

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of a Recommendation Concerning)  
the Surcharge for Deaf Relay Service and        )  
Equipment Distribution Program Fund.            )

**Case No. TO-2005-0308**

**CONCURRING OPINION OF COMMISSIONER CONNIE MURRAY**

It is with great reluctance that I vote to increase, once again, the surcharge for the Deaf Relay Service and Equipment Distribution Program Fund, particularly since the Commission is unwilling to test its authority to limit or place a moratorium on the distribution of CapTel phones at this time. I do not, however, desire to see the fund decline into negativity before the Commission has thoroughly explored every avenue available to it to place reasonable controls on the growth of the expenditures. While I am not convinced that the potential jeopardy of the fund is as great as Staff's projections, I realize that the balance is currently on a downward decline.

Prior to the next review, I want a written report from Staff outlining the full extent of the Commission's authority to place limitations on how the fund is expended. As soon as possible, I would like to see recommendations concerning legislative changes that should be sought to make the program sustainable and fiscally responsible. I am particularly interested in legislatively establishing a means test for participation in the program. Other reasonable controls, such as an upper limit on the number of CapTel phones distributed each year and on the minutes of use that are reimbursable should be pursued.

I expect the Missouri Assistive Technology Advisory Council and the deaf, hearing-impaired and speech-impaired community to assist Staff in these efforts and to actively and quickly pursue all legislative changes that are necessary to sustain the program in a fiscally responsible manner.

I have no doubt that the recipients of the subsidy are greatly aided in their telecommunications activities. It is not my desire to end the program. It is, however, imperative that its growth be controlled. The telephone subscribers who are required to pay for this program through a monthly surcharge deserve no less.

**Respectfully submitted,**

  
Connie Murray, Commissioner

Dated at Jefferson City, Missouri  
on this 28th day of June, 2005.