

**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.

FILED  
PUBLIC UTILITIES COMMISSION  
MARCH 21, 2013  
SAN DIEGO, CALIFORNIA  
RULEMAKING 13-03-008

**ORDER INSTITUTING RULEMAKING  
TO ADD SPEECH GENERATING DEVICES TO THE DEAF AND DISABLED  
TELECOMMUNICATIONS PROGRAM**

**1. Summary**

On October 2, 2011, Governor Edmund G. Brown, Jr. signed into law Assembly Bill (AB) 136 (Beall, Statutes 2011, Chapter 404, effective January 1, 2012). This legislation amended Public Utilities Code Section 2881, as it relates to telecommunications. As amended, Public Utilities Code Section 2881 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). Per AB 136, the Commission must adopt rules to implement the SGD program by January 1, 2014.

The DDTP is a program that the Commission established for the purpose of providing assistive telecommunications equipment and services to individuals who are certified as having a hearing, speech, mobility, vision, or cognitive disability. This rulemaking is instituted to implement the provisions of AB 136, to design and implement a program to provide access and to distribute a SGD

device to any subscriber who is certified as having a speech disability requiring this device.

## **2. Background**

### **2.1. Establishment of the Deaf and Disabled Telecommunications Program**

The Deaf and Disabled Telecommunications Program (DDTP) offers assistive telecommunications services and equipment to California residents who are certified as having a hearing, speech, mobility, vision, or cognitive disability. The Commission established a program to provide specialized equipment to persons who are deaf and hard of hearing through Commission decisions issued during the 1980's. Subsequently, the Legislature codified the program through enactment of several provisions in Public Utilities Code Section 2881 et seq.<sup>1</sup> To implement these legislative mandates, the Commission created the DDTP and its advisory committees. The legislative mandates governing the DDTP currently include:

- a. Section 2881(a), which authorizes the provision of Teletypewriters (TTYs) to deaf or hard-of-hearing individuals;
- b. Section 2881(b), which uses third-party intervention, also known as the California Relay Service (CRS), to connect telephone consumers who are deaf, hard-of-hearing, or speech-impaired with other parties; and
- c. Section 2881(c), which authorizes the provision of other specialized telecommunications equipment to consumers with hearing, vision, mobility, speech, or cognitive disabilities.

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<sup>1</sup> All statutory references are to the Public Utilities Code, unless otherwise noted.

The DDTP is funded via a surcharge on end-user telephone bills in California. Pursuant to Senate Bill 669 (1999) and Assembly Bill (AB) 1734 (2002), the DDTP Committee Fund, was created to hold these surcharge funds. The current DDTP surcharge rate is 0.20%, is designated as the "California Relay Service and Communications Devices Fund," and is capped at 0.50%. Additional information regarding key DDTP legislation is summarized in Attachment A.

Prior to enactment of AB 136, Section 2881(d) required that the DDTP would provide specialized telecommunications equipment such as amplified phones, speakerphones, and TTYs to consumers with hearing, vision, mobility, speech or cognitive disabilities. This equipment is provided through the DDTP's California Telephone Access Program (CTAP). A dual-party relay system, now called the CRS, connects TTY users with any other telephone user.

### **3. Expansion of the DDTP Pursuant to AB 136**

AB 136 expands DDTP services to also include Speech Generating Devices (SGD), which, due to their medical nature, were previously outside the scope of the type of equipment provided by the DDTP.

AB 136 (2011) adds Speech Language Pathologists (SLP) to the list of Program Certifying Agents and expands the program to individuals with speech disabilities for the provision of SGDs, accessories, mounting systems, and specialized telecommunications equipment.

With the institution of AB 136, the annual DDTP expenditures will increase by approximately \$12 million on an annualized basis. The fiscal year 2013 - 2014 budget includes \$6.4 million, assuming SGD rules are in place by January 1, 2014, as required by the legislation. The current DDTP surcharge is expected to cover this increase in DDTP expenditures. As discussed later in Section 5.3 of this Order Instituting Rulemaking (OIR), this proceeding may be

split into two phases in order to comply with the requirements of the legislation in a timely manner.

AB 136 provides opportunities and challenges for the DDTP. Namely, SGDs are beyond the scope of equipment that the DDTP program has provided in the past. The durable medical nature of these often custom devices, combined with the price (some estimates range from \$8,000-\$12,000), requires the Commission to develop a unique set of rules, guidelines and procedures for SGD distribution within the current DDTP framework. Earlier this year, the Commission held two forums in Northern and Southern California to receive comments from interested participants regarding SGD distribution. These forums included panelists representing clients, SLP and the SGD manufacturer/providers. During these forums, the Commission sought input from all attendees about how DDTP's SGD distribution program might function. All of the manufacturers present urged the Commission to work with all entities involved (users, manufacturers and SLP) to develop program rules. Many of the participants at both forums expressed reluctance to participate in a formal Commission proceeding because of the of time and expense.

#### **4. Proposed AB 136 Modifications to DDTP**

Given the legislative mandate of AB 136 to have rules in place by January 1, 2014 for adding SGD to the DDTP, we urge parties interested in commenting on the structure of the DDTP's SGD distribution model to respond to or comment on the following questions and proposals in their opening and reply comments. We also anticipate receiving input via the working group.

##### **4.1. Certificate**

In order to be eligible for DDTP equipment and/or services, California residents must first be certified as having a speech, hearing, vision, mobility, or

cognitive disability. Prior to AB 136, the DDTP only accepted certifications from licensed physicians and qualified State or Federal agencies.

AB 136 adds licensed SLPs to the list of entities the DDTP accepts certifications from. The legislation also states that SGDs should be “appropriate to meet the subscriber’s needs for access to, and use of, the telephone network, based on the recommendation of a licensed speech-language pathologist.”

- a. Should the DDTP limit acceptance of certifications for SGDs to only SLPs who hold a Certificate of Clinical Competence (CCC)?

#### **4.2. Definition of Qualified State or Federal Agency**

In the past, the only State or Federal agencies from which the DDTP has accepted certifications are the Department of Rehabilitation, whose counselors may certify, and the California School for the Deaf Fremont/Riverside, where a Superintendent or audiologist may certify. The DDTP also has accepted certifications from licensed individuals from the following groups: medical doctors, optometrists, audiologists, hearing aid dispensers, physician assistants, and, with the inception of AB 136, SLPs.

- a. For purposes of SGD certification, are there any other State or Federal agencies or professions from which the DDTP should accept certification?

#### **4.3. SGDs with Telecommunications Component**

The DDTP largely provides only landline-based telecommunications equipment, although the DDTP now is expanding to include wireless telecommunications services. Per AB 136, SGDs must be a telecommunications device or have a telecommunications component in order to be funded by the Program.

- a. A process will need to be established to identify a list of SGDs that are considered to be telecommunications devices or to have a telecommunications component. Currently, we are unaware that such a list exists.
  - i. Does such a list exist? If so, provide copy of such list. If not, propose a process by which such a list can be developed.
- b. How do we determine what SGD equipment is a telecommunications device or includes a telecommunications component?
- c. What pieces of SGD equipment with a telecommunications component should be included on our list of approved devices? Should the list of approved SGD devices be re-evaluated or updated? If so, how often? What process should be used to update?

#### **4.4. SGD Distribution**

The Commission will have to develop a process to distribute SGDs, and proposes the following:

##### **4.4.1. SGD Distribution in Cases Where the Commission is a Partial Funder**

In many cases, we anticipate that the Commission will be a partial funder as a provider of last resort for SGDs. In cases where the Commission provides partial funding, we propose the following SGD funding mechanism guidelines:

- a. The Commission will authorize payment of the unfunded portion of the SGD, with any Federal, State, Private insurance, or other monies applied first consistent with Section 2881(e)(1).
- b. The funds will cover the cost of the SGD equipment that is not funded by other monies identified above.
- c. The State will not pay for any costs associated with assessment, installation, training, ongoing monitoring, additional training or equipment repair etc.

- d. Given the broad range of SGD equipment assessments/prescriptions, it is not cost effective for the DDTP to inventory SGD equipment and accessories. As such, the State, through the DDTP, as a provider of last resort, and also, in many instances a partial funder, should not take ownership of the SGD equipment and/or accessories.
- e. Based on current industry practices, how are SLPs and SGD providers reimbursed for their services when public and private insurance copay, etc. are involved?
- f. What documentation and reporting requirements should be in place prior to reimbursement, and for audit purposes?
- g. What specific milestones need to be accomplished or conditions met to ensure that the SGD, including necessary accessories, is installed, operational, and meets the SGD user's requirements for functionality (including ability to use or access the telephone) prior to Commission/DDTP funding?
- h. What are the current industry practices for access or continued access to trouble-shooting and additional training, if required?
- i. What are the current (pre-AB 136) industry practices regarding payment for equipment, installation and training provided by DDTP?
- j. To whom or to what entity should the Commission issue payment for SGD equipment, accessories, and/or installation? How does this correspond to current industry practices?
- k. What are the current industry practices regarding treatment of damage or loss of DDTP provided equipment? What audit trail is there for payment of repair or replacement of such equipment?

#### **4.4.2. SGD Distribution in Cases Where the Commission is the Sole Funder**

- a. What are the current (pre-AB 136) industry practices regarding payment for equipment, installation and training when the Commission provides all of the funding for DDTP provided equipment, services, and training?
- b. To whom or to what entity should the Commission issue payment for SGD equipment, accessories, and installation if it is the sole provider of funds? How does this correspond to current industry practices?
- c. What are the current industry practices regarding treatment of damage or loss of DDTP provided equipment when the Commission is the sole funder? What audit trail is there for payment of repair or replacement of such equipment?
- d. If the Commission is the sole SGD funder, what documentation and reporting requirements should be in place prior to reimbursement, and for audit purposes?
- e. Provide examples of instances where there is currently no upstream funding?

#### **4.5. Criteria to Obtain SGD**

The Commission recognizes that special procedures and criteria must be put in place for users to obtain an SGD. The Commission is proposing and seeks comment on the following procedures:

- a. Applicant must complete a two-step application requiring both DDTP/CTAP Certification and the submittal of an SGD application with SLP-CCC signature.
- b. At a minimum, the following items shall be included on the SGD application completed by the SLP:
  - i. Applicant Name;
  - ii. Applicant's Address;
  - iii. SLP-CCC Name;



- iv. SGD Equipment (Manufacturer, Device and Accessories);
  - v. Documentation confirming that the SGD contains a telephone component and provides a brief description of the telephone component;
  - vi. Funding source(s) in place;
  - vii. Unfunded/yet to be funded amount;
  - viii. Plan for set up/training/ongoing monitoring/trouble-shooting/additional training; and
  - ix. Signatures/titles with confirmation and attestations by Certifying Agent and SGD provider of upstream funding, installation, training, trouble-shooting, etc.
- c. Applicant must submit documentation demonstrating that he/she has exhausted all available funding resources, other than that provided by the Commission.

#### **4.6. Funding Sources**

##### **4.6.1. Provider of Last Resort**

Section 2881(e)(1) states that, “it is the intent of the Legislature that the commission be the provider of last resort and that eligible subscribers first obtain coverage from any available public or private insurance.” In order to comply with this requirement, the Commission proposes that applicants be required to submit, along with their application, documentation showing that funders whose services the applicant is eligible to receive (e.g. Medicare, Medi-Cal, schools, Department of Rehabilitation, private insurance, etc.) have denied SGD coverage to the applicant or are providing only partial funding. The Commission seeks comments on this proposed requirement.

##### **4.6.2. Documentation of Other Funding Sources**

In part, Section 2881(e)(2) states “...the commission may require the subscriber to provide information about coverage for any or all of the cost of the

device or equipment that is available from any public or private insurance, the cost to the subscriber of any deductible, copayment, or other relevant expense, and any related benefit cap information.”

In order to comply with this requirement, the Commission proposes that applicants be required to submit information about coverage for any or all of the cost of the SGD device or equipment that is available from any public or private insurance, the subscriber’s deductible, copayment or other relevant costs and any related benefit cap information. Parties should comment on this proposed requirement.

#### **4.7. Mechanism to Make Sure Total Cost Does Not Exceed Medi-Cal Reimbursement Rate**

Pursuant to Section 2881(e)(3) “ [t]he total cost of any device or equipment provided to a subscriber under this section shall not exceed the rate of reimbursement provided by Medi-Cal for that device or equipment.” We therefore pose the following questions:

- a. Are parties aware of an official website or link providing a current list of Medi-Cal reimbursement rates for SGD devices or SGD equipment?
- b. Are parties aware of any other process or industry practice that would facilitate obtaining this information?

#### **4.8. Additional Questions Regarding Current and Proposed Practices of SGD Manufacturers, Providers, and Distributors**

The following questions should be answered regarding both current practice, and proposed practice based on AB 136:

- a. How do SLP and SGD equipment and accessory manufacturers (SGD manufacturer) clients/customers use SGDs to access the telephone and/or make telephone calls?

- b. How do SLP and SGD manufacturers clients/customers secure SGD funding?
  - i. For example, what funding sources are available?
  - ii. Approximately how much (in dollars and percent of total) of typical SGD costs do these funding sources cover?
  - iii. Explain how you determined the “typical SGD costs” referred to in Item 4.8.b.
- c. What is the overall funding process for manufacturers, providers, or distributors of SGDs?
  - i. What is the role of the funding departments of SGD manufacturers, providers, or distributors in the billing, coordination, and processing of SGD applications?
  - ii. What is the role of SGD manufacturers, providers, distributors, or SLPs in the SGD funding process?
- d. With regards to your experience, which aspects of the overall process in providing an SGD:
  - i. Work well; and
  - ii. Do not work well.
- e. With regards to your clients/customers experience, which aspects of the overall process in obtaining an SGD:
  - i. Work well; and
  - ii. Do not work well.
- f. How do you or your company trouble-shoot your equipment distribution process, training, and follow-up process?
  - i. What is the role of SLPs, if any, in trouble-shooting?
- g. How should the Commission/DDTP develop SGD assessment, installation, training, and support processes?
  - i. What service delivery models should be considered?
  - ii. What are your recommendations in this area?

- h. What type of equipment does your company provide to access the telephone network?
  - i. How can your company's equipment be used to access the telephone network?
  - ii. What type of equipment would you recommend that provides access to the telephone network?
- i. What information should be required on the form which identifies the recommended SGD device and accessories (i.e., SGD order form)?

#### **4.9. Tax Consequences**

The Commission understands that an individual who obtains full or partial SGD funding from the Commission may incur tax liabilities. The determination as to whether receipt of an SGD results in a tax liability is a matter for the Internal Revenue Service, the California Franchise Tax Board, or local jurisdictions to determine. The Commission will, however, notify applicants for SGD of the potential for tax liabilities, but applicants will be solely responsible for any Federal, State, or local tax obligations associated with the funding that they receive from the Commission for SGD equipment.

#### **5. Establishment of a Working Group**

The Commission proposes establishment of a working group in order to learn more about how to best design an SGD distribution program and solicits interested persons or organizations for this working group. The working group should be comprised of SGD users and consumers, SLPs and others who perform SGD assessments, SGD manufacturers and distributors, government entities, and other organizations including non-profit organizations.

The working group will be charged with making recommendations to the Commission for developing SDG distribution program rules. The working group will provide a low-cost and streamlined way to gather key input from

interested parties. The working group will also provide monthly, or more frequently as required, status reports to the Commission or Commission staff. Persons and/or organizations should inform the Commission of their interest in becoming a member of the working group by close of business on April 10, 2013. Interested persons and/or organizations should send a letter explaining their qualifications and interest and attaching a resume. Letters of interest should be sent via e-mail (with a copy to the service list of this proceeding) to Jonathan Lakritz in the Commission's Communication Division ([Jonathan.Lakritz@cpuc.ca.gov](mailto:Jonathan.Lakritz@cpuc.ca.gov)) who will forward the letters of interest to the assigned Administrative Law Judge (ALJ).

The ALJ should issue a ruling to commence the working group in May or June 2013 and should provide additional guidance to the working group and address logistics as needed. The final working report will be due by July 31, 2013, unless the assigned Commissioner or ALJ revises the schedule.

We delegate to the assigned ALJ the task of implementing our directive to create a working group. The assigned ALJ may delegate tasks and responsibilities regarding the working group to Communication Division staff, as necessary. The Commission will consider reimbursement for reasonable travel of working group members at currently applicable State per diem and mileage rates if working group members do not have any other means of paying for travel to attend working group meetings. Reasonable travel expenses are defined as transportation, lodging, meals and incidental expenses in conformance with Commission rules and regulations and within the Commission-approved DDTP budget. Working group members will be required to obtain pre-approval of travel expenses from the Commission designated Communication Division's staff person assigned by the ALJ to assist the working

group. Travel expenses, if approved, will be reimbursed at the same rate as provided for Commission employees, as outlined in Standard Form 262. The Commission may deny payment for all travel expenses not approved by the Commission/Communication Division in advance.

## **6. Preliminary Scoping Memo**

This OIR will be conducted in accordance with Article 6 of the Commission's Rules of Practice and Procedure.<sup>2</sup> As required by Rule 7.3, this order includes a preliminary Scoping Memo as set forth below.

## **7. Scope**

The issues to be considered in the scope this proceeding, as discussed earlier in Section 4 of this OIR, address the establishment, pursuant to AB 136 and the modified Section 2881, of rules and procedures regarding distribution of SGDs as part of the DDTP. In summary, the scope of this proceeding includes the following:

- a. SLP Certification;
- b. Definition of Qualified State or Federal Agency;
- c. SGDs with telecommunications component;
- d. SGD distribution in cases where either the Commission is a partial or sole funder;
- e. Criteria to obtain SGD;
- f. Funding sources and funding source documentation;
- g. Provider of last resort;
- h. Mechanism to make sure total cost does not exceed Medi-Cal reimbursement rate; and

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<sup>2</sup> All references to Rules are to the Commission's Rules of Practice and Procedure.

- i. Current and proposed SGD manufacturer, provider, or distributor.

## **8. Category of Proceeding and Need for Hearing**

Rule 7.1(d) requires that an OIR preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this proceeding is a “quasi-legislative” proceeding, as that term is defined in Rule 1.3(d). It is contemplated that this proceeding shall be conducted through written comments and possibly, Public Participation Hearings, without the need for evidentiary hearings.

Anyone who objects to the preliminary categorization of this OIR as “quasi-legislative,” or to the preliminary hearing determination, must state the objections in opening comments to this OIR. If the person believes hearings are necessary, the comments must state:

- a) The specific disputed fact for which hearing is sought;
- b) Justification for the hearing (e.g., why the fact is material);
- c) What the party would seek to demonstrate through a hearing; and
- d) Anything else necessary for the purpose of making an informed ruling on the request for hearing.

After considering any comments on the preliminary Scoping Memo, the assigned Commissioner may issue an amended Scoping Memo that, among other things, will make a final category determination. This determination is subject to appeal as specified in Rule 7.6(a).

## **9. Schedule**

For purposes of meeting the Scoping Memo requirements, and to expedite the proceeding, we establish the following preliminary schedule, which may include a phased determination (as discussed below) of the institution of AB 136:

DATE	EVENT
20 days from mailing of this OIR	Deadline for requests to be on service list
April 10, 2013 (close of business)	Deadline to inform the Commission of your interest in becoming a member of the working group
30 days from mailing	Opening Comments filed and served (on questions, issues, and proposals set out in Section 4 of this OIR)
45 days from mailing	Reply Comments filed and served
May 2013	Amended Scoping Memo issued
May or June 2013	Working Group commences
July 31, 2013	Final working group report due
30 days after issuance of Final working group report	Comments filed and served on Final working group report

The assigned Commissioner or the assigned ALJ by ruling with the assigned Commissioner's concurrence may modify the schedule as necessary during the course of the proceeding. We anticipate this proceeding will establish rules and processes for the provision of SGD's by January 1, 2014, but will, in any event, be resolved within 18 months of the Scoping Memo.

## **10. Proposed Phased Deployment**

The Commission is considering a phased deployment of the SGD program, which would allow us to institute interim rules and procedures by the January 1, 2014 (as set forth in AB 136); and final procedures at a later date that would benefit from the assessment of participants experience with the interim rules and procedures.

### **10.1. Phase**

The goal of the first phase of SGD deployment is to develop an interim structure that will allow the Commission to work directly with SLPs. This phase



will target providing SGD to potential applicants who meet the following criteria:

- a. Have already been assessed for an SGD by a SLP-CCC, licensed physician or qualified State or Federal agency;
- b. Already have an SGD prescription from a SLP-CCC, licensed physician or qualified State or Federal agency; and
- c. Only need gap or partial funding (i.e. have already secured funding sources and are seeking funding for the remaining balance).

## **10.2. Phase 2**

In the second phase of the proceeding, the Commission may consider:

- 1) expanding SGD distribution to those who have not yet been assessed for an SGD and/or do not qualify for funding from any other funding source; and
- 2) amending the scope of this proceeding to address concerns raised that were not otherwise considered in Phase 1.

## **11. Service List and Subscription Service**

Within 20 days from mailing the date of this order, any person or representative of an entity seeking to become a party to this Rulemaking (i.e., actively participate in the proceeding by filing comments or appearing at workshops) should send a request to the Commission's Process Office, 505 Van Ness Avenue, San Francisco, California 94102 (or [Process\\_Office@cpuc.ca.gov](mailto:Process_Office@cpuc.ca.gov)) to be placed on the official service list. Individuals seeking only to monitor the proceeding (i.e., but not participate as an active party) may request to be added to the service list as "Information Only." Include the following information:

- Docket Number of the OIR;
- Name and party represented, if applicable;
- Postal address;

- Telephone number;
- E-mail address; and
- Desired status (Party or “Information Only”).

The service list will be posted on the Commission’s website, [www.cpuc.ca.gov](http://www.cpuc.ca.gov) soon thereafter. The temporary service list for this proceeding is attached.

The Commission has adopted rules for the electronic service of documents related to its proceedings, including Rule 1.10 which are available on our web site at: <http://www.cpuc.ca.gov/PUC/documents/codelawspolicies.htm>. We will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served.

This Rule provides for electronic service of documents, in a searchable format, unless the appearance or State service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by United States mail. In this proceeding, concurrent e-mail service to all persons on the service list for whom an e-mail address is available will be required, including those listed under “Information Only.” Parties are expected to provide paper copies of served documents upon request.

E-mail communication about this OIR proceeding should include, at a minimum, the following information on the subject line of the e-mail:

R.13-03-008 – OIR to add Speech Generating Devices to the Deaf and Disabled Telecommunications Program. In addition, the party sending the e-mail should briefly describe the attached communication; for example, “Comments.” Paper format copies, in addition to electronic copies, shall be served on the assigned Commissioner and the ALJ.

This OIR can also be monitored through the Commission's document subscription service; subscribers will receive electronic copies of documents in this Rulemaking that are published on the Commission's website. There is no need to be on the service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission's website at <http://subscribecpuc.cpuc.ca.gov/>.

## **12. Public Advisor**

Any person or entity interested in participating in this OIR who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov); or e-mail [public.advisor.la@cpuc.ca.gov](mailto:public.advisor.la@cpuc.ca.gov). The TTY number is (866) 836-7825.

## **13. Intervenor Compensation**

Any party that expects to request intervenor compensation for its participation in this OIR shall file its notice of intent to claim intervenor compensation in accordance with Rule 17 within 30 days of the filing of reply comments or of the prehearing conference, whichever is later.

## **14. Ex Parte Communications**

*Ex parte* communications are defined in Rule 8.1. In quasi-legislative proceedings such as this one, *ex parte* communications are allowed without restriction or reporting requirement as set forth in Rule 8.3.

### **IT IS ORDERED that:**

1. An Order Instituting Rulemaking is instituted on the Commission's own motion for the purpose of considering modifications to the Deaf and Disabled Telecommunications Program, including but not limited to those necessary to

implement Public Utilities Code Section 2881(d) to (f) as recently amended by Assembly Bill 136 to add Speech Generating Devices to the Program and Speech Language Pathologists to the list of agents that can certify individuals as being eligible to receive equipment from the Program.

2. This Rulemaking is preliminarily determined to be a quasi-legislative proceeding, as that term is defined in Rule 1.3(d), and it is preliminarily determined that no hearings are necessary.

3. The Executive Director will cause this Order Instituting Rulemaking to be served on the initial service list, which consists of the attached list, and the service list for Rulemaking 11-03-013.

4. The preliminary schedule for this proceeding is as set forth in the body of this Order Instituting Rulemaking. The assigned Commissioner through his/her Scoping Memo and subsequent rulings, and the assigned Administrative Law Judge by ruling with the assigned Commissioner's concurrence, may modify the schedule as necessary.

5. The issues to be considered in this Order Instituting Rulemaking (OIR) are those set forth in the body of this OIR. Comments and reply comments must be filed 30 and 45 days, respectively, from the mailing of this OIR, unless the assigned Commissioner or Administrative Law Judge modifies the schedule. Comments and reply comments shall conform to the requirements of the Commission's Rules of Practice and Procedure.

6. Any persons objecting to the preliminary categorization of this Order Instituting Rulemaking (OIR) as "quasi-legislative," or to the preliminary determination on the need for hearings, issues to be considered, or schedule shall state their objections in their opening comments of this OIR.

7. We delegate to the assigned Administrative Law Judge (ALJ) the task of implementing our directive to create a working group. The working group will be established for the purposes of recommending how to best design a Speech Generating Devices (SGD) distribution program. This working group should be comprised of SGD users and consumers, SLPs or other people who do SGD assessments, manufacturers and distributors, government entities, and other organizations including non-profit organizations. Persons or organizations shall inform the Commission of their interest in participating in the working group by sending a letter and resume of qualifications to Jonathan Lakritz at [Jonathan.Lakritz@cpuc.ca.gov](mailto:Jonathan.Lakritz@cpuc.ca.gov) by April 10, 2013. The working group will provide status reports to the assigned ALJ. The final report will be due by July 31, 2013, unless the assigned Commissioner or ALJ modifies the schedule.

8. Within 20 days of the date of issuance of this order, any person or representative of an entity seeking to become a party to this Order Instituting Rulemaking must send a request to the Commission's Process Office, 505 Van Ness Avenue, San Francisco, California 94102 (or [Process\\_Office@cpuc.ca.gov](mailto:Process_Office@cpuc.ca.gov)) to be placed on the official service list for this proceeding. Individuals seeking only to monitor the proceeding, but not participate as an active party may request to be added to the service list as "Information Only."

9. After initial service of this order, a new service list for the proceeding shall be established following procedures set forth in this order. The Commission's Process Office will publish the official service list on the Commission's website ([www.cpus.ca.gov](http://www.cpus.ca.gov)) as soon as practical. The assigned Commissioner, and the assigned Administrative Law Judge, acting with the assigned Commissioner's

concurrence, shall have ongoing oversight of the service list and may institute changes to the list or the procedures governing it as necessary.

10. Any party that expects to claim intervenor compensation for its participation in this Order Instituting Rulemaking shall file its notice of intent to claim intervenor compensation in accordance with Rule 17.1 of the Commission's Rules of Practice and Procedure, within 30 days of the filing of reply comments or of the prehearing conference, whichever is later.

This order is effective today.

Dated March 21, 2013, at San Diego, California.

MICHAEL R. PEEVEY

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

CARLA J. PETERMAN

Commissioners

ATTACHMENT A

Key Legislation Regarding the Deaf and Disabled  
Telecommunications Program

Key DDTP-related legislation is identified below:

<b>Legislation</b>	<b>Description</b>
Senate Bill 597 (1979) (Pub. Util. Code § 2881 (a))	Provides for the distribution on a loan basis of telecommunications devices to certified deaf and severely hearing-impaired users.
Senate Bill 244 (1983) California Relay Service (Pub. Util. Code § 2881 (b))	Provides a dual party relay system, now called the California Relay Service (CRS), to connect TTY users with any other telephone user. The California Relay Service (CRS) uses third-party intervention to provide 24-hour contact with any other telephone subscriber.
Senate Bill 60 (1985) Supplemental Telecommunications Devices for the Disabled (Pub. Util. Code § 2881(c))	Provides specialized telecommunications equipment to consumers with hearing, vision, mobility, speech and cognitive disabilities. These are provided through the DDTP's California Telephone Access Program (CTAP). Examples of this equipment are amplifying devices, telephone ringer signals, speakerphones and cordless phones.

**(END OF ATTACHMENT A)**



## ATTACHMENT B

Initial Service List for the Instant New OIR

\*\*\*\*\* R.11-03-013 SERVICE LIST\*\*\*\*\*

\*\*\*\*\* PARTIES \*\*\*\*\*

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