

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own motion, to adopt an Equipment Distribution program for the deaf, hard-of-hearing, speech-impaired and deaf-blind citizens of Nebraska as proposed by the Relay Advisory Committee.) Application No. C-1239)
)
)
) PROGRAM ADOPTED
)
) Entered: December 12, 1995

APPEARANCES

Tanya Wendel, Executive Director
Nebraska Commission for the
Hearing Impaired
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Lincoln, Nebraska 68510

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Public Service Commission
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Brett Schultz
Nebraska Commission for the
Hearing Impaired
Field Representative

M. Gene Hand
Communications Dept. Dir.
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Mark Jodlowski
Nebraska Commission for the
Hearing Impaired
Field Representative

Jim Kamas
Relay Advisory Committee
Lincoln, Nebraska

Richard McCowin, Chairperson
Nebraska Commission for the
Hearing Impaired
Relay Advisory Committee
Omaha, Nebraska

Alicia Oestmann
Policy and Funding Coord.
Assistive Technology Project
Lincoln, Nebraska

Alvin Fox
Assistive Technology Advisory
Board Member

George Propp
Nebraska Association of the
Deaf

Norm Wevrekas
Omaha Association for the Deaf
Omaha, Nebraska

Ray Johnson
Geneva, Nebraska

PRELIMINARY MATTERS

On September 25, 1995, the Communications Department of the Nebraska Public Service Commission opened a docket to adopt an equipment distribution program for the hard-of-hearing, deaf, speech-impaired and deaf-blind citizens of Nebraska. Notice of the proceeding was published in the Omaha Daily Record, October 4, 1995 in accordance with the Commis-

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sion's Rules of Procedure. On November 7, 1995, a hearing was held on the matter in the Commission Hearing Room with Commissioner Rod Johnson presiding.

O P I N I O N A N D F I N D I N G S

Upon consideration of the docket and the evidence adduced at the November 7, 1995 hearing, the Commission is of the opinion and finds:

In 1995, the Legislature enacted LB 146, the Telecommunications Equipment Distribution Program. Pursuant to that bill, the Nebraska Public Service Commission (PSC) and the Nebraska Commission for the Hearing Impaired (NCHI) were charged with developing a statewide distribution program of specialized telecommunications equipment for eligible low-income citizens.

The program presented in this docket has been created from meetings held between agency representatives from both the NCHI and the PSC, as well as with committee members of the NCHI and members of the Relay Advisory Committee (RAC).

Testifying first at the hearing was Tanya Wendel, the Executive Director of the NCHI. Ms. Wendel stated that several states manage similar specialized telecommunications equipment programs and that the programs are administered in various forms. Exhibit 3 contains information about other states' equipment distribution programs. Nebraska's program was formulated after reviewing these other programs. She encouraged the Commission to utilize a voucher system, allowing individuals the right to select their own equipment. Rather than having a state-owned equipment program, a voucher system would eliminate repair costs and the need to provide storage space. Appropriate vendors would be identified by the Department of Administrative Service, Materiel Division. NCHI is willing to cooperate with the PSC to administrate the program. She stated NCHI is knowledgeable in working with deaf, hard-of-hearing and deaf-blind individuals and the agency has experience with specialized telecommunications equipment from administering a loan program for the last ten years.

Lastly, Ms. Wendel encouraged funds be designated for initial start-up costs, such as printing brochures and applications. NCHI would monitor the amount of staff time needed to process applications and if a great deal of time is devoted toward the program, a request may be filed in the future to allocate funding for staff.

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Brett Schultz testified: He is a field representative for NCHI who researched the criteria that must be created to determine eligibility. Four categories of people: deaf, hard-of-hearing, deaf-blind and speech-impaired individuals are eligible to receive the equipment. Therefore, he suggests that verification of the medical disability be made by an audiologist, a hearing aid specialist, a licensed physician or assistant, a speech pathologist, representatives from the Nebraska Commission for the Hearing Impaired, the Center for Independent Living, the Services for the Visually Impaired, Vocational Rehabilitation and/or the Assisted Technology Project.

Mr. Schultz recommended the following standards should be established to determine eligibility; i.e., recipients must be at least three years of age and able to demonstrate the ability to use the equipment, for example the ability to type on a TDD or TTY. The recipient should be a resident of the state and reside in a household that meets the applicable income guidelines. One voucher should be issued per household and the recipient should be assigned a personal telephone number. If a person is eligible in all other accounts, but does not have telephone service, the person will be conditionally approved until service is obtained. Applicants should not be permitted to reapply for assistance more than once every five years. Nursing home or institutional residents should be eligible; but, only if he or she has personal telephone service.

Several pieces of equipment will be available depending upon the individual's disability. NCHI and the PSC should be given sixty (60) days to determine eligibility. This would allow time to travel to visit applicants, if necessary, and also the ability to handle numerous requests simultaneously. Applications will be processed as soon as possible, but in no case would they exceed the sixty (60) day time frame. Vouchers should not exceed \$1,000.00 and could be voided if not redeemed after thirty (30) days.

Financial guidelines from other Nebraska assistance programs were entered into the record as Exhibits 5 and 6. Mr. Schultz explained that these programs use a sliding scale enabling recipients that are slightly above the poverty guidelines to receive assistance, but in a lesser amount than those who are under the poverty level. A sliding scale was developed for the Equipment Distribution Program and was offered into the record as Exhibit 3. (A copy of this proposal is attached hereto and is marked Exhibit A.)

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Mark Jodlowski testified: He is a field representative of NCHI. He demonstrated the various pieces of telecommunications equipment that could be available for eligible recipients and also the estimated costs of the items. He indicated that most pieces of equipment could be purchased with a voucher of \$1,000 or less. However, a tele-braille device is a very specialized piece of equipment for individuals who are both blind and deaf and exceeds \$1,000. Vouchers for such equipment would be issued on a case-by-case basis, he testified.

Jim Kamas, a member of the Relay Advisory Committee, testified in support of the proposed program: The Relay Advisory Committee voted to endorse the program on August 23, 1995. The Advisory Committee believes the NCHI should be the primary contractor for the program due to its experience in working with hearing impaired citizens. However, as a former board member of the NCHI, he supports the position that the PSC cooperatively operate and manage the distribution program.

Richard McGowin, chairperson of the NCHI, testified in support of the proposed program: The NCHI members did not agree that an income restriction was necessary; however, the equipment program should become operative as soon as possible. Perhaps changes in the state statute would be recommended to the Legislature in the future.

Alicia Oestmann testified on behalf of the Assistive Technology Project: She serves as the Project's Policy and Funding Coordinator. On average, Nebraska households that include a person with a disability have a much smaller disposable income than other households; thus, many disabled individuals and families fall short of having the revenue necessary to meet assistive technology needs. Using income guidelines for the distribution program is appropriate; however, some families might not meet the eligibility criteria under the proposal; yet, not have income sufficient to purchase necessary assistive technology. From her experience over the past five years in this area, she believes many middle-income wage earners do not have the means to purchase equipment and that programs are not established to meet their needs. The PSC should review the income guidelines to ensure that assistance is provided to everyone with financial need.

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Also testifying in support of the program were Alvin Fox, a member of the Advisory Board for Assistive Technology, George Propp, representing the Nebraska Association for the Deaf, Norm Wevrek, representing the Omaha Association for the Deaf and Ray Johnson, a disabled individual from Geneva, Nebraska. These witnesses applauded the establishment of the distribution program and urged the PSC to review its guidelines again in the future to ensure that it is functioning properly and adequately serving the disabled citizens of Nebraska.

Based on the exhibits, the testimony and the proposed guidelines, the Commission finds that an equipment distribution program should be established to be jointly administered by the Nebraska Commission for the Hearing Impaired and the Nebraska Public Service Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that an equipment distribution program for the deaf, hard-of-hearing, speech-impaired and deaf-blind be, and it is hereby created and the operation, management and administration thereof be jointly conducted by the Nebraska Commission for the Hearing Impaired and the Nebraska Public Service Commission.

IT IS FURTHER ORDERED that the following professionals and institutions may certify an applicant's disability:

1. Audiologists
2. Licensed Physicians or Assistants
3. Speech Pathologists
4. Representatives from the Center for Independent Living, the Services for the Visually Impaired, Vocational Rehabilitation, the Assistive Technology Project, Boys Town Research Hospital and the Barkley Center for Communicative Disorders.

IT IS FURTHER ORDERED that the Public Service Commission or the Nebraska Commission for the Hearing Impaired must review all applications to ensure that the forms have been completed, are authentic, that certification of the disability has been verified and that the following conditions have been met:

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1. An applicant shall be at least three years of age and be able to demonstrate the ability to use the equipment, for example the ability to type on a TDD or TTY.
2. An applicant must be a resident of the state of Nebraska.
3. An applicant shall reside in a household that meets the applicable income guidelines.
4. An applicant shall have been assigned a personal telephone number. If applicant is eligible in all other respects, but does not have telephone service, the applicant shall be conditionally approved until service is obtained.
5. An applicant may not reapply for assistance more than once every five years.
6. A nursing home or institutional resident shall be eligible, but only if he or she has personal telephone service.

IT IS FURTHER ORDERED that the income guidelines attached hereto as Exhibit A, and incorporated herein, shall be adopted to determine financial eligibility.

IT IS FURTHER ORDERED that vouchers will be issued to eligible recipients in an amount not to exceed \$1,000, except in the case of deaf-blind individuals, which will be issued vouchers on a case-by-case basis.

IT IS FURTHER ORDERED that the Nebraska Public Service Commission and the Nebraska Commission for the Hearing Impaired process all applications for assistance within thirty (30) days.

IT IS FURTHER ORDERED that initial costs associated with the program shall be paid by the fund; however, other costs, such as staff time will not be paid from the fund until an accurate record of the amount of time needed is documented and submitted to the Commission for consideration.

MADE AND ENTERED at Lincoln, Nebraska this 12th day of December, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

[Signature]
//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

[Signature]
Chairman

ATTEST:

[Signature]
Executive Director