

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SESSION LAW 1999-402  
SENATE BILL 547

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A TELECOMMUNICATIONS RELAY SERVICE TO ASSIST DEAF AND HEARING IMPAIRED PERSONS, INCLUDING THOSE WHO ALSO HAVE VISION IMPAIRMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-157 reads as rewritten:

"§ 62-157. ~~Dual party relay system.~~ Telecommunications relay service.

(a) Finding. – The General Assembly finds and declares that it is in the public interest to provide access to public telecommunications services for hearing impaired or speech impaired ~~persons-persons, including those who also have vision impairment,~~ and that a statewide ~~dual party telephone relay system~~ telecommunications relay service for telephone service should be established.

(a1) Definitions. – For purposes of this section:

(1) "Exchange access facility" means the access from a particular telephone subscriber's premises to the telephone system of a local exchange telephone company, and includes local exchange company-provided access lines, private branch exchange trunks, and centrex network access registers, all as defined by tariffs of telephone companies as approved by the Commission.

(2) "Local service provider" means a local exchange company, competing local provider, or telephone membership corporation.

(b) Authority to Require Surcharge. – The Commission shall require ~~local exchange companies and telephone membership corporations~~ local service providers to impose a monthly surcharge on all residential and business local exchange access facilities to fund a statewide ~~dual party telephone relay system~~ telecommunications relay service by which hearing impaired or speech impaired ~~persons-persons, including those who also have vision impairment,~~ may communicate with others by telephone. ~~For the purpose of this section, exchange access facility means the access from a particular telephone subscriber's premises to the telephone system of a local exchange telephone company. Exchange access facilities include local exchange company provided access lines, private branch exchange trunks, and centrex network access registers, all as defined by tariffs of telephone companies as approved by the Commission.~~ This surcharge, however, may not be imposed on participants in the Subscriber Line Charge Waiver Program or the Link-up Carolina Program established

by the Commission. This surcharge, and long distance revenues collected under subsection (f) of this section, are not includable in gross receipts subject to the franchise tax levied under G.S. 105-120 or the sales tax levied under G.S. 105-164.4.

(c) Initiating Petition. Specification of Surcharge. — ~~Not later than February 1, 1990, the~~ The Department of Health and Human Services shall initiate a dual party relay system—telecommunications relay service by filing a petition with the Commission requesting the system—service and detailing initial projected required funding. The Commission shall, after giving notice and an opportunity to be heard to other interested parties, set the initial monthly surcharge based upon the amount of funding necessary to implement and operate the system—service, including a reasonable margin for a reserve. The surcharge shall be identified on customer bills as a special surcharge for provision of a dual party relay system—telecommunications relay service for hearing impaired and speech impaired persons. The Commission may, upon petition of any interested party, and after giving notice and an opportunity to be heard to other interested parties, revise the surcharge from time to time if the funding requirements change. In no event shall the surcharge exceed twenty-five cents (25¢) per ~~month.~~ month for each exchange access facility.

(d) Funds to Be Deposited in Special Account. — The local ~~exchange companies and telephone membership corporations—service providers~~ shall collect the surcharge from their customers and deposit the moneys collected with the State Treasurer, who shall maintain the funds in an interest-bearing, nonreverting account. After consulting with the State Treasurer, the Commission shall direct how and when the local ~~exchange companies and telephone membership corporations—service providers~~ shall deposit these moneys. ~~The funds deposited in this account may not be used to lease or purchase telecommunications devices for hearing impaired or speech impaired persons, except those devices used by the operator of the relay system established under this section.~~ Revenues from this fund shall be available only to the Department of Health and Human Services to administer the statewide ~~dual party telephone relay system,~~ telecommunications relay service program, including its establishment, operation, and promotion. The Commission may allow the Department of Health and Human Services to use up to four cents (4¢) per access line per month of the surcharge for the purpose of providing telecommunications devices for hearing impaired or speech impaired persons, including those who also have vision impairment, through a distribution program. The Commission shall prepare such guidelines for the distribution program as it deems appropriate and in the public interest. Both the Commission and the Public Staff may audit all aspects of the telecommunications relay service program, including the distribution programs, as it does with any public utility subject to the provisions of this Chapter. Equipment paid for with surcharge revenues, as allowed by the Commission, may be distributed only by the Department of Health and Human Services.

(e) Administration of Service. — The Department of Health and Human Services shall administer the statewide ~~dual party telephone relay system,~~ telecommunications relay service program, including its establishment, operation, and promotion. The Department may contract out the provision of this service for four-year periods to one or more service providers, using the provisions of G.S. 143-129.

(f) Charge to Users. – The users of the ~~relay system~~ telecommunications relay service shall be charged their approved long distance and local rates for telephone services (including the surcharge required by this section), but no additional charges may be imposed for the use of the relay system. ~~service.~~ The local ~~exchange companies and telephone membership corporations~~ service providers shall collect revenues from the users of the relay system ~~service.~~ These revenues shall be deposited in the special fund established in subsection (d) of this section in a manner determined by the Commission after consulting with the State Treasurer. Local ~~exchange companies and telephone membership corporations~~ service providers shall be compensated for collection, inquiry, and other administrative services provided by said companies, subject to the approval of the Commission.

(g) Reporting Requirement. – The Commission shall, after consulting with the Department of Health and Human Services, develop a format and filing schedule for a comprehensive financial and operational report on the ~~dual party relay system~~ telecommunications relay service program. The Department of Health and Human Services shall thereafter prepare and file these reports as required by the Commission with the Commission and ~~Joint Legislative Utility Review Committee.~~ the Public Staff. The Department shall also be required to report to the Revenue Laws Study Committee.

(h) Power to Regulate. – The Commission shall have the same power to regulate the operation of the ~~dual party relay system~~ telecommunications relay service program as it has to regulate any public utility subject to the provisions of this Chapter."

Section 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 20th day of July, 1999.

s/ Dennis A. Wicker  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 9:34 p.m. this 5th day of August, 1999