

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR PROPOSAL AND SELECTION) ADMINISTRATIVE
OF A VENDOR FOR TELECOMMUNICATIONS) CASE NO. 372
RELAY SERVICE)

ORDER

On June 2, 2008, the Commission issued an Order in this proceeding that required that the Telecommunications Access Program ("TAP") surcharge remain at two cents pursuant to the 2008 – 2010 budget bill passed by the Kentucky General Assembly. The expiration date for that change occurs on June 30, 2010.

The surcharge is currently capped at one cent per access line by KRS 278.5499. However, House Bill 2, the 2010 appropriations bill passed by the General Assembly during the Special Session and signed by Governor Beshear on June 4, 2010, amended KRS 278.5499. This bill passed the General Assembly as a part of the codified section of the law and permanently revises statute KRS 278.5499 as follows:

KRS 278.5499 is amended to read as follows:

(1) The Public Service Commission shall determine the appropriate funding mechanism for the Telecommunications Access Program established pursuant to KRS 163.525. The funding mechanism shall be designed to collect reasonably necessary funds, not to exceed **two cents (\$0.02)** [~~one cent (\$0.01)~~] per access line per month, from subscribers of telecommunication utilities. The telecommunications industry shall not be required to absorb the cost of funding the Telecommunications Access Program.

On June 7, 2010, the Executive Director of the Kentucky Commission on the Deaf and Hard of Hearing ("KCDHH"), by letter attached hereto and incorporated herein,

requested that the Commission maintain the surcharge at two cents per access line as allowed by the new statutory language of the bill. The Commission finds that this request is reasonable. The increase of the TAP surcharge to the maximum amount provided in the new statutory language will be ongoing until the Commission determines otherwise. All local exchange carriers that need to do so should submit updated tariffs to the Commission to reflect this change no later than July 1, 2010.

IT IS THEREFORE ORDERED that:

1. All incumbent local exchange carriers, competitive local exchange carriers, and wireless providers shall collect two cents per month per access line surcharge for TAP for all bills rendered after July 1, 2010.

2. On or before July 1, 2010, those incumbent and competitive local exchange carriers that need to do so shall revise their tariffs to reflect the surcharge set forth in ordering paragraph 1 above.

3. The Executive Director shall serve this Order upon:

a. All incumbent local exchange carriers, all competitive local exchange carriers, and all wireless providers registered to provide telecommunications service within Kentucky;

b. The Executive Director of the KCDHH;

c. The Attorney General through his Office of Rate Intervention; and

d. The Kentucky Telephone Association.

By the Commission

ENTERED
JUN 23 2010 *M*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Jeff DeGruen
Executive Director
Chafe Carter



KENTUCKY COMMISSION ON THE DEAF AND HARD OF HEARING

STEVEN L. BESHEAR
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ACTING SECRETARY, EDUCATION AND WORKFORCE DEVELOPMENT CABINET

VIRGINIA L. MOORE
EXECUTIVE DIRECTOR

June 7, 2010

Jeff DeRouen, Executive Director
Kentucky Public Service Commission
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Director DeRouen:

The Kentucky Commission on the Deaf and Hard of Hearing (KCDHH) operates the Telecommunications Access Program (TAP), which provides specialized telecommunications equipment to deaf, hard of hearing, and speech impaired consumers throughout the Commonwealth. The TAP is funded through a surcharge on all telecommunication access lines. House Bill 406, the 2008 budget bill, allocated not more than two cents per access line per month for TAP and the Public Service Commission subsequently issued and Executive Order for Administrative Case No. 372 which authorized two-cents per access line for TAP through June 30, 2010.

House Bill 2, the 2010 appropriations bill, which was passed by the General Assembly during Special Session and signed by Governor Beshear on June 4, 2010, amended KRS 278.5499 Section 10 to read as follows:

(1) The Public Service Commission shall determine the appropriate funding mechanism for the Telecommunications Access Program established pursuant to KRS 163.525. The funding mechanism shall be designed to collect reasonably necessary funds, not to exceed two cents (\$0.02) ~~one cent (\$.01)~~ per access line per month, from subscribers of telecommunication utilities. The telecommunications industry shall not be required to absorb the cost of funding the Telecommunications Access Program.

This bill passed the General Assembly as a part of the codified section of the law and revises the statute (KRS 278.5499) as listed, ensuring that the funding base for TAP will remain stable in order to serve the 647,000 deaf and hard of hearing consumers throughout the state. Language was also included in House Bill 1, the 2010 budget bill, which allocates two cents per access line for TAP for the upcoming biennium.

(3) Telecommunication Access Program: Notwithstanding KRS 278.5499, the funding mechanism for the telecommunication device for the deaf distribution program shall allocate not more than two cents per access line per month.

Therefore, KCDHH is requesting that the portion of the surcharge allocated to administer the TAP remain at two cents effective July 1, 2010 and ongoing. This funding will be used by KCDHH to provide specialized telecommunications equipment for deaf, hard of hearing and speech impaired citizens of the Commonwealth so they may have equitable access to telephone services.

Please contact me at Virginia.moore@kv.gov or at 502-573-2604 if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Virginia L. Moore'.

Virginia L. Moore, Executive Director

CC: Rowena Holloway, Internal Policy Analyst III



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