

DRAFT**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Communications Division
Consumer Programs Branch

San Francisco, California
Date: February 4, 2010
Resolution No. T-17249

RESOLUTION**RESOLUTION IMPLEMENTING STRUCTURAL CHANGES
TO EXISTING DEAF AND DISABLED
TELECOMMUNICATIONS PROGRAM ADVISORY BOARD
CHARTERS PURSUANT TO RESOLUTION T-17212
(AUGUST 20, 2009)****SUMMARY**

This resolution (1) modifies the charter of the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC), the primary advisory board to the Deaf and Disabled Telecommunications Program (DDTP); and (2) eliminates the charter of the California Relay Service Advisory Committee (CRSAC), pursuant to Resolution (Res.) T-17212 (August 20, 2009). As explained below, Appendices A and B to this Resolution contain the revised interim and permanent charters of the TADDAC.

BACKGROUND

Pursuant to California Public Utilities (P.U.) Code section 2881, the California Public Utilities Commission (CPUC or Commission) established the DDTP to provide specialized equipment to the deaf and hard-of-hearing¹ through Commission decisions issued in the 1980's and modified within the last several years.² The Commission administers and adopts policies which govern the DDTP and has charged its Communications Division (CD) staff with the task of monitoring the administration of the DDTP. In those same decisions, the Commission also created three advisory committees to the DDTP: the TADDAC,³ the CRSAC, and the Equipment Program Advisory Committee (EPAC).

¹ P.U. Code section 2881 refers to the "hearing impaired." Because the preferred term today is "hard-of-hearing," the Commission uses that term here.

² See Commission Decision (D.) 02-04-059, D.03-06-070, and D.04-05-031.

³ See P.U. Code § 278.

In Res. T-17212, the Commission examined the DDTP advisory board structure and ordered that the CRSAC be merged into the TADDAC, effective January 1, 2010.⁴ The Commission found that “[a] restructured TADDAC will provide more effective and efficient use of resources,” and that “[m]erging the CRSAC into the TADDAC will still retain the valuable input from the range of constituencies that the DDTP serves.”⁵

In Res. T-17212, the Commission also set forth the new, merged TADDAC’s initial *ten*-seat membership that would be in effect during the transition period as advisory board members serve out their terms. In addition, the Commission stated that, eventually, the merged TADDAC, following the transition period, would have a permanent *nine*-seat membership.⁶ In its discussion of the new TADDAC’s duties, the Commission stated:

In addition to retaining the same duties and responsibilities of the current TADDAC, the new TADDAC would also make recommendations with respect to the quality and efficiency of relay services, including procedures for the conduct of calls and effective means of implementing its recommendations. The TADDAC also should make recommendations on options for controlling expenses and increasing program efficiency. In addition, the TADDAC shall have the responsibility for evaluating the effectiveness of the relay service vendors by offering recommendations for service standards. The TADDAC also should provide input to CD staff and to CCAF [the California Communications Access Foundation, the Commission’s primary program and contract administrator for the DDTP] to help design surveys as a means to evaluate actual performance. The TADDAC shall have the authority to make recommendations on future relay service contract requirements and specifications. Further, the TADDAC shall advise the CPUC to assist in ascertaining compliance with Federal TRS [Traditional Relay Service] requirements as established by the FCC [Federal Communications Commission].⁷

Finally, the Resolution authorized CD staff “to prepare a subsequent Resolution to implement the broad policy and governance changes adopted today, and specifically, to

⁴ Res. T-17212, Ordering Paragraph (OP) 2.

⁵ *Id.*, Findings 7, 8.

⁶ *Id.* at 5-7. Because the charter identifies specific seats representing particular communities, it is necessary to have an interim charter which identifies *ten* seats, while the permanent charter will identify *nine* seats.

⁷ *Id.* at 5-6.

address any necessary modifications to the existing DDTP Committee Charters adopted in D.03-06-070.”⁸

DISCUSSION

To implement the above Commission directives regarding the merger of the CRSAC into the TADDAC, as well as to make additional revisions to update the TADDAC charter to reflect the current realities of the advisory board’s duties and operation, CD prepared two versions of the new TADDAC charter, an Interim Charter and a “permanent” Charter. The Interim Charter, attached as Appendix A, is to be in effect during the so-called transition period discussed in Res. T-17212, which runs from the time the CRSAC merges into the TADDAC until October 31, 2011. The second, permanent charter, attached as Appendix B, is to take effect on October 31, 2011, at the end of the transition period.

Explanations of the primary amendments we are making to the current TADDAC charter, as well as the full text of each revised paragraph, are as follows:

Appendix A: Interim Charter of the TADDAC

Para. 3.1: In the first sentence, (1) insert “During the transition period”; and (2) delete the description of the current TADDAC membership and insert a description of the initial ten member seats of the merged TADDAC during the transition period. Delete the rest of the paragraph as inapplicable to the transition period.

The revised paragraph 3.1 now reads as follows:

3.1 Members. During the transition period, tThe TADDAC shall initially be composed of ~~eight~~ ten members consisting of the following representatives: three representatives of the Deaf community, one representative of the Hard-of-Hearing community, two representatives of the Late-Deafened community, three representatives of the Disability community (including one Mobility Impaired seat, one Speech-to-Speech seat, and one Blind/Low Vision seat), and one representative of the Commission’s Division of Ratepayer Advocates (DRA)~~one from the hard-of-hearing community, two from the disabled community, one from the late-deafened community, two from the deaf community, one speech-disabled person who uses Speech-to-Speech relay, and one from the Office of Ratepayer Advocates. Of the two members from the deaf community, one shall represent a statewide organization and one shall represent the deaf community at large. The TADDAC may, at its discretion, expand the number of voting members to include other significant disability groups that it deems to deserve membership. The total number of voting members shall not exceed ten. The Commission’s Executive Director~~

⁸ Id., at 7 and OP 3.

~~shall be notified in writing if the TADDAC votes to expand its membership. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional members. If the Executive Director determines that current funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.~~

Para. 3.2.1: Delete the first sentence and insert “The Directors of the Commission’s Communication Division (CD) and Information and Management Services Division (IMSD) and the General Counsel of the Legal Division shall each assign the TADDAC a liaison from their respective divisions, or their successors.” This amendment allows the individual Commission divisions, rather than the Commission itself, to designate their own liaisons to the TADDAC. In the second sentence, (1) delete “TD” and insert “CD” to reflect the correct name of that Commission division; (2) insert “as appropriate, for” with regard to reporting on the TTY Placement Program; and (3) delete “appropriate” and insert “necessary” with regard to solicitation of input.

The revised paragraph 3.2.1 now reads as follows:

3.2.1 Commission Staff Liaisons. The Directors of the Commission’s Communications Division (CD) and Information Management Services Division (IMSD) and the General Counsel of the Legal Division, or their successors, ~~Commission~~ shall each assign the TADDAC a liaison from their respective divisions ~~Telecommunications Division (TD), as well as a liaison from the Information and Management Services Division and one from the Legal Division.~~ The CD liaison shall report on future plans for the DDTP program and, as appropriate, for the TTY Placement Program (TPP) at each committee meeting, and solicit input as necessary ~~appropriate~~. Additionally, the Public Advisor, at its option or on the Commission’s direction, may designate a liaison to the TADDAC.

Para. 3.2.2: In the heading, delete “Primary Service Provider” and insert “DDTP Administrative Contractor” before “Liaison” to clarify the reference to the Commission’s primary program and contract administrator for the DDTP. Delete the first sentence and insert a description of the DDTP Administrative Contractor’s duties. In the last sentence, (1) delete “PSP’s Executive Director” and insert “DDTP Administrative Contractor”; and (2) delete “serve as” and insert “designate a” before “non-voting liaison.” These amendments reflect the DDTP Administrative Contractor’s duty to designate a non-voting liaison to the TADDAC, and remove the requirement that the DDTP Administrative Contractor’s Executive Director her or himself serve as the non-voting liaison.

The revised paragraph 3.2.2 now reads as follows:

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3.2.2 Primary Service Provider (PSP) DDTP Administrative Contractor Liaison.

~~Primary Service Provider~~ The DDTP Administrative Contractor Liaison is the vendor that provides the following services to support the DDTP: implementing Commission policies and directives and performing administrative, management, and operational tasks ~~contractor chosen to operate and manage the DDTP program.~~ The DDTP Administrative Contractor PSP's Executive Director shall designate a serve as non-voting liaison to the TADDAC and give monthly status reports concerning the DDTP program.

Paras. 3.2.3 and 3.2.4: Eliminate these two paragraphs regarding utility and vendor liaisons in their entirety, because (1) utilities no longer sit on the TADDAC, and (2) vendors' potential participation as TADDAC members in discussions relating to their contracts with the Commission raises conflict of interest concerns. The deleted text is as follows:

~~**3.2.3 Utility and Vendor Liaisons.** The Committee shall include liaisons from the CRS Network Management Service contractor, each of the vendors for the California Relay Service (CRS) and a liaison from a major equipment vendor to the program.~~

~~**3.2.4** The Commission's Executive Director shall be notified of the name of each non-voting liaison. The non-voting liaisons are to attend meetings, as long as their contracts require attendance, but their attendance shall not be counted in determining whether a quorum is present. The members of TADDAC may determine that they do not need input from specific utility or vendor non-voting liaisons. The TADDAC shall notify those entities in writing that they are not obliged to attend TADDAC meetings.~~

Para. 3.3: In the first sentence, delete "be nominated by" and insert "provide personal and/or professional references from." This amendment adds the requirement that potential Committee members provide personal and/or professional reference letters from the organizations or constituencies they are to represent or from individuals with the same impairment. In the second sentence, insert "its" before "members." In the second and third sentences, delete references to the "Office of Ratepayer Advocates" (ORA) and insert references to the "Division of Ratepayer Advocates" (DRA) to reflect the correct name of that Commission division.

The revised paragraph 3.3 now reads as follows:

3.3 Selection of Members. Potential members of the Committee shall ~~be nominated by~~ provide personal and/or professional reference letters from the organizations or constituencies they are to represent or from individuals with the same impairment. With the exception of the ~~ORA~~ DRA representative, the TADDAC shall select and approve its members. The ~~ORA~~ DRA Director shall appoint ~~ORA's~~ DRA's representative. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the TADDAC.

Para. 3.4: In the first sentence, (1) insert “and consumer experience” before “sufficient”; (2) insert “and consumer” before “issues”; and (3) delete “the administration of” and insert “advising the Commission about” before “the programs.” These amendments reflect the requirement that members have expertise sufficient to be conversant with not only policy and budgetary issues, but consumer issues as well, that arise in connection with advising the Commission on the programs. In the second sentence, insert requirement that members “should be familiar with and must currently use the services and equipment the program provides,” for the same reason. In the last sentence, (1) move “consistent with the Disclosure and Conflict of Interest Policy,” to the beginning of the sentence; (2) delete “they should” and insert “members shall”; and (3) delete “attached to this charter,” as the referenced Disclosure and Conflict of Interest Policy is and has always been a separate document independent of the TADDAC charter.

The revised paragraph 3.4 now reads as follows:

3.4 Qualifications of Members. Members shall have professional or technical expertise and consumer experience sufficient to enable them to be conversant with the policy, ~~and~~ budgetary, and consumer issues that arise in connection with ~~the administration of~~ advising the Commission about the programs. Consumer members should be able to demonstrate organizational or other ties to the constituency(ies) they represent and should be familiar with and must currently use the services and equipment the program provides. ~~In addition, consistent with the Disclosure and Conflict of Interest Policy, they should~~ members shall not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program, ~~consistent with the Disclosure and Conflict of Interest Policy attached to this charter.~~

Para. 3.5: In the first paragraph, delete the first sentence and insert: “As of January 1, 2010, the members of the TADDAC and the California Relay Service Advisory Committee (CRSAC) will be consolidated into the TADDAC, and the CRSAC shall cease to exist as a separate subcommittee.” In the second sentence, insert “of the newly-consolidated TADDAC” after “members.” In the third sentence, delete “A current” and insert (1) “For informational purposes only, a” before “list”; and (2) “(as of February 4, 2010)” before “is”; these amendments clarify that, during the transition period, the TADDAC’s membership will change as members serve out their terms. After the fourth sentence, insert the following sentence: “Should a committee member with a term that expires after January 1, 2010 and slated for elimination resign his or her seat before its expiration date, that seat will not be refilled, but instead will be eliminated early.” Delete the sixth sentence: “At least one voting member shall be in each group of nominees annually.” In the ninth sentence, delete “one full term” and insert “two years”; delete “including serving as a proxy” and insert “cannot serve as a proxy for two consecutive months during that two-year period.” In the next to last sentence, (1) delete “one full

term” and insert “two years”; and (2) insert “to the TADDAC or a permanent subcommittee of the TADDAC.” Delete the last sentence of the first paragraph, as the prior sentence, as revised, addresses the issue of an individual serving on different committees. Delete the second paragraph as unnecessary.

The revised paragraph 3.5 now reads as follows:

3.5 Term of Appointment. ~~The current members of the DDTP Administrative Committee will be grandfathered to the TADDAC. As of January 1, 2010, the members of the TADDAC and the California Relay Service Advisory Committee (CRSAC) will be consolidated into the TADDAC, and the CRSAC shall cease to exist as a separate subcommittee. The members of the newly-consolidated TADDAC will serve out their remaining terms, which are staggered. For informational purposes only, a current list of member position expiration dates (as of February 4, 2010) is attached. If any current members are unable to serve out the remainder of their terms, a replacement will be selected to fill the vacancy. Should a committee member with a term that expires after January 1, 2010 and slated for elimination resign his or her seat before its expiration date, that seat will not be refilled, but instead will be eliminated early. Thereafter, members will be appointed for four-year terms. At least one voting member shall be in each group of nominees annually. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member (1) is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period, one full term. After a hiatus of at least two years one full term, an individual will be eligible for nomination to the TADDAC or a permanent subcommittee of the TADDAC. A member of one DDTP committee who has served two consecutive full terms on that committee may be nominated to serve on a different DDTP committee after a two year hiatus from any DDTP committee membership.~~

~~A member shall hold office until a successor has been appointed and has assumed office or until the member has been removed in accordance with Paragraph 3.6 or has resigned in accordance with Paragraph 3.7. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which his or her membership is based, the member’s appointment shall terminate as of the date that affiliation ceases.~~

Para. 3.6: In the first sentence, delete “adopted by” and insert “adopts.” In the second sentence, (1) delete “remove” and insert “recommend removal of”; and (2) insert “in his or her capacity” after “member.” In the third sentence, delete “fail to” and insert “do not.”

The revised paragraph 3.6 now reads as follows:

3.6 Removal. Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures ~~adopted by the Executive Director~~ adopts. Also, two-thirds of the TADDAC members present and voting may vote to ~~remove~~ recommend removal of a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not include any policy position taken by the member in his or her capacity as a member of the committee. Members who do not fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

Para. 3.7: In first sentence, delete "then acting chair of the" and insert "Chair."

The revised paragraph 3.7 now reads as follows:

3.7 Resignation. Any member who wants to resign should give thirty (30) days written notice to the ~~then acting chair of the~~ Committee Chair. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

Para. 3.8: Delete the first sentence and insert "An individual may nominate him or herself to fill a vacancy, and the TADDAC shall select and approve the individual to fill each vacancy according to the process in Section 3.3." This amendment removes the requirement that the organization or constituency whose seat is vacated must nominate an individual to fill the vacancy.

The revised paragraph 3.8 now reads as follows:

3.8 Vacancies. ~~The organization or constituency whose seat is vacated shall nominate an individual to fill that vacancy, and the selection and approval of the individual to fill that vacancy shall be made by the TADDAC~~ An individual may nominate him or herself to fill a vacancy, and the TADDAC shall select and approve the individual to fill each vacancy according to the process in Section 3.3. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

Para. 3.10: In the first sentence of the first paragraph, (1) delete "utilities" because utilities no longer sit on the TADDAC; and (2) delete "other" and insert "who are not otherwise reimbursed by a"; and (3) change "agencies" to "agency." In the second sentence, delete "Telecommunications" and insert "Communications" to reflect the correct name of that Commission division. In the third sentence, insert "non-officer" before "members" and change the amounts of per diems for non-officer members. Insert a new fourth sentence and a new fifth sentence reflecting the per diem rates for officers. At the end of the next to last sentence of the first paragraph, insert "or its successor." Delete the last sentence of the first paragraph to align the charter language with current

Commission practice. In the first sentence of the second paragraph, delete “There shall be” and insert “Committee members shall receive.” Delete the second sentence of the second paragraph because Paragraph 3.10 only applies to members who are not governmental employees. In the second and last sentences of the third paragraph, delete “Telecommunications” and insert “Communications” to reflect the correct name of that Commission division.

The revised paragraph 3.10 now reads as follows:

3.10 Expenses and Per Diem. Members of the TADDAC who are not employees of ~~utilities, the Commission, or other~~ who are not otherwise reimbursed by a governmental agency of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). Per diem and expenses are authorized for meetings TADDAC members attend at the request of the Communications Telecommunications Division Director. The per diem shall be ~~\$325~~ 300 for each day of meetings attended by the eligible non-officer members or ~~\$225~~ 200 if the meeting lasts for less than approximately two hours. For officers other than the Chair, the per diem shall be \$350 for each day of meetings attended or \$250 if the meeting lasts for less than approximately two hours. For the Chair, the per diem shall be \$400 for each day of meetings and \$250 if the meeting lasts for less than approximately two hours. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the Committee, in conformance with Commission rules and regulations for Commission management employees, as outlined in Standard Form 262 or its successor. ~~Committee members who do not have internet access through the organization they represent will be reimbursed for basic internet access.~~

~~There shall be~~ Committee members shall receive no per diem for preparation work. ~~For each TADDAC member who is an employee of a governmental agency of the State of California, trade association or consumer group, payments for per diem and expense reimbursement related to the member’s participation in the TADDAC shall go to the member’s employer unless the member can show justification for receiving these monies directly.~~

Eligible Committee members must seek reimbursement of expenses and per diem through the state’s Travel Expense Claim (TEC) process. Completed TECs must be submitted to the Commission’s Communications Telecommunications Division for review. The director of the Communications Telecommunications Division will assign a designated staff member to review, and if appropriate, approve payment.

Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the TADDAC.

Para. 4.1: Insert the following sentence at the end of the paragraph: “The Committee will undertake the following actions and report to the Commission:”

The revised paragraph 4.1 now reads as follows:

4.1 Duties. The TADDAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the Commission. The Commission shall have all policy and program decision-making authority. The Committee will undertake the following actions and report to the Commission:

Para. 4.1(a): Delete “for compliance with. . . changes” and insert “and make budget recommendations consistent with TADDAC’s policy recommendations.” This amendment reflects TADDAC’s duty to advise and make recommendations to the Commission regarding program policy issues, rather than handle the day-to-day administration of the program, which is the Commission’s responsibility.

The revised paragraph 4.1(a) now reads as follows:

Review proposed program budgets and make budget recommendations consistent with TADDAC’s policy recommendations ~~for compliance with budget procedures, funding availability, and consistency with program policy, and develop formal recommendations to the Commission on the proposed annual budget and attendant surcharge rate changes.~~

Para. 4.1(b): Delete in its entirety and insert “Advise the Commission on key policy issues related to the programs, particularly with regard to the Commission’s specific requests.” This change reflects TADDAC’s duty to advise and make recommendations to the Commission regarding program policy issues, rather than handle the day-to-day administration of the program, which is the Commission’s responsibility.

The revised paragraph 4.1(b) now reads as follows:

Advise the Commission on key policy issues related to the programs, particularly with regard to the Commission’s specific requests. ~~With the assistance of its advisory committees and task forces, investigate and evaluate policy, financial, and operational issues pertaining to the programs. Proposals submitted to the program by vendors or by the Primary Service Provider shall be submitted simultaneously to the Committee and to Commission staff.~~

Para. 4.1(d): Delete in its entirety, as day-to-day administration of the programs – including the review of operational reports -- is the Commission’s responsibility, not TADDAC’s. The deleted text is as follows:

~~Review operational reports monthly in order to identify areas needing correction and/or improvement.~~

Para. 4.1(e): Delete in its entirety, as the duties described therein are already set forth in other subparagraphs of 4.1. The deleted text is as follows:

~~Initiate recommendations to the Commission, and submit to the Commission recommendations initiated by the advisory committees for changes in the programs that have policy or budgetary implications. The Committee's recommendations will include but not be limited to recommendations for new equipment and/or services. The originator (i.e., task force, advisory committee, or administrative committee) of any recommendations is expected to justify the appropriateness, cost-effectiveness, and program efficiency improvement aspects of the recommendations. Committee recommendations will be made in writing to the Commission's Executive Director who will take appropriate action for review of all recommendations.~~

Para. 4.1(f): Delete in its entirety, as day-to-day administration of the programs – including the review of claims and expenditure reports -- is the Commission's responsibility, not TADDAC's. The deleted text is as follows:

~~Review the claims submitted by vendors for consistency with the approved annual budget, and report findings to Commission staff. The Committee will review expenditure reports for accuracy and completeness, and to the extent possible from the reports, for appropriateness to the budget.~~

Para. 4.1(g): Delete in its entirety, as day-to-day administration of the programs – including changes to the surcharge rate -- is the Commission's responsibility, not TADDAC's. The deleted text is as follows:

~~Recommend to the Commission surcharge rates changes.~~

Para. 4.1(h): Renumber to 4.1(d) to reflect above deletions. Delete “Review the charters of and generally” and change reference to “advisory committees” to “subcommittee(s)” to clarify that (1) day-to-day administration of the programs – including changes to the subcommittee charters -- is the Commission's responsibility, not TADDAC's; and (2) TADDAC is the only statutorily-created advisory board to the Commission, and any other bodies are subcommittees of the TADDAC.

The revised paragraph 4.1(d) now reads as follows:

~~Review the charters of and generally~~ Oversee the activities of its advisory subcommittee(s).

Para. 4.1(i): Renumber to 4.1(e) to reflect above deletions. Delete “Adopt” and insert “Recommend”; insert “and subsequent changes thereto, for adoption” after “list”; delete

“as recommended by” and insert “after receiving recommendations from” before “the Equipment Program Advisory Committee.” These amendments clarify that the TADDAC makes recommendations to the Commission on a standard equipment list for the programs and does not have the power to adopt the list itself.

The revised paragraph 4.1(e) now reads as follows:

~~Adopt~~ Recommend a standard equipment list, and subsequent changes thereto, for adoption for the disabled programs ~~as recommended by after receiving recommendations from~~ the Equipment Program Advisory Committee.

Para. 4.1(j): Renumber to 4.1(f) to reflect above deletions. In the first sentence, delete “advisory committees” and insert “subcommittee(s).” In the second sentence, insert “the” before “Executive Director.”

The revised paragraph 4.1(f) now reads as follows:

Notify the Executive Director of member appointments to the TADDAC and to the permanent ~~advisory~~ subcommittee(s). Seat new members after the Executive Director determines that there are no conflict of interest issues.

Para. 4.1(k): Renumber to 4.1(g) to reflect above deletions. Delete “Establish” and insert “Recommend”; delete “advisory committees” and insert “subcommittee(s).” These amendments clarify that the TADDAC makes recommendations to the Commission on new member positions on the TADDAC and on the TADDAC subcommittee(s) and does not have the power to establish new member positions itself. In addition, (1) delete “the budgetary constraints described in Section 3.1” to reflect the above amendments made to 3.1; and (2) insert “CD’s concurrence” to reflect the requirement that TADDAC obtain CD’s agreement before recommending new member positions

The revised paragraph 4.1(g) now reads as follows:

~~Establish~~ Recommend new member positions on the TADDAC and on the permanent ~~advisory~~ subcommittee(s), subject to CD’s concurrence ~~the budgetary constraints described in Section 3.1~~.

Para. 4.1(l): Delete in its entirety, as TADDAC already has procedures in place for the filling of member vacancies on the TADDAC and TADDAC subcommittees. The deleted text is as follows:

~~Develop procedures for the replacement of its members and of members of its advisory committees who are unable to serve their full terms.~~

Paras. 4.1(m) and (n): Renumber as 4.1(h) and (i) to reflect above deletions.

Para. 4.1(o): Renumber as 4.1(j) to reflect above deletions. Delete “Assign a maximum of two members of the” and insert “As requested.” Delete “advisory committees” and insert “subcommittee(s).” Delete “to” and insert “shall.” Insert “the” before “development.” Insert “Requests for Proposals” and “Invitations for Bids” to explain the acronyms used.

The revised paragraph 4.1(j) now reads as follows:

As requested, Assign a maximum of two members of the TADDAC and/or its advisory subcommittee(s) to shall assist Commission staff in the development of specifications and requirements for Requests for Proposals (RFPs) and Invitations for Bids (IFBs) relating to the programs.

New Paras. 4.1(k)-(p): Insert new subparagraphs 4.1(k) through (p) to add duties previously held by the CRSAC:

k) Make recommendations with respect to the quality and efficiency of relay services, including procedures for the conduct of calls and effective means of implementing these recommendations.

l) Make recommendations on options for controlling expenses and increasing efficiency in the programs, including the relay service program.

m) Evaluate the effectiveness of the relay service by offering recommendations for service standards.

n) Make recommendations to Communications Division staff and to the DDTP Administrative Contractor to help design surveys as a means to evaluate performance of the programs, including the relay service program.

o) Make recommendations on future relay service contract requirements and specifications.

p) Make recommendations regarding ascertaining compliance with federal Traditional Relay Service (TRS) requirements, which are mandatory minimum standards established by the Federal Communications Commission (FCC).

Para. 4.1(p): Renumber to 4.1(q) to reflect above deletions and insertions. Delete “may from time to time be imposed on it by the Commission” and insert “the Communications Division may request from time to time.” This amendment reflects that the Communications Division may request that the TADDAC perform additional duties, not that the Commission itself is imposing such duties on the TADDAC.

The revised paragraph 4.1(q) now reads as follows:

Perform such other duties as the Communications Division may request from time to time ~~may from time to time be imposed on it by the Commission.~~

Para. 4.1(q): Delete subparagraph 4.1(q) in its entirety, as the TADDAC's duties are laid out in the other sub-paragraphs of 4.1, and paragraph 4.1(p) above (revised and renumbered to 4.1(q)) already contains a "catch-all" provision. The deleted text is as follows:

~~Perform other activities necessary and appropriate to accomplish the purpose and responsibilities of the TADDAC.~~

Para. 4.1(r): In the first sentence, insert "on a case-by-case basis" to clarify that the TADDAC has the flexibility to designate an appropriate spokesperson as needed. In the second sentence, delete "utility" as there is no utility seat on the TADDAC. In the last sentence, delete "does" and insert "members who appear publicly must state that they do."

The revised paragraph 4.1(r) now reads as follows:

The Committee will specify those members or other designees authorized to represent the views of the Committee in public on a case-by-case basis. At all times, members will clearly designate whether they represent the views of the Committee, the views of their community, ~~utility~~, or state agency division, or their own individual views. The Committee members who appear publicly must state that they do ~~does~~ not represent the views of the Commission unless requested to do so by the Commission.

Para. 4.2: Delete the first sentence. In the second sentence, delete "These liaisons shall not be" and insert "The Commission Staff Liaisons, as set forth in section 3.2.1, are not." This amendment makes this paragraph consistent with 3.2.1, as revised.

The revised paragraph 4.2 now reads as follows:

4.2 Administrative and Legal Assistance. ~~The Executive Director shall assign three Commission staff as non-voting liaisons to the TADDAC for the purposes of providing administrative and legal assistance. These liaisons shall not be~~ The Commission Staff Liaisons, as set forth in section 3.2.1, are not members of the Committee and shall have no vote.

Para. 4.2(a): In the first sentence, change the reference to the Commission's "Telecommunications Division" to the "Communications Division." In the second sentence, delete "shall also" and insert "will communicate Commission policies and

decisions to the TADDAC and work with the DDTP Administrative Contractor to” to clarify that the Communications Division and the DDTP Administrative Contractor liaison will assist TADDAC in the preparation and filing of the TADDAC’s annual report to the Commission. Also in the second sentence, delete “in the development of each proposed fiscal year program budget and” to clarify that the day-to-day administration of the programs – including development of the program budget -- is the Commission’s responsibility, not TADDAC’s.

The revised paragraph 4.2(a) now reads as follows:

One liaison, from the Commission’s Communications ~~Telecommunications~~ Division, or its successor, who shall be appointed by the Director of that division. This non-voting liaison will communicate Commission policies and decisions to the TADDAC and work with the DDTP Administrative Contractor to ~~shall also assist the Committee in the development of each proposed fiscal year program budget and~~ in the preparation and filing of the annual report.

Para. 4.2(b): Delete “monthly” and insert “periodic” to clarify that the Commission’s Information and Management Services Division liaison shall provide TADDAC with periodic, not monthly, reports on the financial status of the programs.

The revised paragraph 4.2(b) now reads as follows:

One liaison, from the Commission’s Information and Management Services Division, or its successor, who shall be appointed by the Director of that division, shall provide the Committee with ~~monthly~~ periodic reports on the financial status of the program.

Para. 5.1: In the second sentence, insert “With CD’s concurrence,” to clarify that the TADDAC must obtain CD’s agreement before holding meetings. Also in the second sentence, delete “once per month” and insert “quarterly” to reflect that TADDAC meetings shall occur at least once per quarter, not once per month. In the third sentence, (1) delete reference to the CRSAC; and (2) delete “each February” and insert “an annual” to provide flexibility as to when the joint TADDAC/EPAC meeting takes place. In the sixth sentence, insert “administrative” before “offices.” In the seventh sentence, insert “The” before “notice.”

The revised paragraph 5.1 now reads as follows:

5.1 General. The TADDAC shall act only in the course of a duly noticed meeting. With CD’s concurrence, ~~t~~The Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than ~~once per month~~ quarterly. Additionally, ~~each February~~ an annual meeting of TADDAC, ~~the California Relay Service Advisory Committee~~ and the Equipment Program Advisory Committee will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be

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scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP administrative offices. ~~The~~ Notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief general description of the business to be transacted and shall highlight important pending decisions, including those to be sent to the Commission for approval. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

Para. 5.5: Delete in its entirety, as it creates unnecessary administrative involvement. The deleted text is as follows:

~~**5.5 Commission Contact.** The Committee may contact the Commission through the Commission's Executive Director or his or her designee for advice on any matter or to refer any unresolved issue for settlement by the Commission's Telecommunications Division.~~

Para. 5.7: Renumber to 5.6 to reflect deleted paragraph above. In the first sentence, delete "Primary Service Provider" and insert "DDTP Administrative Contractor" before "liaison." In the last sentence, delete "to the Commission or any interested party" to clarify that DDTP Administrative Contractor must provide copies of the meeting minutes to any person or entity upon request.

The revised paragraph 5.6 now reads as follows:

5.6 Records. ~~The Primary Service Provider~~ DDTP Administrative Contractor liaison shall ensure that written minutes are taken of TADDAC meetings. Written minutes shall: (a) identify the date, time, and place of the meeting; (b) identify the Committee members and non-voting liaisons in attendance, and (c) contain a summary. Draft minutes shall be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes shall be provided ~~to the Commission or any interested party~~ upon request.

Para. 5.8: Renumber to 5.7 to reflect deleted paragraph above. Delete in its entirety and insert "Committee records are public records under the California Public Records Act, §§ 6250 et seq. of the California Government Code." This amendment clarifies that all TADDAC records are public documents subject to disclosure.

The revised paragraph 5.7 now reads as follows:

~~5.7 Copies of the Committee's public documents that are subject to the Public Records Act may be requested from the Committee and the Committee shall provide them within a reasonable time. Committee records are public documents under the California Public Records Act, §§ 6250 et seq. of the California Government Code.~~

Para. 6.1: In the heading, delete "Two" and insert "Three" to reflect that TADDAC has a Chair, Vice-Chair, and Secretary (if desired). In the first sentence, delete "two" and insert "three" and "and a Secretary (if desired)" for the same reason. Revise the second sentence to read "The Committee members shall elect the Committee officers to serve a term of one year, and they may be re-elected to one or more successive terms." Delete the last sentence in its entirety as unnecessary.

The revised paragraph 6.1 now reads as follows:

6.1 ~~Two~~ Three Officers. The TADDAC shall have ~~two~~ three officers, a Chair, ~~and a Vice-Chair, and a Secretary (if desired), all both~~ of whom shall be members of the Committee. ~~The Committee members~~ officers shall be elected ~~by the members of the Committee~~ officers to serve a term of one year, and they may be re-elected to one or more successive terms. An officer shall continue to hold office until a successor has been elected and assumes office. ~~However, if an officer ceases to be the designated representative of a class or entity as described in Paragraph 3.3, the officer's appointment shall terminate upon the date that the officer's affiliation ceases.~~

Para. 6.2: In the first sentence, delete "shall be the executive officer and" as unnecessary. In the last sentence, delete "from time to time may be prescribed by the Committee with the assistance of the Telecommunications Division liaison, as needed" and insert "the Committee may from time to time prescribe." This amendment reflects that the TADDAC officers are capable of performing their own duties.

The revised paragraph 6.2 now reads as follows:

6.2 Duties. The Chair ~~shall be the executive officer and~~ shall be responsible for the general supervision and direction of the affairs of the Committee. The Chair shall preside at all meetings of the Committee. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the Committee may appoint a Chair Pro-Tem for that meeting. The officers shall perform such other duties as the Committee may from time to time prescribe ~~from time to time may be prescribed by the Committee, with the assistance of the Telecommunications Division liaison, as needed.~~

Para. 7.1: In the first sentence, (1) delete "two" and insert "one"; (2) delete "advisory committees" and insert "subcommittee"; and (3) delete "and the California Relay Service Advisory Committee," all three changes to reflect the merger of the CRSAC into the TADDAC. At the beginning of the second sentence, insert "After first obtaining CD's

concurrence,” to clarify that CD must agree to any recommendation to increase the number of subcommittees. Also in the second sentence, delete “committees” and insert “subcommittees.” In the third sentence, (1) delete “advisory committees” and insert “subcommittee” to reflect the consolidation of the CRSAC into the TADDAC; and (2) delete “their respective Charters or as expanded by the Committee with Commission approval” and insert “its charter” to clarify that the TADDAC does not have the power to expand the Equipment Program Advisory Committee’s role. In the last sentence, (1) delete “Both committees” and insert “The Equipment Program Advisory Committee”; (2) delete “their” and insert “its”; and (3) delete “these committees want” and insert “it wants,” all three changes to reflect the merger of the CRSAC into the TADDAC.

The revised paragraph 7.1 now reads as follows:

7.1 General. The Committee shall have ~~two~~ one permanent ~~advisory~~ subcommittees reporting to it, the Equipment Program Advisory Committee ~~and the California Relay Service Advisory Committee~~. After first obtaining CD’s concurrence, ~~t~~The TADDAC shall seek Commission approval by recommendation to the Commission's Executive Director for any additional permanent subcommittees it believes have become necessary or advisable in connection with the programs. The role of the ~~advisory~~ subcommittees is limited to the responsibilities expressed herein and in its charter ~~their respective Charters~~ or as expanded by the Committee with Commission approval. ~~Both committees~~ The Equipment Program Advisory Committee shall report each month to the TADDAC on ~~their~~ its activities and any issues that ~~these committees~~ it wants to bring forward to the TADDAC for discussion and approval as necessary.

Para. 7.3: Delete in its entirety to reflect the consolidation of the CRSAC into the TADDAC. The deleted text is as follows:

~~**7.3 California Relay Service Advisory Committee.** The purpose of the California Relay Service Advisory Committee is to make recommendations to the TADDAC with respect to the quality and efficiency of relay services, including procedures for the conduct of calls and effective means of implementing its recommendations. The Advisory Committee will also make recommendations on options for controlling expenses and increasing program efficiency. The Committee shall also have responsibility for evaluating the effectiveness of the relay service vendors by establishing service standards and performing surveys and analysis to determine actual performance. The Committee shall have the authority to make recommendations on future relay service contract requirements and specifications. Further, the Committee shall be responsible for ascertaining compliance with Federal TRS requirements as established by the FCC.~~

Para. 7.4: Renumber to 7.3 to reflect deleted paragraph above. In the first sentence, (1) delete “advisory committees” and insert “subcommittee(s)”; and (2) insert “after receiving the subcommittee’s recommendation and” to clarify that, pursuant to the

current EPAC charter, the EPAC forwards its recommended member selection to the TADDAC for approval. Delete the second sentence to increase flexibility in subcommittee membership. In the fourth sentence, delete “advisory committee” and insert “subcommittee.” In the fifth sentence, delete “one full term” and insert “two years”; delete “including serving as a proxy” and insert “cannot serve as a proxy for two consecutive months during that two-year period.” In the next to last sentence, delete “one full term” and insert “two years.”

The revised paragraph 7.3 now reads as follows:

7.3 Membership. The TADDAC will appoint persons to the advisory subcommittee(s), after receiving the subcommittee’s recommendation and subject to review of conflict of interest statements by the Commission’s Executive Director as provided in Article III, above. ~~The terms of the members of advisory committees shall be staggered, with one-fourth of the membership of each committee appointed each year.~~ Members will be appointed for four-year terms. A member may be reappointed, but no member of an advisory subcommittee shall serve for more than two consecutive full terms. After serving two consecutive full terms, a member (1) is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period.~~one full term.~~ After a hiatus of at least two years ~~one full term~~, an individual will be eligible for nomination. Vacancies for expired terms will be filled for a full, four-year term; vacancies for un-expired terms will be filled for the remainder of the un-expired term.

Para. 8: Delete “AMENDMENTS” in the heading and insert “EXPIRATION DATE.”

The revised paragraph 8 now reads as follows:

8. ARTICLE EIGHT: EFFECTIVE DATE AND AMENDMENTS EXPIRATION DATE

Para. 8.1: In the heading, insert “and Expiration Date.” Delete the rest of the paragraph in its entirety and insert “This Interim Charter shall become effective on the date it is approved by the Commission and shall expire on October 31, 2011, at which time the permanent Charter will go into effect.”

The revised paragraph 8.1 now reads as follows:

8.1 Effective Date and Expiration Date. ~~This Charter shall become effective on July 1, 2003, if approved by the Commission before that date. If not approved by the Commission by July 1, 2003, the Charter shall become effective on the date it is approved by the Commission.~~ This Interim Charter shall become effective on the date it is approved by the Commission and shall expire on October 31, 2011, at which time the permanent Charter will go into effect.

Para. 8.2: Delete in its entirety, as the Commission, not TADDAC, has the authority and power to revise the TADDAC charter. The deleted text is as follows:

~~**8.2 Amendments.** This Charter may be amended by vote of two-thirds of the members of the TADDAC, and approval of the proposed amendment by the Commission. No amendment shall be effective unless and until the amendment has been approved by the Commission. This Charter is subject to amendment, termination or revocation at any time by order of the Commission, after public notice and an opportunity for public participation.~~

Para. 9.1: Delete in its entirety as unnecessary. The deleted text is as follows:

~~**9.1** While the TADDAC shall have the power and authority to function consistent with this Charter, and in particular, to carry out the duties and responsibilities specified in Article Four of this Charter, it shall not have the authority to direct telecommunications carriers to act or refrain from acting. Such authority shall remain solely with the Commission.~~

Para. 9.2: Renumber to 9.1 to reflect deleted paragraph above. Insert the heading "Limitation on Power and Authority." Delete "taken by" and insert "takes" after Commission.

The revised paragraph 9.1 now reads as follows:

9.1 Limitation on Power and Authority. The members of the TADDAC in the performance of their duties and in the actions ~~taken by~~ the Committee takes shall at all times be subject to the direction, control, and approval of the Commission.

Signature block: Delete in its entirety as unnecessary. The Charter becomes effective upon Commission approval; signatures of TADDAC members are not needed. The deleted text is as follows:

~~This Charter is hereby modified in response to R.03-03-014 issued March 13, 2003 and is executed on _____.~~

Member _____
Member _____
Member _____
Member _____
Member _____

Appendix B: Charter of the TADDAC

All of the above amendments apply to the permanent Charter as well, except for the amendments to Paragraphs 3.1, 3.4, 3.5, 4.1(k), 8, and 8.1 specified below:

Para. 3.1: Delete the first and second sentences and insert a description of the eventual nine-member seats of the merged TADDAC after the transition period ends. In the third sentence, (1) insert “With CD’s concurrence”; and (2) delete “expand” and insert “recommend to the Executive Director that” and “be expanded.” These amendments clarify that TADDAC must first obtain CD’s agreement before recommending the expansion of the number of voting members. In the fourth sentence, delete “ten” and insert “eleven” to cap the total number of voting members at eleven. In the fifth sentence, delete “votes” and insert “seeks.” In the next to last sentence, insert “and that such expansion is consistent with TADDAC’s purpose.” Delete the last sentence.

The revised paragraph 3.1 now reads as follows:

3.1 Members. The TADDAC shall be composed of nine members consisting of the following representatives: two representatives of the Deaf community, one representative of the Hard-of-Hearing community, one representative of the Late-Deafened community, three representatives of the Disability community (including one Mobility Impaired representative, one Speech-to-Speech representative, and one Blind/Low Vision representative), one representative of the Commission’s Division of Ratepayer Advocates (DRA), and one At Large representative. ~~The TADDAC shall initially be composed of eight ten members consisting of the following representatives: one from the hard-of-hearing community, two from the disabled community, one from the late-deafened community, two from the deaf community, one speech-disabled person who uses Speech-to-Speech relay, and one from the Office of Ratepayer Advocates. Of the two members from the deaf community, one shall represent a statewide organization and one shall represent the deaf community at large.~~ With CD’s concurrence, t~~The~~ TADDAC may, at its discretion, ~~expand~~ recommend to the Executive Director that the number of voting members be expanded to include other significant disability groups that it deems to deserve membership. The total number of voting members shall not exceed ~~ten~~ eleven. The Commission’s Executive Director shall be notified in writing if the TADDAC ~~votes~~ seeks to expand its membership. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional members and that such expansion is consistent with TADDAC’s purpose. ~~If the Executive Director determines that current funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.~~

Para. 3.4: In the first sentence, (1) insert “and consumer experience” before “sufficient”; (2) insert “and consumer” before “issues”; and (3) delete “the administration of” and insert “advising the Commission about” before “the programs.” These amendments

reflect the requirement that members have expertise sufficient to be conversant with not only policy and budgetary issues, but consumer issues as well, that arise in connection with advising the Commission on the programs. In the second sentence, insert the requirement that members “should be familiar with and must currently use the services and equipment the program provides,” for the same reason. Insert a new third sentence requiring that members reside in California during the term of their appointment to reflect the requirement above that members be users of the DDTP’s services and equipment; only California residents can be California Telephone Access Program (CTAP) customers. In the last sentence, (1) move “consistent with the Disclosure and Conflict of Interest Policy” to the beginning of the sentence; (2) delete “they should” and insert “members shall”; and (3) delete “attached to this charter,” as the referenced Disclosure and Conflict of Interest Policy is and has always been a separate document independent of the TADDAC charter.

The revised paragraph 3.4 now reads as follows:

3.4 Qualifications of Members. Members shall have professional or technical expertise and consumer experience sufficient to enable them to be conversant with the policy, ~~and~~ budgetary, and consumer issues that arise in connection with ~~the administration of~~ advising the Commission about the programs. Consumer members should be able to demonstrate organizational or other ties to the constituency(ies) they represent and should be familiar with and must currently use the services and equipment the program provides. Members also must reside in California during the term of their appointment. ~~In addition, consistent with the Disclosure and Conflict of Interest Policy, they should~~ members shall not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program, ~~consistent with the Disclosure and Conflict of Interest Policy attached to this charter.~~

Para. 3.5: In the first paragraph, delete the first four sentences. In the fifth sentence, delete “Thereafter.” Delete the sixth sentence: “At least one voting member shall be in each group of nominees annually.” In the ninth sentence, delete “one full term” and insert “two years”; delete “including serving as a proxy” and insert “cannot serve as a proxy for two consecutive months during that two-year period.” In the next to last sentence, (1) delete “one full term” and insert “two years”; and (2) insert “to the TADDAC or a permanent subcommittee of the TADDAC.” Delete the last sentence of the first paragraph, as the prior sentence, as revised, addresses the issue of an individual serving on different committees. Delete the second paragraph as unnecessary.

The revised paragraph 3.5 now reads as follows:

3.5 Term of Appointment. ~~The current members of the DDTP Administrative Committee will be grandfathered to the TADDAC. The members will serve out their remaining terms, which are staggered. A current list of member position expiration dates~~

~~is attached. If any current members are unable to serve out the remainder of their terms, a replacement will be selected to fill the vacancy. Thereafter, m~~Members will be appointed for four-year terms. ~~At least one voting member shall be in each group of nominees annually.~~ A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member (1) is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for one full term two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period. After a hiatus of at least ~~one full term~~ two years, an individual will be eligible for nomination to the TADDAC or a permanent subcommittee of the TADDAC. ~~A member of one DDTP committee who has served two consecutive full terms on that committee may be nominated to serve on a different DDTP committee after a two year hiatus from any DDTP committee membership.~~

~~A member shall hold office until a successor has been appointed and has assumed office or until the member has been removed in accordance with Paragraph 3.6 or has resigned in accordance with Paragraph 3.7. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which his or her membership is based, the member's appointment shall terminate as of the date that affiliation ceases.~~

Para. 4.1(k): Renumber to 4.1(g) to reflect above deletions. Delete “Establish” and insert “Recommend”; delete “advisory committees” and insert “subcommittee(s).” These amendments clarify that the TADDAC makes recommendations to the Commission on new member positions on the TADDAC and on the TADDAC subcommittees, but does not have the power to establish new member positions itself. In addition, delete “the budgetary constraints” and insert “the Commission’s review and approval” to reflect the amendments made to 3.1.

The revised paragraph 4.1(g) now reads as follows:

~~Establish~~ Recommend new member positions on the TADDAC and on the permanent ~~advisory~~ subcommittee(s), subject to the Commission’s review and approval ~~the budgetary constraints~~ described in Section 3.1.

Para. 8: Delete “AND AMENDMENTS” in the heading.

The revised paragraph 8 now reads as follows:

8. ARTICLE EIGHT: EFFECTIVE DATE ~~AND AMENDMENTS~~

Para. 8.1: Except for the heading, delete the paragraph in its entirety and insert “This Charter shall become effective on October 31, 2011.”

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The revised paragraph 8.1 now reads as follows:

8.1 Effective Date. ~~This Charter shall become effective on July 1, 2003, if approved by the Commission before that date. If not approved by the Commission by July 1, 2003, the Charter shall become effective on the date it is approved by the Commission.~~ This Charter shall become effective on October 31, 2011.

COMMENTS

In compliance with P.U. Code § 311(b), copies of the notice letter were e-mailed on January 5, 2010 to all telecommunications carriers and the parties of record to Investigation (I.) 87-11-031, Rulemaking (R.) 00-05-001, and R.03-03-014, for whom e-mail addresses were available, including members of TADDAC, CRSAC, and EPAC. The notice informed these parties that this draft Resolution is available at the Commission's website, www.cpuc.ca.gov, and is available for public comment. In addition, CD informed these parties of the availability of the conformed resolution at the same website. Comments were timely filed on January 25, 2010 by TADDAC. The Commission received no reply comments by the January 29, 2010 deadline.

TADDAC's comments were reviewed, and changes have been made to the draft resolution, as appropriate. We decline to revise the Charter as TADDAC suggests in several instances. For example, with regard to TADDAC's concern with the language in paragraph 4.1 that "[t]he Commission shall have all policy and program decision-making authority," we note that, pursuant to the sub-paragraphs of 4.1, TADDAC's duties and responsibilities include making recommendations to the Commission on policy issues, including key program elements (see, *e.g.*, 4.1(b)). With regard to TADDAC's request that paragraph 6.1 include a requirement that officer elections occur each February, we encourage TADDAC to hold its officer elections as appropriate, but believe that an election requirement is not necessary in the Charter.

FINDINGS

1. Pursuant to California Public Utilities (P.U.) Code section 2881, the California Public Utilities Commission (CPUC or Commission) established the DDTP to provide specialized equipment to the deaf and hard-of-hearing through Commission decisions issued in the 1980's and modified within the last several years.
2. In those same decisions, the Commission also created three advisory committees to the DDTP: the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC), the California Relay Service Advisory Committee (CRSAC), and the Equipment Program Advisory Committee (EPAC).

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3. In Commission Resolution (Res.) T-17212, the Commission examined the DDTP advisory board structure and ordered that the CRSAC be merged into the TADDAC, effective January 1, 2010.
4. In that resolution, the Commission also authorized CD staff “to prepare a subsequent Resolution to implement the broad policy and governance changes adopted today, and specifically, to address any necessary modifications to the existing DDTP Committee Charters adopted in D.03-06-070.”
5. The Commission should adopt the amendments to the TADDAC charter, as set forth in the two versions attached as Appendices A and B hereto: an Interim Charter and a “permanent” Charter. The Interim Charter, attached as Appendix A, is to be in effect during the transition period discussed in Res. T-17212, which runs from the time the CRSAC merges into the TADDAC until October 31, 2011. The second, permanent charter, attached as Appendix B, is to take effect on October 31, 2011, at the end of the transition period.

THEREFORE, IT IS ORDERED that:

1. The amendments to the charter for the Telecommunications Access for the Deaf and Disabled Administrative Committee, appended to this resolution as Appendices A and B, are adopted and shall take effect immediately.
2. The charter for the California Relay Service Advisory Committee is no longer in effect.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the California Public Utilities Commission at its regular meeting on February 4, 2010. The following Commissioners adopted it:

PAUL CLANON
Executive Director

APPENDIX A

(Resolution T-17249)

INTERIM CHARTER

of the

TELECOMMUNICATIONS ACCESS FOR THE DEAF AND DISABLED ADMINISTRATIVE COMMITTEE

1. ARTICLE ONE: NAME

1.1 Name. The name of this committee shall be the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC or Committee).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Committee. The purpose of the TADDAC is to function, pursuant to Pub. Util. Code §§ 278(a)(1), 2881, 2881.1, and 2881.2, as an advisory board to advise the California Public Utilities Commission (Commission) in connection with the provision of telecommunications equipment and telecommunications relay services for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information.

3. ARTICLE THREE: MEMBERSHIP AND NON-VOTING LIAISONS

3.1 Members. During the transition period, the TADDAC shall initially be composed of ten members consisting of the following representatives: three representatives of the Deaf community, one representative of the Hard-of-Hearing community, two representatives of the Late-Deafened community, three representatives of the Disability community (including one Mobility Impaired seat, one Speech-to-Speech seat, and one Blind/Low Vision seat), and one representative of the Commission's Division of Ratepayer Advocates (DRA).

3.2 Non-voting Liaisons. The non-voting liaisons will be as follows:

3.2.1 Commission Staff Liaisons. The Directors of the Commission's Communications Division (CD) and Information Management Services Division (IMSD) and the General Counsel of the Legal Division, or their successors, shall each assign a liaison from their respective divisions. The CD liaison shall report on future plans for the DDTP program and, as appropriate, for the TTY Placement Program (TPP) at each committee meeting, and solicit input as necessary. Additionally, the Public Advisor, at its option or on the Commission's direction, may designate a liaison to the TADDAC.

3.2.2 DDTP Administrative Contractor Liaison. The DDTP Administrative Contractor is the vendor that provides the following services to support the DDTP: implementing Commission policies and directives and performing administrative, management, and operational tasks. The DDTP Administrative Contractor shall designate a non-voting liaison to the TADDAC and give monthly status reports concerning the DDTP program.

3.3 Selection of Members. Potential members of the Committee shall provide personal and/or professional reference letters from the organizations or constituencies they are to represent or from individuals with the same impairment. With the exception of the DRA representative, the TADDAC shall select and approve its members. The DRA Director shall appoint DRA's representative. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the TADDAC.

3.4 Qualifications of Members. Members shall have professional or technical expertise and consumer experience sufficient to enable them to be conversant with the policy, budgetary, and consumer issues that arise in connection with advising the Commission about the programs. Consumer members should be able to demonstrate organizational or other ties to the constituency(ies) they represent and should be familiar with and must currently use the services and equipment the program provides. In addition, consistent with the Disclosure and Conflict of Interest Policy, members shall not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program.

3.5 Term of Appointment. As of January 1, 2010, the members of the TADDAC and the California Relay Service Advisory Committee (CRSAC) will be consolidated into the TADDAC, and the CRSAC shall cease to exist as a separate subcommittee. The members of the newly-consolidated TADDAC will serve out their remaining terms, which are staggered. For informational purposes only, a list of member position expiration dates (as of February 4, 2010) is attached. If any current members are unable to serve out the remainder of their terms, a replacement will be selected to fill the vacancy. Should a committee member with a term that expires after January 1, 2010 and slated for elimination resign his or her seat before its expiration date, that seat will not be refilled, but instead will be eliminated early. Thereafter, members will be appointed for four-year terms. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member (1) is ineligible to serve another term until that individual has been off the committee for two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period. After a hiatus of at least two years, an individual will be eligible for nomination to the TADDAC or a permanent subcommittee of the TADDAC.

3.6 Removal. Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures the Executive Director adopts. Also, two-thirds of the TADDAC members present and voting may vote to recommend removal of a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not include any policy position taken by the member in his or her capacity as a member of the committee. Members who do not attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

3.7 Resignation. Any member who wants to resign should give thirty (30) days written notice to the Committee Chair. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

3.8 Vacancies. An individual may nominate him or herself to fill a vacancy, and the TADDAC shall select and approve the individual to fill each vacancy according to the

process in Section 3.3. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

3.9 Indemnification. Members of the TADDAC who are not Commission staff are uncompensated servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, the State will indemnify Committee members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the TADDAC, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The TADDAC budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Committee members for acts done within the course the scope of services performed for the TADDAC, to the extent that such activities are held not to be indemnified by the State under Gov. Code §§ 810.2, 825-825.6 and/or 995-996.6.

3.10 Expenses and Per Diem. Members of the TADDAC who are not employees of the Commission or who are not otherwise reimbursed by a governmental agency of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). Per diem and expenses are authorized for meetings TADDAC members attend at the request of the Communications Division Director. The per diem shall be \$325 for each day of meetings attended by the eligible non-officer members or \$225 if the meeting lasts for less than approximately two hours. For officers other than the Chair, the per diem shall be \$350 for each day of meetings attended or \$250 if the meeting lasts for less than approximately two hours. For the Chair, the per diem shall be \$400 for each day of meetings attended or \$250 if the meeting lasts for less than approximately two hours. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the Committee, in conformance with Commission rules and regulations for Commission management employees, as outlined in Standard Form 262 or its successor.

Committee members shall receive no per diem for preparation work. Eligible Committee members must seek reimbursement of expenses and per diem through the state's Travel Expense Claim (TEC) process. Completed TECs must be submitted to the Commission's Communications Division for review. The director of the Communications Division will assign a designated staff member to review, and if appropriate, approve payment.

Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the TADDAC.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties. The TADDAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the Commission. The Commission shall have all policy and program decision-making authority. The Committee will undertake the following actions and report to the Commission:

- a) Review proposed program budgets and make budget recommendations consistent with TADDAC's policy recommendations.
- b) Advise the Commission on key policy issues related to the programs, particularly with regard to the Commission's specific requests.
- c) Review TPP applications to the Commission for the placement of telecommunications devices for the deaf in existing buildings and public accommodations pursuant to Public Utilities Code section 2881.2, and make recommendations to the Commission whether to approve or deny those applications.
- d) Oversee the activities of its subcommittee(s).
- e) Recommend a standard equipment list, and subsequent changes thereto, for adoption for the disabled programs after receiving recommendations from the Equipment Program Advisory Committee.
- f) Notify the Executive Director of member appointments to the TADDAC and to the permanent subcommittee(s). Seat new members after the Executive Director determines that there are no conflict of interest issues.
- g) Recommend new member positions on the TADDAC and on the permanent subcommittee(s), subject to CD's concurrence.

- h) Create such task forces as it believes are necessary or appropriate to carry out its functions.
- i) File an annual report with the Commission.
- j) As requested, TADDAC and/or its subcommittee(s) shall assist Commission staff in the development of specifications and requirements for Requests for Proposals (RFPs) and Invitations for Bids (IFBs) relating to the programs.
- k) Make recommendations with respect to the quality and efficiency of relay services, including procedures for the conduct of calls and effective means of implementing these recommendations.
- l) Make recommendations on options for controlling expenses and increasing efficiency in the programs, including the relay service program.
- m) Evaluate the effectiveness of the relay service by offering recommendations for service standards.
- n) Make recommendations to Communications Division staff and to the DDTP Administrative Contractor to help design surveys as a means to evaluate performance of the programs, including the relay service program.
- o) Make recommendations on future relay service contract requirements and specifications.
- p) Make recommendations regarding ascertaining compliance with federal Traditional Relay Service (TRS) requirements, which are mandatory minimum standards established by the Federal Communications Commission (FCC).
- q) Perform such other duties as the Communications Division may request from time to time.
- r) The Committee will specify those members or other designees authorized to represent the views of the Committee in public on a case-by-case basis. At all times, members will clearly designate whether they represent the views of the Committee, the views of their community or state agency division, or their own individual views. The Committee members who appear publicly must state that they do not represent the views of the Commission unless requested to do so by the Commission.

4.2 Administrative and Legal Assistance. The Commission Staff Liaisons, as set forth in section 3.2.1, are not members of the Committee and shall have no vote.

- a) One liaison, from the Commission's Communications Division, or its successor, who shall be appointed by the Director of that division. This non-voting liaison will communicate Commission policies and decisions to the TADDAC and work with the DDTP Administrative Contractor to assist the Committee in the preparation and filing of the annual report.
- b) One liaison, from the Commission's Information and Management Services Division, or its successor, who shall be appointed by the Director of that division, shall provide the Committee with periodic reports on the financial status of the program.
- c) One liaison, from the Commission's Legal Division, or its successor, who shall be appointed by the Commission's General Counsel, shall provide the Committee with legal advice, upon request.

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The TADDAC shall act only in the course of a duly noticed meeting. With CD's concurrence, the Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than quarterly. Additionally, an annual meeting of TADDAC and the Equipment Program Advisory Committee will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP administrative offices. The notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief general description of the business to be transacted and shall highlight important pending decisions, including those to be sent to the Commission for approval. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

5.2 Open Meetings. All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act. A copy of the Act shall be given to all existing and new members of the Committee. All meetings shall be conducted pursuant to Robert's Rules of Order, 10th Edition (Year 2000) and in accordance with Government Code Sections 1120ff.

5.3 Quorum. A majority of the members of the Committee shall constitute a quorum for the transaction of business. No action shall be taken at any meeting unless a quorum is present. Each voting member shall have one vote, and the Committee may take action by vote of a majority of the members present and voting at a meeting at which a quorum is present. A majority of the members present at a meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

5.4 Proxies. A member may be represented at any meeting by oral or written authorization by that member to the chair, naming a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting, and must be given orally or in writing before the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. By traditional Committee practice, it is expected that proxies be from the same representative group as the member.

5.5 Public Participation. The TADDAC shall provide an opportunity for members of the public to address the Committee directly on each agenda item before or during the Committee's discussion or consideration of the item.

5.6 Records. The DDTP Administrative Contractor liaison shall ensure that written minutes are taken of TADDAC meetings. Written minutes shall: (a) identify the date, time, and place of the meeting; (b) identify the Committee members and non-voting liaisons in attendance, and (c) contain a summary. Draft minutes shall be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes shall be provided upon request.

5.7 Committee records are public documents under the California Public Records Act, §§ 6250 et seq. of the California Government Code.

6. ARTICLE SIX: OFFICERS

6.1 Three Officers. The TADDAC shall have three officers, a Chair, a Vice-Chair, and a Secretary (if desired), all of whom shall be members of the Committee. The Committee members shall elect the Committee officers to serve a term of one year, and they may be re-elected to one or more successive terms. An officer shall continue to hold office until a successor has been elected and assumes office.

6.2 Duties. The Chair shall be responsible for the general supervision and direction of the affairs of the Committee. The Chair shall preside at all meetings of the Committee. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the Committee may appoint a Chair Pro-Tem for that meeting. The officers shall perform such other duties as the Committee may from time to time prescribe.

7. ARTICLE SEVEN: ADVISORY COMMITTEES

7.1 General. The Committee shall have one permanent subcommittee reporting to it, the Equipment Program Advisory Committee. After first obtaining CD's concurrence, the TADDAC shall seek Commission approval by recommendation to the Commission's Executive Director for any additional permanent subcommittees it believes have become necessary or advisable in connection with the programs. The role of the subcommittee is limited to the responsibilities expressed herein and in its charter. The Equipment Program Advisory Committee shall report each month to the TADDAC on its activities and any issues that it wants to bring forward to the TADDAC for discussion and approval as necessary.

7.2 Equipment Program Advisory Committee. The purposes of the Equipment Program Advisory Committee are to recommend to the TADDAC and update, as new technology is developed, a standard equipment list for the programs, to develop procedures for evaluating new products, and to make recommendations for priorities in TTY placement in existing buildings and public accommodations pursuant to Public Utilities Code Section 2881.2, and for policy changes with respect to the quality,

efficiency, and cost effectiveness of both equipment and service in the equipment distribution and TTY placement programs. The Committee shall have the authority to meet with potential vendors in reviewing and assessing new technology and equipment designed to address the telecommunications needs of deaf and disabled individuals.

7.3 Membership. The TADDAC will appoint persons to the subcommittee(s), after receiving the subcommittee's recommendation and subject to review of conflict of interest statements by the Commission's Executive Director as provided in Article III, above. Members will be appointed for four-year terms. A member may be reappointed, but no member of a subcommittee shall serve for more than two consecutive full terms. After serving two consecutive full terms, a member (1) is ineligible to serve another term until that individual has been off the committee for two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period. After a hiatus of at least two years, an individual will be eligible for nomination. Vacancies for expired terms will be filled for a full, four-year term; vacancies for un-expired terms will be filled for the remainder of the un-expired term.

8. ARTICLE EIGHT: EFFECTIVE DATE AND EXPIRATION DATE

8.2 Effective Date and Expiration Date. This Interim Charter shall become effective on the date it is approved by the Commission and shall expire on October 31, 2011, at which time the permanent Charter will go into effect.

9. ARTICLE NINE: LIMITATION ON POWER AND AUTHORITY

9.1 Limitation on Power and Authority. The members of the TADDAC in the performance of their duties and in the actions the Committee takes shall at all times be subject to the direction, control and approval of the Commission.

Member Name	Position	Term Expiration Date
Kathleen Barrett	Disability Community - Mobility Impaired	First Term: 8/04 - 8/08 Second Term: 8/08 - 8/12
Patrick Boudreault	Deaf Community	First Term: 10/08 - 10/12
Gerald "Bummy" Burstein	Deaf Community	First Term: 8/03 - 8/07 Second Term: 8/07 - 8/11
Chriz Dally	Deaf Community	First Term: 10/03 - 10/07 Second Term: 10/07 - 10/11
Mark Finn	Deaf Community	First Term: 4/03 - 3/06 Second Term: 3/06 - 3/10
Nancy Hammons	Late-Deafened Community	First Term: 10/08 - 10/12
Alik Lee	Division Of Ratepayer Advocates	3/07 - 3/11
Tommy Leung	Disability Community - Vision Impaired Seat	First Term: 1/10 - 1/14
Colette Noble	Hard Of Hearing Community	First Term: 1/06 - 1/09 Second Term: 1/10 - 1/14
Kevin Siemens	Disability Community - Speech-To-Speech	First Term: 1/09 - 1/13

DRAFT

APPENDIX B

(Resolution T-17249)

CHARTER

of the

TELECOMMUNICATIONS ACCESS FOR THE DEAF AND DISABLED ADMINISTRATIVE COMMITTEE

1. ARTICLE ONE: NAME

1.1 Name. The name of this committee shall be the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC or Committee).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Committee. The purpose of the TADDAC is to function, pursuant to Pub. Util. Code §§ 278(a)(1), 2881, 2881.1, and 2881.2, as an advisory board to advise the California Public Utilities Commission (Commission) in connection with the provision of telecommunications equipment and telecommunications relay services for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information.

3. ARTICLE THREE: MEMBERSHIP AND NON-VOTING LIAISONS

3.1 Members. The TADDAC shall be composed of nine members consisting of the following representatives: two representatives of the Deaf community, one representative of the Hard-of-Hearing community, one representative of the Late-Deafened community, three representatives of the Disability community (including one Mobility Impaired seat, one Speech-to-Speech seat, and one Blind/Low Vision seat), one representative of the Commission's Division of Ratepayer Advocates (DRA), and one At Large representative. With CD's concurrence, the TADDAC may, at its discretion, recommend to the Executive Director that the number of voting members be expanded to include other significant disability groups that it deems to deserve membership. The total number of voting members shall not exceed eleven. The Commission's Executive

Director shall be notified in writing if the TADDAC seeks to expand its membership. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional members and that such expansion is consistent with TADDAC's purpose.

3.2 Non-voting Liaisons. The non-voting liaisons will be as follows:

3.2.1 Commission Staff Liaisons. The Directors of the Commission's Communications Division (CD) and Information Management Services Division (IMSD) and the General Counsel of the Legal Division, or their successors, shall each assign a liaison from their respective divisions. The CD liaison shall report on future plans for the DDTP program and, as appropriate, for the TTY Placement Program (TPP) at each committee meeting, and solicit input as necessary. Additionally, the Public Advisor, at its option or on the Commission's direction, may designate a liaison to the TADDAC.

3.2.2 DDTP Administrative Contractor Liaison. The DDTP Administrative Contractor is the vendor that provides the following services to support the DDTP: implementing Commission policies and directives and performing administrative, management, and operational tasks. The DDTP Administrative Contractor shall designate a non-voting liaison to the TADDAC and give monthly status reports concerning the DDTP program.

3.3 Selection of Members. Potential members of the Committee shall provide personal and/or professional reference letters from the organizations or constituencies they are to represent or from individuals with the same impairment. With the exception of the DRA representative, the TADDAC shall select and approve its members. The DRA Director shall appoint DRA's representative. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the TADDAC.

3.4 Qualifications of Members. Members shall have professional or technical expertise and consumer experience sufficient to enable them to be conversant with the policy, budgetary, and consumer issues that arise in connection with advising the Commission about the programs. Consumer members should be able to demonstrate organizational or other ties to the constituency(ies) they represent and should be familiar with and must

currently use the services and equipment the program provides. Members also must reside in California during the term of their appointment. In addition, consistent with the Disclosure and Conflict of Interest Policy, members shall not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program.

3.5 Term of Appointment. Members will be appointed for four-year terms. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member (1) is ineligible to serve another term until that individual has been off the committee for two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period. After a hiatus of at least two years, an individual will be eligible for nomination to the TADDAC or a permanent subcommittee of the TADDAC.

3.6 Removal. Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures the Executive Director adopts. Also, two-thirds of the TADDAC members present and voting may vote to recommend removal of a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not include any policy position taken by the member in his or her capacity as a member of the committee. Members who do not attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

3.7 Resignation. Any member who wants to resign should give thirty (30) days written notice to the Committee Chair. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

3.8 Vacancies. An individual may nominate him or herself to fill a vacancy, and the TADDAC shall select and approve the individual to fill each vacancy according to the process in Section 3.3. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

3.9 Indemnification. Members of the TADDAC who are not Commission staff are uncompensated servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, the State will indemnify Committee members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the TADDAC, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The TADDAC budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Committee members for acts done within the course the scope of services performed for the TADDAC, to the extent that such activities are held not to be indemnified by the State under Gov. Code §§ 810.2, 825-825.6 and/or 995-996.6.

3.10 Expenses and Per Diem. Members of the TADDAC who are not employees of the Commission or who are not otherwise reimbursed by a governmental agency of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). Per diem and expenses are authorized for meetings TADDAC members attend at the request of the Communications Division Director. The per diem shall be \$325 for each day of meetings attended by the eligible non-officer members or \$225 if the meeting lasts for less than approximately two hours. For officers other than the Chair, the per diem shall be \$350 for each day of meetings attended or \$250 if the meeting lasts for less than approximately two hours. For the Chair, the per diem shall be \$400 for each day of meetings attended or \$250 if the meeting lasts for less than approximately two hours. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the Committee, in conformance with Commission rules and regulations for Commission management employees, as outlined in Standard Form 262 or its successor.

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Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the TADDAC.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties: The TADDAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the Commission. The Commission shall have all policy and program decision-making authority. The Committee will undertake the following actions and report to the Commission:

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- b) Advise the Commission on key policy issues related to the programs, particularly with regard to the Commission's specific requests.
- c) Review TPP applications to the Commission for the placement of telecommunications devices for the deaf in existing buildings and public accommodations pursuant to Public Utilities Code section 2881.2, and make recommendations to the Commission whether to approve or deny those applications.
- d) Oversee the activities of its subcommittee(s).
- e) Recommend a standard equipment list, and subsequent changes thereto, for adoption for the disabled programs after receiving recommendations from the Equipment Program Advisory Committee.
- f) Notify the Executive Director of member appointments to the TADDAC and to the permanent subcommittee(s). Seat new members after the Executive Director determines that there are no conflict of interest issues.
- g) Recommend new member positions on the TADDAC and on the permanent subcommittee(s), subject to the Commission's review and approval described in Section 3.1.
- h) Create such task forces as it believes are necessary or appropriate to carry out its functions.

- i) File an annual report with the Commission.
- j) As requested, TADDAC and/or its subcommittee(s) shall assist Commission staff in the development of specifications and requirements for Requests for Proposals (RFPs) and Invitations for Bids (IFBs) relating to the programs.
- k) Make recommendations with respect to the quality and efficiency of relay services, including procedures for the conduct of calls and effective means of implementing these recommendations.
- l) Make recommendations on options for controlling expenses and increasing efficiency in the programs, including the relay service program.
- m) Evaluate the effectiveness of the relay service by offering recommendations for service standards.
- n) Make recommendations to Communications Division staff and to the DDTP Administrative Contractor to help design surveys as a means to evaluate performance of the programs, including the relay service program.
- o) Make recommendations on future relay service contract requirements and specifications.
- p) Make recommendations regarding ascertaining compliance with federal Traditional Relay Service (TRS) requirements, which are mandatory minimum standards established by the Federal Communications Commission (FCC).
- q) Perform such other duties as the Communications Division may request from time to time.
- r) The Committee will specify those members or other designees authorized to represent the views of the Committee in public on a case-by-case basis. At all times, members will clearly designate whether they represent the views of the Committee, the views of their community or state agency division, or their own individual views. The Committee members who appear publicly must state that they do not represent the views of the Commission unless requested to do so by the Commission.

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- b) One liaison, from the Commission's Information and Management Services Division, or its successor, who shall be appointed by the Director of that division, shall provide the Committee with periodic reports on the financial status of the program.
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5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The TADDAC shall act only in the course of a duly noticed meeting. With CD's concurrence, the Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than quarterly. Additionally, an annual meeting of TADDAC and the Equipment Program Advisory Committee will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP administrative offices. The notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief general description of the business to be transacted and shall highlight important pending decisions, including those to be sent to the Commission for approval. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

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5.4 Proxies. A member may be represented at any meeting by oral or written authorization by that member to the chair, naming a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting, and must be given orally or in writing before the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. By traditional Committee practice, it is expected that proxies be from the same representative group as the member.

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5.7 Committee records are public documents under the California Public Records Act, §§ 6250 et seq. of the California Government Code.

6. ARTICLE SIX: OFFICERS

6.1 Three Officers. The TADDAC shall have three officers, a Chair, a Vice-Chair, and a Secretary (if desired), all of whom shall be members of the Committee. The Committee members shall elect the Committee officers to serve a term of one year, and they may be re-elected to one or more successive terms. An officer shall continue to hold office until a successor has been elected and assumes office.

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7. ARTICLE SEVEN: ADVISORY COMMITTEES

7.1 General. The Committee shall have one permanent subcommittee reporting to it, the Equipment Program Advisory Committee. After first obtaining CD's concurrence, the TADDAC shall seek Commission approval by recommendation to the Commission's Executive Director for any additional permanent subcommittees it believes have become necessary or advisable in connection with the programs. The role of the subcommittee is limited to the responsibilities expressed herein and in its charter. The Equipment Program Advisory Committee shall report each month to the TADDAC on its activities and any issues that it wants to bring forward to the TADDAC for discussion and approval as necessary.

7.2 Equipment Program Advisory Committee. The purposes of the Equipment Program Advisory Committee are to recommend to the TADDAC and update, as new technology is developed, a standard equipment list for the programs, to develop procedures for evaluating new products, and to make recommendations for priorities in TTY placement in existing buildings and public accommodations pursuant to Public Utilities Code Section 2881.2, and for policy changes with respect to the quality,

efficiency, and cost effectiveness of both equipment and service in the equipment distribution and TTY placement programs. The Committee shall have the authority to meet with potential vendors in reviewing and assessing new technology and equipment designed to address the telecommunications needs of deaf and disabled individuals.

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8. ARTICLE EIGHT: EFFECTIVE DATE

8.3 Effective Date. This Charter shall become effective on October 31, 2011.

9. ARTICLE NINE: LIMITATION ON POWER AND AUTHORITY

9.1 Limitation on Power and Authority. The members of the TADDAC in the performance of their duties and in the actions the Committee takes shall at all times be subject to the direction, control and approval of the Commission.