

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7206

Petition for Approval of 2006 Amendments to the )  
Vermont Telecommunications Equipment )  
Distribution Program )

Order Entered: 8/30/2006

**I. INTRODUCTION AND OVERVIEW**

In accordance with 30 V.S.A. § 218a(e), the Public Service Board ("Board") must establish by rule or order a telecommunications equipment grant program to assist deaf, deaf-blind, hearing impaired or speech impaired persons to communicate by telephone.

In Docket No. 6131, the Board established the Vermont Telecommunications Equipment Distribution Program ("VTEDP") and approved the Program Standards as proposed by the Vermont Department of Public Service ("Department").<sup>1</sup> Further changes to the Program Standards were made in Docket No. 6412<sup>2</sup> and Docket No. 6766.<sup>3</sup>

On June 9, 2006, the Department of Public Service ("DPS") filed a petition asking the Board to approve proposed amendments to the VTEDP Program Standards. With that petition was the supporting prefiled testimony and exhibits of Susan Paruch, Consumer Affairs and Information Specialist for the Department, and proposed revisions to the VTEDP Program Standards.

Ms. Paruch's testimony has not been contested by anyone. Accordingly, her testimony is admitted into evidence as if given orally. Based upon that testimony and the findings below, the DPS has already consulted the relevant user community, and there is no need for additional

---

<sup>1</sup> Order of October 8, 1998.

<sup>2</sup> Order of September 29, 2000.

<sup>3</sup> Order of October 11, 2002.

public notice or a public hearing. Therefore the matter is ready for decision.

We find that the amendments proposed by the Department to the VTEDP Program Standards are in accordance with the statutory provisions governing this program, and should be adopted.

## **II. FINDINGS OF FACT**

1. Costs of the VTEDP program are funded through the Vermont Universal Service Fund (VUSF) established under 30 V.S.A. 218(c). Title 30 V.S.A. §218a(e) provides that benefits of the program shall not exceed \$75,000.00 per year. The funding level was established when the program was first enacted in 1998, and has not changed since that time. Paruch pf. at 4.

2. The DPS amendments are intended to address practical problems in program administration and thereby make the program function more smoothly and efficiently. Except for the adjustments to conform to new statutory language in 2000 and 2002, this is the first such administrative adjustment since the program's founding in 1998. Paruch pf. at 4.

3. The Department of Public Service developed the changes in consultation with the EDP Advisory Committee established under the existing guidelines. The committee consists of: a representative of the Department of Aging and Independent Living<sup>4</sup>; a representative of Verizon; a representative of hard-of-hearing consumers; a deaf consumer; a representative of the Council of Vermont Elders; and the DPS Director of Consumer Affairs. As administrator for the program's vendor contract, the Vermont Center for the Deaf and Hard of Hearing (VCDHH) also provides input on the needs of persons with disabilities and on program administration. The proposed changes in the program guidelines were developed through a dialogue with VCDHH staff who administer the program, the EDP Advisory Council and the DPS. Ultimately, all agreed on the draft that is being submitted herewith. Paruch pf. at 5.

4. The material changes to the Program Standards are as follows:

a. The name of departments within the Human Services Agency have been

---

<sup>4</sup> The guidelines currently refer to the Department of Aging and Disabilities. The name of the agency has changed to the Department of Aging and Independent.

updated to reflect reorganization of that agency. Paruch pf. at 5, 7.

b. Section C, paragraph (1) allows community mental health agencies to certify an applicant's disability and need for equipment. The revisions eliminate reference to "standard telephone equipment." As revised, the rules allow any disabled person to receive assistance if they require "an adaptive telecommunications device in order to be able to use the publicly switched telephone network." Paruch pf. at 6.

c. Incorrect statutory cross-references are corrected in Section C, paragraphs (2) and (6). Section C, paragraph (2)(a) updates the income tax forms that may be used to claim eligibility. Paruch pf. at 6-7.

d. Section C, paragraph (3) eliminates a statutory cross-reference used to define Vermont residency. The section referred to in the current guidelines, 32 V.S.A § 5811(11)(A), would allow a person to receive program benefits who resides in Vermont for 183 days per calendar year. Therefore, a person who has legal residency in another state could qualify for the program. The change is to require that the beneficiary be a "legal resident" of Vermont. This is intended to limit program eligibility to persons who have a full-time permanent residence in Vermont. The new language was selected after consulting with other state agencies. Paruch pf. at 7.

e. Section C, paragraph (5), adds new language allowing denial of applications that remain incomplete for 90 days or more. This will allow staff to close out applications where the applicant has not responded to requests to provide a complete application. Staff would retain the discretion to keep an application open, but they could close any stale cases where the applicant has been unresponsive. Paruch pf. at 7-8.

f. Section D, paragraph (2) eliminates language establishing February 1 as the first date for application in any calendar year. The program operates on a July to June fiscal year basis, and there is no reason to prevent applications from being submitted during January. Paruch pf. at 8.

g. Section D, paragraph (3) is amended to clarify that applications will be processed in the order in which completed applications are received. This removes an existing ambiguity regarding incomplete applications. Paruch pf. at 8.

h. A new provision in section D, paragraph (4) limits applicants to one adaptive system at a time. Under the new language, for example, a person could not receive a "TTY" and a "CapTel" phone through the same application since either of these pieces of equipment can connect a user to the publicly switched network. The new language allows for waivers in the case of necessity, and it clarifies that a "ring signaler" is not subject to the same limitation. Paruch pf. at 8.

i. Section D, paragraph (5) allows the program administrator at the end of a fiscal year to retain unfunded but otherwise eligible applications for future funding. This will reduce the burden on many applicants whose application is still valid when new fiscal year funds become available to the program. Nevertheless, when income information has become outdated, applicants will need to reapply and the program administrator will notify applicants of that fact. Paruch pf. at 9.

### **III. CONCLUSIONS**

Based on the preceding findings, we conclude that the amendments as presented by the Department are necessary, reasonable, and equitable. As required by 30 V.S.A. § 218a(e), the Board has taken into account the following factors in evaluating the amendments:

- (1) prior benefits;
- (2) degree of functional need;
- (3) income;
- (4) number of applicants;
- (5) disposition of equipment upon change of residence;
- (6) appropriate limits on per-person benefit levels based on the equipment needed and the income level of the applicant.

### **IV. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Vermont Public Service Board that the proposed amendments to the Vermont Telecommunications Equipment Distribution Program Standard are approved as presented by the Vermont Department of Public Service. A

copy of the Program Standards with the amendments incorporated therein is attached to this Order.

DATED at Montpelier, Vermont, this 30th day of August, 2006.

<u>s/ James Volz</u>	)	
	)	
	)	
<u>s/ David C. Coen</u>	)	
	)	
	)	
<u>s/ John D. Burke</u>	)	

PUBLIC SERVICE  
BOARD  
OF VERMONT

OFFICE OF THE CLERK

FILED: August 30, 2006

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*