

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4
5
6 TRANSCRIPT OF PROCEEDINGS
7 Agenda Discussion
8 June 10, 2009
9 Jefferson City, Missouri
10
11

12 In the Matter of the Review of the)
13 Deaf Relay Service and Equipment) Case No. TO-2009-0042
14 Distribution Fund Surcharge)

15

16

17

18 ROBERT M. CLAYTON III, Chairman,
19 JEFF DAVIS,
20 TERRY JARRETT,
21 KEVIN GUNN,
22 COMMISSIONERS.

23

24

25

26 REPORTED BY:

27 KELLENE K. FEDDERSEN, CSR, RPR, CCR
28 MIDWEST LITIGATION SERVICES

29

1 P R O C E E D I N G S

2 CHAIRMAN CLAYTON: First item on the
3 agenda, we're going to skip down to case discussion, Case
4 No. TO-2009-0042, Missouri PSC Staff, case discussion,
5 review of Deaf Relay Service and Equipment and
6 Distribution Fund Surcharge. And I suppose at this point
7 we'll go ahead and ask that the court reporter go ahead
8 and get started.

9 The reason why -- well, obviously this case
10 has been floating around now for a couple of months, and
11 I've been trying to find a way of getting a little
12 additional information associated with the Deaf Relay
13 Surcharge, and Staff has made a recommendation to reduce
14 the surcharge from, I believe, 13 cents down to 11 cents.
15 There has been no opposition to that. The only other
16 filing is from Southwestern Bell relating to just giving
17 them enough time to implement the change in the surcharge.

18 But I don't think our system has allowed
19 for much communication with the community that actually
20 relies on this service. We did get some comments filed by
21 members of the advisory council that we appoint for deaf
22 relay and hard of hearing services either objecting or
23 asking that we not reduce the surcharge because of
24 potential new technologies that may be coming out and need
25 for funding of those -- of those services.

1 I wanted to recognize Marty Exline who's
2 here today, and we want to welcome you to the Public
3 Service Commission. Thank you for taking the time to be
4 here. You are, if not the person, you are one of the
5 persons in state government associated with hard of
6 hearing issues, technology issues, and I wanted to have an
7 opportunity to ask you a few questions about what you
8 believe is appropriate for us to do on the Deaf Relay
9 Surcharge.

10 So if you could, Mr. Exline, just introduce
11 yourself, tell us who you are and what committee that
12 you're associated with and what you-all do and kind of
13 we'll engage in a little discussion here.

14 MR. EXLINE: Sure. I'm the director of the
15 Missouri Assistive Technology Council, and one of the
16 activities under statute that the council undertakes is
17 the administration of the equipment distribution program,
18 which is the part of the -- well, provides the equipment
19 associated with being able to use the telephone by
20 somebody with a disability who can't use a traditional
21 telephone or to use -- access the Internet by somebody
22 because their disability can't utilize a traditional
23 computer.

24 So as far as telephones, it can be
25 amplified phones, it could be text telephones, could be a

7 So it's not just persons who are deaf or
8 hard of hearing. It's any type of disability. By
9 statute, it's cross disability, has to serve all types of
10 disabilities. And I think that I submitted kind of a memo
11 that kind of outlines some of the key provisions and
12 points as far as the statutory requirements.

13 So that's kind of a nutshell of the
14 Missouri Assistive Technology Council. It's a statewide
15 council made of a majority of persons with disabilities
16 and agencies that have something to do with funding
17 assistive technologies. It could be, for instance, the
18 Healthnet division, the Department of Insurance, the
19 Department of Mental Health, Health and Senior Services
20 are some of the agencies that also have membership on the
21 council.

22 So that in a nutshell is kind of a
23 description of the program and Assistive Technology
24 Council.

25 CHAIRMAN CLAYTON: Okay. Since I've been

1 on the Commission about six years, we've had several
2 discussions and it's -- we go a year and then we'll have
3 another discussion, but we've seen a change in technology
4 over the last six years for hard of hearing folks or deaf
5 individuals moving from traditional relay or TTY service,
6 moving to other types of services, like Captel is the
7 service that we authorized as a pilot program at one
8 point, and I think we've now implemented it on a full
9 basis.

10 Can you give me some feedback on what
11 trends you're seeing now in 2009 in terms of traditional
12 relay service, Captel service, and then also give us an
13 idea of what you see in the future for maybe video relay
14 service? What do you see in terms of funding problems or
15 things that we may want to plan for in the future?

16 MR. EXLINE: Well, probably -- in terms of
17 equipment, probably about a little less than 20 percent of
18 our equipment are related to the relay in terms of TTYs
19 and Captel. And there -- just looking around the country,
20 looking at different states and seeing what they're doing,
21 there are a few states that have got into providing
22 wireless PDAs or that type of thing. There's probably, I
23 believe, about maybe six or seven states right now that
24 are providing wireless PDAs, that type of thing. There's
25 probably that same number of states that are really

1 looking at it seriously.

2 In terms of -- in terms of Missouri
3 assistive technology and the statutory requirements that
4 we have, one of the things we have to look at is if we do
5 go into providing PDAs and that type of thing, then we
6 would also have to provide access for persons with vision
7 impairment, persons with mobility impairment.

8 So we have to look at would that mean also
9 requiring things like they're starting to have software
10 for PDAs and for cellular phones for -- they have screen
11 enlarging. They have screen reading software. They have,
12 you know, telephones, cellular phones now that have
13 obviously larger buttons for people with vision impairment
14 and all sorts of different technologies are coming out.

15 We also get a lot of requests for and some
16 states provide the equipment that also provides one-to-one
17 communication, for instance, augmentive communication
18 devices. So a person who can't speak at all has a machine
19 that basically they program in what they want to say, have
20 voice output, and then they also use that -- there's a
21 mechanism that they can use that with the telephone also.

22 Our current regulations say that a person
23 has to resolve their one-on-one communications first
24 before they would be eligible for equipment through the
25 TAP program, the Telecommunications Access Program. So

1 something like that right now, augmentive communication
2 devices or that type of thing would not be eligible for
3 the program right now.

4 CHAIRMAN CLAYTON: And that would require a
5 statutory change; is that correct?

6 MR. EXLINE: That would just require a rule
7 change. The only thing --

8 CHAIRMAN CLAYTON: To access the Deaf Relay
9 Fund, it would only take a rule change?

10 MR. EXLINE: Right. In terms of the -- the
11 only thing right now in terms of the requirement you
12 resolve those one-on-one communication needs first is in
13 rule. If you take that out and you do allow that, and you
14 could be talking about just a really wide variety of
15 equipment, could be talking about augmentive communication
16 devices. There's some states that provide -- well, that
17 provide one-on-one communication, like somebody would have
18 a keyboard, I would have a keyboard and communicating back
19 and forth for somebody who is deaf.

20 There are equipment distribution programs
21 that provide even things like baby monitors with visual
22 alarms for somebody who is deaf. That obviously isn't
23 directly related to telephone services.

24 So in terms of trying to guess, you know,
25 exactly what the expense would be if you do change it and

1 you do provide wireless and then, you know, you look at
2 the one-on-one communications, too, it's just right now
3 nobody's doing it with that wide of communication or
4 communication equipment. So it's just something that we'd
5 really have to look at and try to find out what types of
6 equipment would have to be provided, what types of
7 administrative structures that you would have to set up.

8 I think right now most of the -- most of
9 the wireless -- states that do provide wireless are
10 having -- they have a voucher system. We actually go
11 through OA. We set up contracts with vendors and get the
12 lowest bid and have requirements as far as repairs and
13 warranties and that type of thing.

14 So that would be a little bit different in
15 terms of the way that Missouri's set up in terms of
16 providing PDAs. I think you would have to set something
17 up in other states where they provide a voucher and then
18 the person goes to the vendor, they purchase the
19 equipment.

20 Traditionally I think a lot of states
21 they're required to sign one or two contracts, go through
22 a credit check, and then if they're approved, they
23 obviously get the equipment.

24 CHAIRMAN CLAYTON: Well, that's -- each of
25 those items are very interesting, the different types of

1 technology. What do you see as the future of Missouri,
2 and how should the Commission plan on budgeting for future
3 expenditures from -- you know, you-all obviously have to
4 do rule changes. There may be statutory changes needed
5 for certain programs. Should we be budgeting now for
6 these programs, or is it premature to do that and we ought
7 to just -- we're developing too much money in the fund, we
8 ought to go ahead and cut it now and then come back and
9 revisit it later? Is it premature, or are we ready to say
10 next year we need to be ready for additional expenditures
11 and we need to have a fund balance of a certain size? Can
12 you give me a sense of what we should be thinking about?

13 MR. EXLINE: Well, as far as the equipment
14 side of it has been pretty consistent from year to year to
15 year. We would anticipate it being pretty consistent,
16 too, probably about 1.6 million as far as the equipment
17 side. You know, we're -- like I said, there's about five
18 states as far as wireless, probably another five or six
19 that are seriously looking at it.

20 In terms of if you did want to expand, and
21 obviously we want to provide telecommunications access to
22 as many people as we possibly can and in as many forms as
23 we can, certainly the -- those expenses, those annual
24 equipment expenses would go up considerably. We just
25 don't have any idea as to how much.

1 So in looking at the surplus in the relay
2 is just impossible right now to say, yes, you wouldn't
3 have to raise it or you could lower it or you shouldn't
4 lower it because it's just something that we wanted to get
5 a feel for, I think, from the Commission as to whether
6 there was any opposition to looking at that or just a
7 general feeling.

8 Again, it is something that -- that a lot
9 of states are looking at. So it's certainly something
10 that we've kind of looked at different programs, the ones
11 that are in existence, and tried to get an idea of how
12 they're operating at least, but don't have any kind of
13 concrete estimates on what the cost would actually be.

14 CHAIRMAN CLAYTON: So it doesn't sound like
15 you're prepared to say one way or another should the
16 Commission reduce the surcharge or not, you can't stake
17 out a position on that one way or another here today?

18 MR. EXLINE: Right.

19 CHAIRMAN CLAYTON: Is that a fair
20 statement?

21 MR. EXLINE: I think that's a fair
22 statement.

23 CHAIRMAN CLAYTON: Okay. Questions from
24 Commissioners. Commissioner Davis?

25 COMMISSIONER DAVIS: None.

1 CHAIRMAN CLAYTON: Commissioner Jarrett?

2 COMMISSIONER JARRETT: I don't have any
3 questions, but thank you for the information. It's very
4 helpful.

5 CHAIRMAN CLAYTON: Commissioner Gunn?

6 COMMISSIONER GUNN: Do you have a specific
7 position on what's before us right now, the 13 cents to
8 11 cents?

9 MR. EXLINE: Well, the -- basically, the
10 mission of Missouri Assistive Technology is to advocate to
11 try to provide as much -- to provide assistive technology
12 in as many forms as we can to make people with
13 disabilities more independent. So --

14 COMMISSIONER GUNN: So the more the better?

15 MR. EXLINE: The more the better. Just in
16 terms of exactly, you know, if the surplus was left -- or
17 I mean if the surcharge was left where it was, could we
18 implement something, an expansion in six months and what
19 that would look like or a year, it's really too hard to
20 say without really some serious study.

21 COMMISSIONER GUNN: Thank you.

22 CHAIRMAN CLAYTON: Okay. Well, from my
23 perspective, just speaking for me, I think we need to have
24 more communication with both the advisory council that
25 works with our Staff as well as with your group. This is

1 a function of government that's been in place for a long
2 time and obviously plays a vital role for a lot of people
3 in this state. We want to make sure that we're providing
4 the services that we need to be providing and that we're
5 funding them appropriately.

6 And I think my experience the last six
7 years is we don't have enough communication, don't have
8 enough feedback. So I would encourage you when you're
9 ready to start making some decisions or start
10 investigating, please come back and see us, work with the
11 Staff and let us know how we can be of assistance in
12 sorting through all these issues.

13 MR. EXLINE: Be happy to.

14 CHAIRMAN CLAYTON: Unless there are any
15 other questions, I don't think I have anything else.
16 Thank you for being here today. Thank you. And I think
17 we'll conclude. Thank you so much.

18

19

20

21

22

23

24

25

1 C E R T I F I C A T E

2 STATE OF MISSOURI)
3) ss.
4 COUNTY OF COLE)

5 I, Kellene K. Feddersen, Certified
6 Shorthand Reporter with the firm of Midwest Litigation
7 Services, do hereby certify that I was personally present
8 at the proceedings had in the above-entitled cause at the
9 time and place set forth in the caption sheet thereof;
10 that I then and there took down in Stenotype the
11 proceedings had; and that the foregoing is a full, true
12 and correct transcript of such Stenotype notes so made at
13 such time and place.

14 Given at my office in the City of
15 Jefferson, County of Cole, State of Missouri.

16 _____
17 Kellene K. Feddersen, RPR, CSR, CCR
18
19
20
21
22
23
24
25