

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1186
Committee Substitute Favorable 5/9/89
Public Utilities Senate Committee Substitute Adopted 6/19/89

Short Title: Dual Party Relay System.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NORTH CAROLINA DUAL PARTY RELAY SYSTEM
TO ENSURE THAT HEARING IMPAIRED OR SPEECH IMPAIRED PERSONS
HAVE ACCESS TO BASIC TELEPHONE SERVICE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-157. Dual party relay system.

(a) Finding. The General Assembly finds and declares that it is in the public interest to provide access to public telecommunications services for hearing impaired or speech impaired persons and that a statewide dual party telephone relay system for telephone service should be established.

(b) Authority to Require Surcharge. The Commission shall require local exchange companies and telephone membership corporations to impose a monthly surcharge on all residential and business local exchange access facilities to fund a statewide dual party telephone relay system by which hearing impaired or speech impaired persons may communicate with others by telephone. For the purpose of this section, exchange access facility means the access from a particular telephone subscriber's premises to the telephone system of a local exchange telephone company. Exchange access facilities include local exchange company provided access lines, private branch exchange trunks, and centrex network access registers, all as defined by tariffs of telephone companies as approved by the Commission. This surcharge,

1 however, may not be imposed on participants in the Subscriber Line Charge Waiver
2 Program or the Link-up Carolina Program established by the Commission. This
3 surcharge, and long distance revenues collected under subsection (f) of this section, are
4 not includable in gross receipts subject to the franchise tax levied under G.S. 105-120 or
5 the sales tax levied under G.S. 105-164.4.

6 (c) Initiating Petition. Not later than February 1, 1990, the Department of
7 Human Resources shall initiate a dual party relay system by filing a petition with the
8 Commission requesting the system and detailing initial projected required funding. The
9 Commission shall, after giving notice and an opportunity to be heard to other interested
10 parties, set the initial monthly surcharge based upon the amount of funding necessary to
11 implement and operate the system, including a reasonable margin for a reserve. The
12 surcharge shall be identified on customer bills as a special surcharge for provision of a
13 dual party relay system. The Commission may, upon petition of any interested party,
14 and after giving notice and an opportunity to be heard to other interested parties, revise
15 the surcharge from time to time if the funding requirements change. In no event shall
16 the surcharge exceed twenty-five cents (25¢) per month.

17 (d) Funds to be Deposited in Special Account. The local exchange companies
18 and telephone membership corporations shall collect the surcharge from their customers
19 and deposit the monies collected with the State Treasurer, who shall maintain the funds
20 in an interest-bearing, nonreverting account. After consulting with the State Treasurer,
21 the Commission shall direct how and when the local exchange companies and telephone
22 membership corporations shall deposit these monies. The funds deposited in this
23 account may not be used to lease or purchase telecommunications devices for hearing
24 impaired or speech impaired persons, except those devices used by the operator of the
25 relay system established under this section. Revenues from this fund shall be available
26 only to the Department of Human Resources to administer the statewide dual party
27 telephone relay system, including its establishment, operation, and promotion.

28 (e) Administration of Service. The Department of Human Resources shall
29 administer the statewide dual party telephone relay system, including its establishment,
30 operation, and promotion. The Department may contract out the provision of this
31 service for four-year periods to one or more service providers, using the provisions of
32 G.S. 143-129.

33 (f) Charge to Users. The users of the relay system shall be charged their
34 approved long distance and local rates for telephone services (including the surcharge
35 required by this section), but no additional charges may be imposed for the use of the
36 relay system. The local exchange companies and telephone membership corporations
37 shall collect revenues from the users of the relay system for long distance services
38 provided through the relay system. These revenues shall be deposited in the special
39 fund established in subsection (d) of this section in a manner determined by the
40 Commission after consulting with the State Treasurer. Local exchange companies and
41 telephone membership corporations shall be compensated for collection, inquiry, and
42 other administrative services provided by said companies, subject to the approval of the
43 Commission.

1 (g) Reporting Requirement. The Commission shall, after consulting with the
2 Department of Human Resources, develop a format and filing schedule for a
3 comprehensive financial and operational report on the dual party relay system. The
4 Department of Human Resources shall thereafter prepare and file these reports as
5 required by the Commission with the Commission and Joint Legislative Utility Review
6 Committee.

7 (h) Power to Regulate. The Commission shall have the same power to regulate
8 the operation of the dual party relay system as it has to regulate any public utility
9 subject to the provisions of this Chapter."

10 Sec. 2. This act is effective upon ratification.