staff, together with the Department of Rehabilitation, to evaluate the Voice Options Pilot, which involves monthly public reports, is reasonable.
2. It is reasonable to find that results of an analysis of the administration of Voice Options by CFILC and Department of Rehabilitation will provide a method of identifying possible improvements to the program.
3. Based on the monthly reports from the Department of Rehabilitation, the Voice Options Pilot has provided substantial benefits and, as a result, the Commission should adopt the pilot as a permanent program.
4. It is reasonable to find that the monthly statistics reports about Voice Options should continue going forward under the permanent program for purposes to evaluating whether the program is meeting its goals.
5. Sufficient information regarding CFILC has been provided and the contract arrangement was reasonable.

6. The issues associated with integrating the Voice Options distribution process with CTAP have been addressed and staff should consider all integration options, including integration with CTAP.

7. The Commission staff should make information about the administration costs of CFILC and the Department of Rehabilitation available to the public when it completes the DDTP webpage update in early 2023.

8. Upon reviewing the process relied upon the Department of Rehabilitation to distribute tablets and iPads under Voice Options, this arrangement is reasonable in terms of the administration of the program by a state agency.

9. It is reasonable to find that the Department of Rehabilitation's ability to build upon its Independent Living Program will promote Voice Options and, as a result, the Department of Rehabilitation is a reasonable choice for the Commission to partner with for administration of Voice Options at this time and going forward.

10. It is reasonable for staff to continue to review the Department of Rehabilitation's outreach efforts for Voice Options and suggest improvements but the current outreach efforts by the Department of Rehabilitation are reasonable.

11. It is reasonable to find that efforts by the Department of Rehabilitation, together with Commission staff, will likely improve outreach about Voice Options to historically marginalized populations and underrepresented communities and these efforts should continue.

12. It is reasonable for the Commission's staff to work with the Department of Rehabilitation to share additional data about Voice Options on the Commission's DDTP webpage starting in early 2023 when updated webpage is complete.

13. The arrangement whereby the administrator of CTAP responds to inquiries about Voice Options by referring interested participants to the Department of Rehabilitation is reasonable.

14. The option to apply “remotely” for Voice Options was part of the adjustments made during the pandemic and while this process is not optimal, it was reasonable during the pandemic and remains a reasonable option going forward.

15. It is reasonable for the Commission staff to update the Voice Options application form in early 2023 as part of implementing electronic submission for applications and an expedited process for applicants with terminal illnesses will be described in the updated form so that the process is clear to applicants from the beginning.

16. It is reasonable to consider the issue of distribution of devices, accessories, and apps under Voice Options to people with disabilities during a declared state of emergency when reviewing the DDTP as a whole in a potential new rulemaking, which the Commission anticipates voting upon in early 2023.

17. It is reasonable to primarily offer applicants for Voice Options the 7th generation iPad products, except when the applicant needs a different generation compatible with needed equipment.

18. It is reasonable to provide information regarding the generations of iPads available in Voice Option as part of the update to the DDTP webpage in early 2023.

19. It is reasonable for the Department of Rehabilitation to monitor device compatibility issues and maintain access to prior models of iPad devices, accessories, and apps for Voice Options.

20. Upon review of the process relied upon by the Department of Rehabilitation to work with applicants to Voice Options when considering which app to use on the iPad, it is reasonable to find that applicants are provided with adequate assistance during the entire demonstration process of the apps by the Department of Rehabilitation.

21. Staff is engaging in reasonable efforts to refresh the equipment and apps for the tablets for Voice Options and staff, together with the Department of Rehabilitation, should continue these efforts.

22. It is reasonable for the Department of Rehabilitation and the Commission staff to review and update the apps in Voice Options twice per year, which is consistent with the current review interval.

23. It is reasonable for the Commission's staff to revise Section 2 and Section 4 of the Speech Generating Device application, as noted herein.

24. It is reasonable for the Commission's staff to streamline the application for the Speech Generating Device program by removing duplicative information.

25. It is reasonable for the Commission's staff to revise the application for the Speech Generating Device program in conjunction with development of an electronic application and submission process.

26. It is reasonable for the Commission staff to review using an alternative on-line electronic platform, rather than Kiteworks, the platform currently used, to increase accessibility.

27. By working toward both an electronic application and a downloadable Word version of the application for the Speech Generating Device program, the Commission's staff is taking reasonable steps to address concerns about the accessibility of the application.

28. At this time, it is reasonable for the Commission to continue to require the two medical releases, (1) Authorization for Release and (2) Provider Release Form, as part of the application for the Speech Generating Device program so that staff, as part of reviewing a person's application, is able to review, retain, and protect health information provided by applicants to supplement their applications.

29. Due to privacy concerns, it is reasonable for the Commission's staff to take steps to eliminate the voluntary submission of protected medical information as part of the application process for the Speech Generating Device program and in order to eliminate the two medical releases.

30. Until the Commission staff updates the application for the Speech Generating Device program, it is reasonable for staff not to enforce compliance with the application's requirement to obtain certification from both a licensed speech-language pathologist and a physician because this is inconsistent with Pub. Util. Code § 2881(d)(1), unnecessary, and burdensome.

31. To increase the transparency of the Speech Generating Device program and assist participants in establishing the tax implications of ownership, it is reasonable for the Commission's staff to provide a letter (a paper copy and, if available, via email) that states the manufacturer's suggested retail price (aka MSRP or list price) of the equipment for tax purposes.

32. While the Commission staff will continue to explore additional solutions to improve expedited review of application to the Speech Generating Device program in dire circumstance, such as a terminal illness, it is reasonable to find that staff has complied with the directive in OP 3 of D.13-12-054 to "explore" options to expedite application review and approval for the Speech Generating Device program in dire circumstances.

33. It is reasonable to find the funding for the Speech Generating Device program sufficient and, while changes in Medicare have had minimal impact on program funding, the Commission staff will continue to monitor this issue and provide details in the DDTP Annual Reports, as appropriate.

34. It is reasonable for the Commission staff to continue to explore how to provide greater transparency into the funding data for the Speech Generating Device program in conjunction with the update of the DDTP webpage in early 2023.

35. It is reasonable to find that the Commission staff addressed the issue of how the Commission provides full or partial funding under the Speech Generating Device program and find compliance with OP 9 of D.13-12-054.

36. It is reasonable that outreach efforts for all programs within DDTP that provide accessible telecommunications equipment be consolidated to the extent consolidation promotes the programs and minimizes confusion between the various programs within DDTP.

37. It is reasonable that the Commission staff take steps to promote the Speech Generating Device program more broadly to relevant professionals, such as speech pathologists, and to media outlets that reach these professionals.

38. It is reasonable for the Commission's staff to develop a schedule of meetings, held on a regular biannual basis, for the purpose of obtaining input from participants and stakeholders (including speech language pathologists and other relevant experts) on the Speech Generating Device program. These meetings may be held in conjunction with other meetings on the DDTP programs, such as the Voice Options program, to promote efficiencies.

39. It is reasonable for the Commission to consider consolidating the programs in DDTP in a separate proceeding so that the Commission can review the DDTP on a comprehensive basis.

40. It is reasonable for the Commission staff to continue to implement a more efficient database to accelerate the analysis of the Speech Generating Device program.

41. Because transparency remains a priority for the Speech Generating Device program, it is reasonable to monitor whether staff is increasing the efficiency of data analysis to enable review by the public of such data.

42. Based on the reports prepared by staff and issued in the December 21, 2020 and October 15, 2021 ALJ rulings regarding the Speech Generating Device program and the Voice Options Pilot, together with comments filed by parties, including Cal Advocates and CforAT, it is reasonable to find that staff has complied with the directives in OPs 4 and 5 of D.13-12-054 to implement and develop rules for the Speech Generating Device Rules and Supplemental Telecommunications Equipment/Voice Options programs and working with others to develop distribution programs.

43. While further improvements could be made to both programs and will be considered going forward, it is reasonable to find, based on the Voice Options Pilot Staff Report and Speech Generating Device Staff Report, that “more details” pertaining to these two programs have been considered, developed, and implemented in compliance with OP 6 of D.13-12-054.

44. It is reasonable to find the ALJ complied with the directive in OPs 6, 7, and 9 to initiate a Phase 2 when issuing the ruling on December 21, 2020.

45. Regarding OP 3 of D.13-12-054, it is reasonable to find that the Commission staff complied with the directive because staff “explored” options

for an expedited application process, such as in dire circumstances, and documented this work in the Speech Generating Device Staff Report.

46. Regarding OP 6 of D.13-12-054, it is reasonable to find that the Commission staff complied with the directive because on numerous occasions staff addressed details regarding the administration of the distribution programs for the Speech Generating Device and Voice Options programs. These efforts (and the instructions) are documented in the Voice Options Pilot Staff Report and Speech Generating Device Staff Report.

47. Regarding OP 7 of D.13-12-054, it is reasonable to find that the Commission staff complied with the directive because staff explored the options of whether to request guidance from speech language pathologists and other similar experts regarding the equipment and apps provided under the Speech Generating Device program. These efforts are documented in the Voice Options Pilot Staff Report and Speech Generating Device Staff Report.

48. Regarding OP 9 of D.13-12-054, it is reasonable to find that staff complied with this directive because staff explored whether to consider guidance provided by stakeholders regarding guidelines that the Commission staff should follow when funding is denied from other outside sources and the Commission is responsible for funding all costs and expenses related to speech generating devices. These efforts are documented in the Voice Options Pilot Staff Report and Speech Generating Device Staff Report.

49. It is reasonable to find compliance with D.13-12-054 at OP 10 because the Commission's staff prepared a report addressing the four issues therein and the ALJ served this report, entitled *Deaf and Disabled Telecommunications Program Speech Generating Devices Distribution First Six Months – January 01, 2014 through June 30, 2014*, on parties by an August 4, 2014 ALJ ruling.

O R D E R

IT IS ORDERED that:

1. The Speech Generating Device program and the Supplemental Telecommunications Equipment program (Voice Options), which are part of the Deaf and Disabled Telecommunications Program (Public Utilities Code §§ 2881 et seq), are modified as directed herein.

2. The Supplemental Telecommunications Equipment program (Voice Options) is adopted as a permanent program within the Deaf and Disabled Telecommunications Program (Public Utilities Code §§ 2881 et seq).

3. Rulemaking 13-03-008 is closed.

This order is effective today.

Dated _____, at San Francisco, California