

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
 A Statement of Need and Fiscal Impact accompanies this form.

Public Utility Commission	860
Agency and Division	Administrative Rules Chapter Number

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Rules Coordinator	email address	Address	Telephone

RULE CAPTION

In the Matter of Revisions to the Residential Service Protection Fund Administrative Rules

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

August 31, 2011	9:30 a.m.	550 Capitol Ste NE 2 nd Floor, Salem, OR 97301	Shani Pines
Hearing Date	Time	Location	Hearings Officer

Hearing Date	Time	Location	Hearings Officer
<i>Auxiliary aids for persons with disabilities are available upon advance request.</i>			

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 860-033-0005, 860-033-0006, 860-033-0007, 860-033-0008, 860-033-0009, 860-033-0030, 860-033-0045, 860-033-0505, 860-033-0506, 860-033-0530, 860-033-0537, 860-033-0545

REPEAL: 860-033-0510

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 183, 756, 759 & Ch. 290 OL 1987

Other Auth.:

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290 OL 1987

RULE SUMMARY

These proposed rule changes are needed to track and facilitate the remittance process in the newly developed Residential Service Protection Fund (RSPF) online system, which will allow telecommunications providers to complete and submit their RSPF Remittance Report and surcharges online. In addition, it allows eligible telecommunications providers to file Oregon Telephone Assistance Program (OTAP) Reimbursement Reports online. This rulemaking addresses the potential problems of RSPF financial overcompensation to a telecommunications provider or refunds that may have a material impact on the fund. Overcompensation and refunds may occur because of errors and revisions to previously filed reports.

The rules are revised to comport with the recent enactment of Senate Bill (SB) 143 and 144. SB 143 removed the 135 percent federal poverty level restriction to allow Medicaid beneficiaries who reside in a long-term or residential care facility to reap the benefits of the OTAP, regardless of their income. SB 144 allows a person with a hearing loss or speech impairment to receive adaptive telephone equipment, not just those who have a severe or greater degree of hearing or speech disability. SB 144 also allows a nurse

practitioner and rehabilitation counselor for the blind to certify a person as having a disability (within the scope of their profession) and needing adaptive equipment in order to communicate on the telephone.

To align with other Commission rules pertaining to fee collections, this rulemaking specifies that a person is responsible for and must pay all costs incurred by the Commission to collect a past-due invoice or surcharge amount. This rulemaking reflects current RSPF reporting practices for telecommunications providers and addresses housekeeping, organizational and other clarifying improvements.


The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 557 on comments, file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us, and send a signed hard copy to the Filing Center at PO Box 2148, Salem, Oregon 97308-2418. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>. Interested persons may review all filings on-line at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=16924>.

Participants wanting to monitor the hearing by telephone (listen only) must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business August 26, 2011, to request a dial -in number. To present oral comment at the hearing, participants must attend in person.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

September 7, 2011, 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

	Diane.davis@state.or.us	Diane Davis	7/15/11
Signature		Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

In the Matter of Revisions to the Residential Service Protection Fund Administrative Rules.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Revisions to the Residential Service Protection Fund Administrative Rules.

Statutory Authority: ORS 183, 756, 759 & Ch. 290 OL 1987

Other Authority:

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290 OL 1987

Need for the Rule(s): These proposed rule changes are needed to track and facilitate the payment process in the newly developed Residential Service Protection Fund (RSPF) online system, which will allow telecommunications providers to complete and submit their RSPF Remittance Report and surcharges online. In addition, it allows eligible telecommunications providers to file Oregon Telephone Assistance Program (OTAP) Reimbursement Reports online. This rulemaking addresses the potential problems of RSPF financial overcompensation to a telecommunications provider or refunds that may have a material impact on the fund. Overcompensation and refunds may occur because of errors and revisions to previously filed reports.

The rules are revised to comport with the recent enactment of Senate Bill (SB) 143 and 144. SB 143 removed the 135 percent federal poverty level restriction to allow Medicaid beneficiaries who reside in a long-term or residential care facility to reap the benefits of the OTAP, regardless of their income. SB 144 allows a person with a hearing loss or speech impairment to receive adaptive telephone equipment, not just those who have a severe or greater degree of hearing or speech disability. SB 144 also allows a nurse practitioner and rehabilitation counselor for the blind to certify a person as having a disability (within the scope of their profession) and needing adaptive equipment in order to communicate on the telephone.

To align with other Commission rules pertaining to fee collections, this rulemaking specifies that a person is responsible for and must pay all costs incurred by the Commission to collect a past-due invoice amount. This rulemaking reflects current RSPF reporting practices for telecommunications providers and addresses housekeeping, organizational and other clarifying improvements.

Documents Relied Upon, and where they are available:

OAR 860-033 available online at http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_033.htmlSections 2 to 16, chapter 290, Oregon Laws 1987, available online at <http://www.leg.state.or.us/ors/759.html>SB 143 and SB 144, available online at http://www.leg.state.or.us/bills_laws/

Informal comments on Staff's draft proposed rules submitted by Frontier Communications, Snake River PCS, and the Chair of the Telecommunication Devices Access Program Advisory Committee which are available upon request from the rules coordinator, diane.davis@state.or.us

Fiscal and Economic Impact:

There are potential revenues and savings for the RSPF. The RSPF online system will automatically calculate and assess late reporting fees, penalties and interest to telecommunications providers for payment in real-time. Using data provided by the Department of Revenue, the online system will identify missing revenue from telecommunications provider for collection. The potential magnitude of savings from Staff time spent identifying missing revenue and calculating fees, penalties, and interest and the actual benefits of potential revenues cannot be quantified at this time.

There are also potential savings for the telecommunications providers required to complete and submit reports and payments. Savings are expected to be minimal (e.g. postage and supplies) if a telecommunications provider elects to file reports and payments online and cannot be quantified at this time. Depending upon the amount of the refund and time required, a telecommunications provider may be affected by the rule provisions allowing compensation over an agreed-upon period of time if it submits a revised report that results in a substantial refund from the RSPF. One telecommunications provider commented that because it had only 6 OTAP customers, monthly reporting under the proposed rules would be more inconvenient than the quarterly reporting that it is currently doing.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There will be no substantial impact on other state agencies or units of local government.

Telecommunications providers and members of the public will be affected if required to pay all costs incurred by the Commission to collect a past-due invoice amount.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Commission Staff estimates that there are approximately 130 telecommunications providers, 67 of which are small businesses with 1,000 or less customers, subject to this rule.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Under the current rules, telecommunications providers with 1,000 or less customers can either file monthly or quarterly; telecommunications providers with 1,000 or more customers are required to file monthly. The proposed rule eliminates the quarterly filing option for telecommunications providers with 1,000 or less customers. Therefore, the reporting, recordkeeping and other administrative activities required for compliance will increase for those telecommunications providers that will be required to file monthly. The proposed rule changes are not expected to have a significant impact on the cost of compliance for telecommunications providers. Instead of manually filing paper copies of reports and payments, telecommunications providers will have the option to electronically submit RSPF reports and payments or to seek OTAP reimbursement online using a system that has parameters built in to ensure financial accuracy. Also, the RSPF online system will electronically notify or remind telecommunications providers of an impending due date to avoid the assessment of late reporting fees, penalties and interest.

c. Equipment, supplies, labor and increased administration required for compliance:

There are no projected increases in equipment, supplies, labor or administration required for compliance. Because the proposed changes allow telecommunications providers to file RSPF reports and payments online or seek OTAP reimbursement online, telecommunications providers are likely to experience a decrease in the number of financial errors and the amount of time to prepare, complete, submit and track the required reports and payments.


How were small businesses involved in the development of this rule?

The small businesses subject to this rule were given the opportunity to participate in rounds of informal comments on drafts of the proposed rule. The Oregon Telecommunications Association was also given the opportunity to review and provide informal comment on Staff's draft proposed changes to the rule.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:

The Oregon Telecommunications Relay Service Industry Advisory Committee and Telecommunication Devices Access Program Advisory Committee members were given the opportunity to review and provide informal comment on the draft proposed rules. The Chair of the Telecommunication Devices Access Program Advisory Committee provided informal comment to the Commission Staff. The telecommunications providers subject to this rule also were given the opportunity to participate in rounds of informal comments on drafts of the proposed rule. Two telecommunications providers provided informal comment to the Commission Staff.

	Diane.davis@state.or.us	Diane Davis	7/15/11
Signature		Printed name	Date

860-033-0005

Definitions

For the purpose of this division:

(1) "Basic Service" means "basic telephone service" as defined in OAR 860-032-0190. For qualifying low-income recipients, basic service also includes access to toll-limitation services.

(2) "Competitive Provider" means a competitive telecommunications provider as defined in ORS 759.005(2)(a) that provides services authorized under ORS 759.020.

(3) "Cooperative" means a cooperative corporation or association that provides local exchange telecommunications service within its own exchanges, is organized under ORS chapter 62, and is certified under ORS 759.025(2).

(24) "Eligible Telecommunications Carrier" means a provider of telecommunications service, including a cellular, wireless, or other common carrier, that is certified by order of the Commission as eligible to receive federal universal service support throughout a designated service area by having met the eligibility criteria set forth in 47 C.F.R. § 54.201 (2008) and in Commission Order 06-292.

(35) "Eligible Telecommunications Provider" means a provider of telecommunications service, including a cellular, wireless, or other common carrier, that is certified by order of the Commission as eligible to provide OTAP to its qualifying customers throughout a designated service area by having met the following eligibility criteria:

(a) Offers services under 47 C.F.R. § 54.101 (2008) using either its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another Eligible Telecommunications Carrier throughout the service area). **Pursuant to Under** 47 C.F.R. § 54.201(f) (2008), the requirement of using its "own facilities" includes, but is not limited to, purchasing unbundled network elements from another carrier;

(b) Advertises the availability of and the charges for such services using media of general distribution; and

(c) Demonstrates that it will comply with OAR 860-033-0005 through 860-33-0100.

(46) "Local Exchange Service" means a "local exchange telecommunications service" as defined in ORS 759.005(3).

(57) "Oregon Telephone Assistance Program" or "OTAP" means a program established by the Commission that offers reduced local exchange rates to eligible low-income residential customers.

(68) "Oregon Telecommunications Relay Service" or "OTRS" means a facility authorized by the Commission to provide telecommunications relay service.

(79) "Outstanding Accounts" means amounts owing to the Commission including current accounts receivable and accounts that the Commission has written off through appropriate legal procedures. The term does not include amounts owing to the Commission that have been lawfully discharged through bankruptcy proceedings or amounts that are the subject of a proceeding pending before the Commission.

(10) "Remittance Report" means the reporting form identified by that title that is available on the Commission's website at <http://www.puc.state.or.us/PUC/telecom/rspf/index.shtml>.

~~(811)~~ "Residential Service Protection Fund" or "RSPF" means a legislatively approved fund in the Oregon State Treasury that supports the Oregon Telephone Assistance Program, the Telecommunication Devices Access Program and the Oregon Telecommunications Relay Service.

~~(912)~~ "RSPF Surcharge" means a specified amount up to 35 cents per month collected from each paying retail subscriber who has telecommunications service with access to the telecommunications relay service, except as provided in OAR 850-033-0006(2).

~~(13)~~ **"RSPF Surcharge Exception Form" means the reporting form identified by that title that is available on the Commissions website at <http://www.puc.state.or.us/PUC/telecom/rspf/index.shtml>.**

~~(10)~~ **"Remittance Report" means the RSPF remittance report completed on a form provided by the Commission.**

~~(114)~~ "Telecommunication Devices Access Program" or "TDAP" means a program established by the Commission that provides Assistive Telecommunication Devices or Adaptive Equipment at no additional cost beyond telephone service for customers who are deaf, **severely hard of hearing-impaired, severely speech-impaired, deaf-blind or have a disability.disabled.**

~~(15)~~ **"Telecommunications provider" includes competitive providers, cooperatives and telecommunications utilities.**

~~(1216)~~ "Telecommunications service" means the offering of telecommunications as defined in 47 C.F.R. 54.5 (10-1-08 Edition) for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

~~(17)~~ **"Telecommunications utility" means a person who is not a competitive provider and is designated as a telecommunications utility under OAR 860-032-0010.**

~~(1318)~~ "Toll Limitation Service" means a service provided by an Eligible Telecommunications Provider that allows an OTAP recipient to choose to block the completion of outgoing toll calls (toll blocking) or to specify a certain toll usage that may be incurred per month or per billing cycle (toll control).

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 7-1995(Temp), f. & cert. ef. 8-17-95 (Order No. 95-860); PUC 14-1995, f. & cert. ef. 12-20-95 (Order No. 95-1328); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 18-2000, f. & cert. ef. 10-24-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0006

Monthly and Quarterly RSPF Surcharge: General Provisions, Remittance Reports and Payment

(1) The surcharge rate and the balance in the RSPF are reviewed annually by the Commission each October. The Commission may adjust the amount of the surcharge to

ensure the fund has adequate resources but does not exceed six months of projected expenses. A rate adjustment ordered by the Commission following the annual review becomes effective January 1 of the year following the review.

(2) The surcharge imposed by 1987 Oregon Laws Chapter 290, Section (7)(1) does not apply to entities upon which the state is prohibited from imposing the surcharge by the Constitution or laws of the United States or the Constitution or laws of the State of Oregon including, but not limited to:

(a) Counties and political subdivisions.

(b) Federal, state and municipal government bodies or public corporations. For purposes of this rule, "public corporation" means a corporation formed by a state or local government authority for the public's benefit or for a public purpose.

(c) Federally chartered corporations specifically exempt from state excise taxes by federal law.

(d) Federally recognized Native-American Tribes, and tribal members who live within federally recognized Indian country and are enrolled members of the tribe with sovereignty over that Indian country.

(e) Foreign government offices and representatives that are exempt from state taxation by treaty provisions.

(f) Regional housing authorities exempt from all state taxes and assessments by ORS 307.092.

(g) Interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications services providers certified ~~pursuant to~~ **under** ORS 759.020, radio common carriers and interexchange carriers.

(h) Any other agency, organization or person claiming an exemption is required to identify the authority for its claim to a provider. If a telecommunications provider is unable to determine the status of a subscriber the Commission will determine whether the subscriber is exempt.

(3) Collection of RSPF Surcharge.

(a) Each telecommunications provider must:

~~(a)~~ ~~Collect~~ the RSPF surcharge by charging the specified amount to each retail subscriber with access to the telecommunications relay service, including OTAP eligible subscribers. The RSPF surcharge is applied on a telecommunications circuit designated for a particular subscriber.

(A) One subscriber line is counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit.

(B) For providers of central office based services, the surcharge is applied to each line that has unrestricted connection to the telecommunications relay service. For central office based service lines that have restricted access to the Oregon Telecommunications Relay Service (OTRS), the surcharge is charged based on software design.

~~(C)~~ **(b) Each** ~~For~~ cellular, wireless, or other radio common carriers **must collect the RSPF surcharge by charging the specified amount to each retail subscriber with access to the telecommunications relay service, including OTAP eligible subscribers.** ~~The~~ surcharge is applied on a per-instrument basis.

(6c) Each telecommunications provider and each cellular, wireless, or other radio common carrier must identify the surcharge on each retail customer's bill as a separate line item named "RSPF Surcharge."

(4) A telecommunications provider or a cellular, wireless, or other radio common carrier may remit surcharges due to the Commission by electronic transfer, mail or in person.

(5) The Remittance Report and surcharges are due to the Commission Each telecommunications provider must submit to the Commission the Remittance Report and surcharge fees on or before the 21st calendar day after the close of each month, or quarter as follows: and must be received in the Commission's offices no later than 5 p.m. Pacific Standard Time on the due date. A surcharge remittance or Remittance Report postmarked on the due date does not meet the requirements of this section and will not be considered as timely submitted.

(a) Each telecommunications provider that has 1,000 or more customers must collect and submit the RSPF surcharge fee and Remittance Report monthly.

(b) Each telecommunications provider that has fewer than 1,000 customers must collect the RSPF surcharge fee and submit the Remittance Report either monthly or quarterly in January, April, July, and October at the telecommunication provider's discretion.

(56) Each telecommunications provider and each cellular, wireless, or other radio common carrier must submit the Remittance Report and surcharge fee with no exceptions. If no surcharge is collected, the telecommunications provider or the cellular, wireless, or other radio common carrier must still submit its monthly or quarterly Remittance Report specified in section (45) of this rule.

(67) For each billing period that a telecommunications provider or a cellular, wireless, or other radio common carrier fails to submit the surcharge fees in full on or before the due date required by these rules, the telecommunications provider or the cellular, wireless, or other radio common carrier must pay a late payment fee in accordance with OAR 860-001-0050. The Commission may not impose a late payment fee until the surcharge fees are five business days past due.

(78) If the telecommunications provider or the cellular, wireless, or other radio common carrier fails to submit the surcharge fee in full on or before the due date, the telecommunications provider or the cellular, wireless, or other radio common carrier must pay interest in accordance with OAR 860-001-0050.

(89) If a telecommunications provider or a cellular, wireless, or other radio common carrier fails to file a Remittance Report as required by these rules, the telecommunications provider or the cellular, wireless, or other radio common carrier must pay a late report fee in accordance with OAR 860-001-0050. The Commission may not impose a late report fee until the Remittance Report is five business days past due.

(910) If the amount shown due on a Remittance Report is not paid by the due date, the Commission may issue a proposed order assessment to set the sum due. The Commission may waive the late report fee, the late payment fees and the interest on the unpaid surcharge fees, or any combination thereof, if the telecommunications provider or the cellular, wireless, or other radio common carrier files a written waiver request and provides evidence showing that the telecommunications provider or the cellular,

wireless, or other radio common carrier submitted the Remittance Report and surcharge fees late due to circumstances beyond its control.

~~(10)~~ **(11)** The telecommunications provider or the cellular, wireless, or other radio common carrier must pay a fee in accordance with OAR 860 001-0050 for each payment returned for non-sufficient funds.

(12) The telecommunications provider or the cellular, wireless, or other radio common carrier is responsible for and must pay all costs incurred by the Commission to collect a past-due RSPF surcharge from the telecommunications provider or the cellular, wireless, or other radio common carrier.

~~(11)~~ **(13)** Remittance Report Records: A telecommunications provider and a cellular, wireless, or other radio common carrier must keep all records supporting each Remittance Report for three years, or if a Commission review or audit is pending, until the review or audit is complete, whichever is later.

(14) In addition to any other penalty, obligation, or remedy provided by law, the Commission may suspend or cancel the telecommunications provider's certificate of authority to provide telecommunications service in Oregon for its failure to file its Remittance Report or its failure to remit the surcharge in full.

(15) Except as other provided by law, if after an audit or review the Commission determines that the telecommunications provider or the cellular, wireless, or other radio common carrier has remitted an excessive amount, the Commission will provide the telecommunications provider or the cellular, wireless, or other radio common carrier a credit in that amount against sums subsequently due from that telecommunications provider or that cellular, wireless, or other radio common carrier.

(16) A telecommunications provider or a cellular, wireless, or other radio common carrier must submit any revisions to a previously-filed Remittance Report no later than three years from its due date. If the Commission concludes that a telecommunications provider or cellular, wireless, or other common carrier remitted an excessive amount and that refunding the excess would have a material and adverse financial impact on the RSPF, the Commission may enter into an agreement with the telecommunications provider or the cellular, wireless, or other radio common carrier to spread payments of the refunds over a period not to exceed three years.

(17) The RSPF Surcharge Exception Form is due annually by March 15. A telecommunications provider or a cellular, wireless, or other radio common carrier must submit the completed form (in person, electronically, or by mail) so that it is received in the Commission's offices no later than 5 p.m. Pacific Standard Time on March 15.

~~(12)~~ **(18)** In computing any period of time prescribed or allowed by these rules, the first day of the act or event is not included. The last day of the ~~time~~ period is included, unless the last day is a Saturday or legal holiday; then the ~~time~~ period runs until the end of the next day that is not a Saturday or a legal holiday. Legal holidays are those identified in ORS 187.010 and 187.020.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 18-2004, f. & cert. ef. 12-30-04; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 1-2010, f. & cert. ef. 5-18-10

860-033-0007

Estimated Report

(1) For any ~~time~~ period for which a telecommunications provider, **or a cellular, wireless, or other radio common carrier** fails to file a Remittance Report as required by these rules, the Commission may determine a proposed surcharge assessment based upon any information available to the Commission.

(2) The proposed assessment must:

(a) Include a late payment fee equal to 9 percent of the proposed assessment amount, up to a maximum of \$500 for that reporting period;

(b) Include interest on the proposed assessment amount at the rate of 9 percent per annum from the day the surcharge fee was originally due;

(c) Include a late report fee per 860-001-0050(3)(e); and

(d) Be made no later than 3 years after the Remittance Report's due date.

(3) Notwithstanding subsection (2)(c) of this rule, if the telecommunications provider did not hold a certificate of authority, if one was required by law, the Commission has an unlimited time to propose an assessment for the ~~time~~ period represented by the non-filed Remittance Report. The proposed assessment must include all late payment fees as specified in this rule.

(4) During the 30-day period allowed for filing a petition for a hearing, the telecommunications provider, **or the cellular, wireless, or other radio common carrier** may file its Remittance Report and pay the surcharge, late report fee, late payment fee, and interest. The Commission **must will** accept the Remittance Report, surcharge payment, late report fee, late payment fee and interest if correctly calculated in accordance with the original due date for the subject ~~time~~ period's Remittance Report and payment.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 1-2010, f. & cert. ef. 5-18-10

860-033-0008

Commission Audit and Proposed Assessment

(1) For any ~~time~~ period for which a telecommunications provider's **or a cellular, wireless, or other radio common carrier's** Remittance Report was due, the Commission may audit the telecommunications provider **or the cellular, wireless, or other radio common carrier** as the Commission deems necessary and appropriate.

(2) The Commission's audit must begin no later than three years after the Remittance Report's due date. After completion of the audit, the Commission may propose to assess an additional surcharge amount due from the telecommunications provider **or the cellular, wireless, or other radio common carrier**.

(3) If a telecommunications provider **or a cellular, wireless, or other radio common carrier** failed to file a Remittance Report within the time ~~period~~ specified in these rules, the Commission **mustwill** add to the proposed assessment a late report fee per 860-001-0050(3)(e) and a late payment fee equal to 9 percent per annum of the amount of the proposed assessment, up to a maximum of \$500.

(4) Each proposed assessment bears interest on the additional surcharge amount proposed at the rate of 9 percent per annum from the day the original surcharge amount was due.

(5) Notwithstanding section (2) of this rule, if the telecommunications provider did not hold a certificate of authority, if one was required by law, the Commission has an unlimited time to audit the telecommunications provider for the surcharge fees.

(6) A telecommunications provider **or a cellular, wireless, or other radio common carrier** must produce for inspection or audit upon request of the Commission or its authorized representative all records supporting its Remittance Reports. The Commission, or its representative, **mustwill** allow the telecommunications provider **or the cellular, wireless, or other radio common carrier** a reasonable time to produce the records for inspection or audit.

(7) In addition to any other penalty allowed by law, the Commission may suspend or cancel a telecommunications provider's certificate of authority to provide telecommunications service for its failure to produce for inspection or audit the records required by this rule.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 1-2010, f. & cert. ef. 5-18-10

860-033-0009

Notice of Proposed Assessment and Hearing ~~on Proposed Orders~~

(1) The Commission **mustwill** provide a ~~written proposed order or other~~ notice of proposed assessment upon the telecommunications provider **or cellular, wireless, or other radio common carrier**, as well as a proposal to revoke or suspend the telecommunications provider's certificate of authority, **if applicable**.

(2) Within 30 days after the service of the notice of proposed assessment ~~or proposed order~~, ~~at the~~ telecommunications provider **or the cellular, wireless, or other radio common carrier** may petition the Commission in writing for a hearing. The telecommunications provider **or the cellular, wireless, or other radio common carrier** must specify in its petition all of the reasons it disputes the notice of proposed assessment ~~or proposed order~~.

(a) If a petition is not filed within the 30-day period, the Commission may enter ~~an final~~ order **assessing charges** ~~or assessment~~ based upon information in the Commission's files.

(b) If a petition is filed within the 30-day period, the Commission **mustwill** grant the telecommunications provider **or the cellular, wireless, or other radio common carrier** a hearing and give the telecommunications provider **or the cellular, wireless, or other radio common carrier** at least 10 days' notice of the time and place of a hearing.

(3) The hearing on the telecommunications provider's **or the cellular, wireless, or other radio common carrier's** petition is conducted under the Commission's rules governing hearings and proceedings.

(4) ~~An proposed~~ assessment made by the Commission under these rules is due and payable on the 10th day after the service date of the Commission's ~~final~~ order **assessing the charges**.

(5) If the Commission has not received payment of the surcharge and penalties assessment within the specified time, the Commission may suspend or cancel a telecommunications provider's certificate of authority to provide telecommunications service for its failure to pay the assessment required by this rule.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0030

OTAP Eligibility

(1) Eligibility for OTAP is demonstrated by application to the Commission by an individual currently **meeting the criteria for a "low income customer" set forth in 1987 Oregon Laws Chapter 290, Section (6) paragraph (5)(b):**

~~(a) Receiving benefits from the federal food stamp program or receiving benefits from another Commission-approved low-income public assistance program for which eligibility requirements do not exceed 135 percent of the poverty level;~~

~~(b) Certified by an agency contracting with the Commission to qualify an individual as meeting eligibility criteria; or~~

~~(c) Certified as eligible in a public assistance program that the Commission has determined to meet eligibility criteria.~~

(2) An applicant or recipient may be required to furnish his or her social security number before OTAP eligibility can be determined or verified. Failure to do so may result in denial of benefits.

(3) An applicant must sign a written authorization (OTAP application) permitting the Commission to release necessary information to an Eligible Telecommunications Provider and, as necessary, to the following: Department of Human Services, and the applicant's personal representative or legal guardian.

(4) The Commission must be able to verify an individual's continuing participation in a qualifying program. Continuing OTAP eligibility is based on monthly or quarterly recertification by the Commission.

(5) The OTAP benefit is limited to one single line, or single line equivalent, at the applicant's or recipient's principal residence. Generally, only one OTAP benefit is allowed per residential address, but the Commission may make exceptions for certain facilities including but not limited to rooming houses and other independent living facilities.

(6) The name of the applicant or recipient must appear on the billing statement for the telecommunications service in order for that recipient to qualify for OTAP benefits. The Commission may waive this requirement if it determines that good cause exists.

(7) ~~An~~ **qualifying** applicant who did not receive benefits from an Eligible Telecommunications Provider after **submitting an application to being approved by** the Commission may ~~be reimbursed~~**receive** up to a maximum of ~~six~~**three** months of OTAP benefits credited to the applicant's account. **The qualifying applicant may be required to submit written proof of application date** ~~An applicant must submit a written request~~ to the Commission in order to receive the OTAP **benefits** ~~credited to the applicant's account~~.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 11-1995, f. & ef. 11-27-95 (Order No. 95-1217); PUC 6-1997, f. & ef. 1-10-97 (Order No. 97-005); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0045

OTAP Compensable Expenses

(1) Each Eligible Telecommunications Provider may be compensated from the RSPF for enrolling new OTAP customers and for benefit costs incurred as a consequence of participating in OTAP.

(a) The Eligible Telecommunications Provider may be compensated for each customer enrolled for the OTAP benefit at the Commission's request.

(b) Benefit costs include the revenue the Eligible Telecommunications Provider foregoes by providing local service to qualified low-income customers at the OTAP reduced rate or discount.

(2) To receive compensation, an Eligible Telecommunications Provider must submit a **monthly** reimbursement form no later than 21 calendar days after the end of the billing period. The Eligible Telecommunications Provider's reimbursement form must indicate the number of qualified customers who were enrolled during the billing period, the number of customers who received the OTAP benefit during the billing period, and the amount of revenue foregone during that same period.

~~(a) An Eligible Telecommunications Provider with 1,000 or more OTAP customers must submit the reimbursement form monthly.~~

~~(b) An Eligible Telecommunications Provider with fewer than 1,000 monthly customers may submit the reimbursement form either monthly or quarterly.~~

(3) If the Commission overcompensates an Eligible Telecommunications Provider, the Eligible Telecommunications Provider must immediately return the excess RSPF funds once it notifies the Commission or is notified by the Commission of the overcompensation.

(a) If the Commission overcompensates the Eligible Telecommunications Provider as a result of Commission error and the Eligible Telecommunications Provider upon notification of the overcompensation immediately returns the excess RSPF funds, the Eligible Telecommunications Provider is not required to pay interest on the excess RSPF funds.

(b) If the Commission overcompensates the Eligible Telecommunications Provider as a result of Commission error and upon notification the Eligible Telecommunications Provider does not immediately return the excess RSPF funds, the Eligible Telecommunications Provider must pay interest on the excess RSPF funds at the rate set forth in OAR 860-001-0050.

(c) If the Commission overcompensates the Eligible Telecommunications Provider as a result of actions by the Eligible Telecommunications Provider, including, but not limited to, the filing of an incorrect reimbursement form, then upon notification the Eligible Telecommunications Provider must immediately return the excess RSPF funds and pay interest on the excess RSPF funds at the rate set forth in OAR 860-001-0050.

(4) Notice of Proposed Assessment:

(a) If the Eligible Telecommunications Provider is overcompensated and does not timely return the excess RSPF funds as described in section (3) of this rule, the Commission may issue a written proposed assessment for the amount due.

(b) Within 30 days of the service date of the notice of proposed assessment, the Eligible Telecommunications Provider may pay the proposed assessment in full or may file a written petition for a hearing. The written petition for a hearing must clearly specify all the reasons the Eligible Telecommunications Provider disputes the assessment.

(A) If the Eligible Telecommunications Provider pays the proposed assessment in full within 30 days of the service date of the notice of proposed assessment, the Commission will accept the payment and discontinue any further collection activities for that assessment.

(B) If the Eligible Telecommunications Provider timely files a written petition for a hearing under section (b) of this rule, the Commission will grant the Eligible Telecommunications Provider a hearing and provide at least 10 days notice of the time and place of the hearing. The Commission will conduct the hearing under its rules governing hearings and proceedings.

(5) Commission Order: The Commission will enter an order if the Eligible Telecommunications Provider does not respond to the notice of proposed assessment within 30 days of the service date of the notice of proposed assessment or after considering the testimony presented at hearing. Any charges assessed by the Commission in its order become due and payable on the tenth day after the service date of the Commission's order.

(6) If the Eligible Telecommunications Provider does not respond to the Commission order, then the account may be referred to the Department of Revenue or to a collection agency for collection. The Eligible Telecommunications Provider is responsible for and must pay all costs incurred by the Commission to collect a past-due assessed amount from the Eligible Telecommunications Provider.

(7) An Eligible Telecommunications Provider must submit any revisions to a previously filed reimbursement form no later than three years from its due date. If the Commission concludes that refund is due to an Eligible Telecommunications Provider and that the refund would have a material adverse financial impact on the RSPF, the Commission may enter into an agreement with the Eligible

Telecommunications Provider to spread payment of the refund over a period of time not to exceed three years.

(38) The Commission may determine the compensation amount based on the costs an Eligible Telecommunications Provider would reasonably incur to accomplish each task referred to in section (1) of this rule. The Commission disburses funds from the RSPF to the Eligible Telecommunications Provider within 45 calendar days after the Commission receives a properly completed reimbursement form.

(49) Each Eligible Telecommunications Provider providing low-income telephone assistance under an approved alternative plan may be compensated for benefit and enrollment costs. However, compensation from the RSPF may not be greater than the compensation the provider would have received had it participated in OTAP.

(510) Governmental agencies contracting with the Commission to certify the eligibility requirements of individuals or to perform other administrative functions authorized by these rules are compensated based on the terms of the contract.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

Telecommunication Devices Access Program (TDAP)

860-033-0505

TDAP Definitions

(1) "Adaptive Equipment" means ~~special telecommunications~~ equipment that permits a person with a disability, other than a hearing- or speech- impairment, to communicate effectively on the telephone.

(2) "Assistive Telecommunication Device" means a device that uses a keyboard, acoustic coupler, display screen, Braille display, speakerphone, or amplifier to enable a person who is deaf, deaf-blind, ~~severely hard of hearing impaired, severely speech or vision~~ impaired or who has a disability ~~that prevents use of a standard telephone~~ to communicate effectively on the telephone.

(3) "Authorized Distributor" means a facility authorized by the Commission to distribute Assistive Telecommunication Devices and Adaptive Equipment.

(4) "Authorized Maintenance Center" means a facility authorized by the Commission to repair any reasonably damaged Assistive Telecommunication Device or Adaptive Equipment.

(5) "~~Disabled~~Disability" means a physical condition other than hearing or speech impairment that requires the use of adaptive equipment to communicate ~~prevents a person from effectively communicating on a standard~~ the telephone.

(6) "~~Local Exchange Carrier~~" means a "telecommunications utility" ~~as defined in ORS 759.005(9) or cooperative association that switches and transports communications between customers linked inside an exchange.~~

(7) "~~TTY~~" ~~is a telecommunication device for the deaf that uses a keyboard and a one-inch screen to transmit messages back and forth through a telephone line.~~

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0506

Telecommunication Devices Access Program Advisory Committee (TDAPAC)

The TDAPAC consists of 12 Oregon residents appointed by the Commission as prescribed by Oregon Laws 1987, Chapter 290, Section 12. The TDAPAC must meet regularly with the ~~RSPF Manager~~ **Commission Staff** to give advice concerning matters of general development, implementation, and administration of TDAP. TDAPAC meetings are public, and minutes must be provided to the public upon request. **A copy of the TDAPAC bylaws is available upon request.**

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & cert. ef. 4-18-96 (Order No. 96-102); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0510

~~TDAP Applicability~~

~~TDAP is designed to provide Assistive Telecommunication Devices or Adaptive Equipment and services to deaf, severely hearing-impaired, severely speech-impaired, deaf-blind, or disabled customers who meet eligibility requirements.~~

~~Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987~~

~~Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987~~

~~Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 12-2009, f. & cert. ef. 11-13-09~~

860-033-0530

TDAP Eligibility

(1) A person may apply to receive an Assistive Telecommunication Device or Adaptive Equipment from the TDAP. The application must be submitted using the form provided by TDAP. The TDAP application form is available online at <http://www.puc.state.or.us/PUC/rspf/tdapapp.pdf>, from the Commission and from certain community resources.

(2) A TDAP applicant must provide the TDAP with:

- (a) Evidence of regular access to a specific telephone number in Oregon;
- (b) Evidence of current residency in Oregon; and

(c) A properly completed application including a statement that the applicant is deaf, **deaf-blind, severely hard of** hearing **impaired**, severely speech **or vision** -impaired,

~~deaf-blind~~, or has a disability that **requires adaptive equipment or an assistive telecommunication device to communicate effectively on the**~~prevents use of a standard~~ telephone. This statement must be signed by

(A) A licensed physician who may certify that the applicant is deaf, deaf-blind, ~~severely~~ hard of hearing, ~~severely~~ speech **or vision** impaired or has a ~~disability~~**physical condition other than a hearing or speech impairment that requires use of adaptive equipment to use the telephone;**

(B) An audiologist or a hearing aid specialist who may certify only that the applicant is deaf or ~~severely~~ **hard of** hearing-~~impaired~~;

(C) A speech pathologist who may certify only that the applicant is ~~severely~~ speech impaired;

(D) A vocational rehabilitation counselor from the Oregon ~~State Office of~~ Vocational Rehabilitation ~~Division~~**Services** who may certify that the applicant is deaf, deaf-blind, ~~severely~~ hard of hearing, ~~severely~~ speech **or vision** impaired or has a ~~disability~~**physical condition other than a hearing or speech impairment that requires use of Adaptive Equipment to use the telephone; or**

(E) **A nurse practitioner who may certify that the applicant is deaf, deaf-blind, hard of hearing, speech or vision impaired, or has a disability;**

(F) **A rehabilitation instructor from the Oregon Commission for the Blind who may certify only that the applicant has a vision impairment; or**

(G) A person certified by the Commission as qualified to determine whether a person meets the eligibility requirements of TDAP.

(d) For a person under 18 years of age, or an adult who is determined to require a legal guardian, a parent or a guardian must apply on that person's behalf and assume full responsibility for the Assistive Telecommunication Device or Adaptive Equipment and services. An emancipated minor is considered an adult. If the application is signed by a person asserting power of attorney for the applicant or by a legal guardian, the person signing the application may be required to provide the Commission with evidence of the power of attorney or legal guardianship.

(3) The TDAP may only approve applications for persons **certified as deaf, deaf-blind, hard of hearing, speech or vision impaired or who have a disability and who cannot use a standard** telephone for expressive or receptive communication. ~~The TDAP must provide equipment suitable to access the telecommunications system.~~

(4) The TDAP may provide one Assistive Telecommunication Device or one Adaptive Equipment unit per eligible person. The one device or unit provided may also include an accessory device such as a loud ringer or signal device, as applicable. More than one Assistive Telecommunication Device or Adaptive Equipment unit may be provided to a household if more than one eligible person permanently resides in the household.

(5) If the Commission purchases new devices that may benefit a TDAP recipient more than the equipment currently provided by TDAP to the recipient, the TDAP may allow the recipient to use both the current and new device for a 60-day trial period. The recipient must return the less beneficial equipment to the TDAP within five business days after the end of the trial period. If the recipient fails to return the equipment, the recipient is responsible for paying the TDAP for the cost of the more expensive equipment.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036, & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0537

Holding Recipients Financially Responsible for Damaged, Lost, or Otherwise Not Returned Assistive Telecommunication Devices or Adaptive Equipment

(1) Invoices:

(a) The Commission **must will** mail an invoice indicating the amount of and the reason for such invoice to the responsible recipient at the last known address. The recipient has 30 calendar days from the **mailingservice** date of the invoice to respond.

(b) The invoiced recipient may **submit a written response to the Commission in anecall or meet with the RSPF Manager to discuss and** attempt to resolve the invoice. At the **RSPF ManagerCommission's** discretion, further investigation may be initiated. If the investigation finds that the invoice was issued in error (for example, there is no verifiable reason for the invoice having been sent), the invoice may be canceled.

(c) If the Commission does not receive payment, the **RSPF ManagerCommission** may begin the collection activities.

(d) Incorrect address: When an invoice **or notice of proposed assessment** is returned with an incorrect address and the invoiced recipient has not notified the **RSPF ManagerCommission** of an address change as required by **the Conditions of Acceptance and Agreement for TDAP Equipmentrules**, the amount billed to the recipient becomes a liquidated debt.

(2) **Notice of Proposed AssessmentOrder:**

(a) If the recipient does not respond to the invoice within 30 days from the **mailingservice** date of the invoice, the Commission may issue a written proposed **order assessingassessment for** the amount due.

(b) The recipient may pay the assessment in full within 30 days of the **mailingservice** date of the **notice of proposed order-assessment** or may file a written petition for a hearing within 30 days of the **mailingservice** date of the **notice of proposed assessmentorder**. A written petition for a hearing must clearly specify all the reasons the recipient disputes the proposed assessments.

(A) If the recipient pays **in full** the proposed assessment **in full** within the 30 days of the **mailingservice** date of the **notice of proposed assessmentorder**, the Commission will accept the payment and discontinue any further collection activities for that assessment.

(B) If the recipient timely files a written petition for a hearing as set forth in subsection (b) **of this section of this rule**, the Commission **mustwill** grant the recipient a hearing and give at least 10 days notice of the time and place of the hearing. The Commission will conduct the hearing under its rules governing hearings and proceedings.

(3) Commission Order:

(a) **The Commission will enter an order if the recipient does not respond to the notice of proposed assessment within 30 days of the service date of the notice of proposed assessment or after considering the testimony presented at hearing. Any charges assessed by the Commission in its order become due and payable on the tenth day after the service date of the Commission's order.**~~If the recipient does not respond to the proposed order within 30 days from the mailing date of the proposed order, or after considering the testimony presented at hearing, the Commission will enter an order. Any charges assessed by order of the Commission become due and payable on the 10th day after day the order is entered.~~

(b) If the recipient does not respond to the ~~Commission Order~~ **assessing charges**, the account may be referred to the Department of Revenue or a collection agency for collection. **The recipient is responsible for and must pay all costs incurred by the Commission to collect a past-due invoice amount from the recipient.**

(4) Collection procedures for a recipient with two or more Assistive Telecommunication Devices or Adaptive Equipment units:

(a) The Commission **mustwill** mail a letter to the recipient asking the recipient to return the equipment within 30 calendar days, and

(b) If the Commission does not receive a response, the Commission **mustwill** send an invoice to the recipient. If the recipient does not pay the amount billed, the Commission may take the necessary action against the recipient to either regain possession of the State of Oregon's equipment or receive the full replacement value of such equipment.

(5) When the Commission receives notice that a recipient is deceased, the Commission **mustwill** request that the estate return the equipment. The Commission may bill the estate for the cost of replacing the equipment if it has not been returned, or if it is returned in damaged condition.

(6) If the lost, damaged, or otherwise not returned equipment is obsolete or is no longer offered by the TDAP, the Commission may waive the recipient's financial responsibility.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0545

TDAP Compensable Expenses

(1) The Authorized Distributors and the Authorized Maintenance Centers may be compensated from the RSPF for specific costs incurred as a result of participating in the TDAP. These contracted programs and services must request compensation by submitting an invoice to the Commission at least quarterly. Funds must be disbursed to these contracted programs or services no more than 30 calendar days after a properly filed invoice is received by the Commission:

(a) The Authorized Distributors may be compensated for coordinating and storing the Assistive Telecommunication Devices or Adaptive Equipment. Invoices must indicate all

services performed by distributors and the number of the Assistive Telecommunication Devices or Adaptive Equipment units provided to recipients. Compensable services must include the cost of Assistive Telecommunication Devices or Adaptive Equipment with an identification number, shipping costs, storage costs, delivery costs, and other related costs.

(b) The Authorized Distributors may be compensated for the cost of preparing and distributing the Assistive Telecommunication Devices or Adaptive Equipment and maintenance services requested by the customers. Invoices must indicate the number of the Assistive Telecommunication Devices or Adaptive Equipment unit including the engraved identification on either distributing Assistive Telecommunication Devices or Adaptive Equipment to the recipient or receiving Assistive Telecommunication Devices or Adaptive Equipment repair orders from the recipient. The specific tasks of preparation and services in distributing the Assistive Telecommunication Devices or Adaptive Equipment are subject to written agreement between the Commission and the contracted Assistive Telecommunication Devices or Adaptive Equipment personnel.

(c) The Authorized Maintenance Centers may be compensated for repairing the damaged Assistive Telecommunication Devices or Adaptive Equipment, the storage of extra Assistive Telecommunication Devices or Adaptive Equipment replacements, and the required insurance for storage. Invoices must indicate the labor and parts of the damaged Assistive Telecommunication Devices or Adaptive Equipment, the storage cost, and the insurance premium cost, including Assistive Telecommunication Devices or Adaptive Equipment identification inventory.

(d) The Commission will determine the rate of compensation based on the cost the Authorized Distributor should reasonably incur to accomplish each task.

(2) Based upon accounting procedures established by the Commission, the Authorized Distributors and Authorized Maintenance Centers must maintain accounting records in such a manner that costs associated with TDAP can be separately identified. The Commission may audit the records of an Authorized Distributor or an Authorized Maintenance Center.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 12-2009, f. & cert. ef. 11-13-09