

220 CMR: DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

220 CMR 273.00: DISTRIBUTION AND MAINTENANCE OF TELECOMMUNICATIONS DEVICES FOR THE DEAF AND SPECIALIZED CUSTOMER PREMISES EQUIPMENT TO RESIDENTIAL SUBSCRIBERS WITH DISABILITIES

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273.01: Purpose and Scope

220 CMR 273.09 provides for distribution and maintenance of telecommunications devices for the deaf and specialized customer premises equipment for residential subscribers with disabilities.

273.02: Definitions

As used in 220 CMR 273.00, except as otherwise required by the context,

Advisory committee means the Advisory Committee on Accessibility to Telephone Service for Disabled Persons. Said advisory committee shall consist of the Secretary of Human Services or his/her designee; the Commissioner of the Massachusetts Commission for the Deaf and Hard of Hearing or his/her designee; the Commissioner of the Massachusetts Rehabilitation Commission or his/her designee; the Commissioner of the Massachusetts Commission for the Blind or his/her designee; the Executive Director of the State Office for Handicapped Affairs or his/her designee; and 12 persons to be appointed by the Governor, four of whom shall be deaf persons, four of whom shall be hard of hearing persons and four of whom shall be disabled persons. The chairperson of the advisory committee shall be appointed by the Governor and shall serve in this function for a term of one year.

Certified subscriber means a person who resides in Massachusetts and has access to the telephone network at a residential premise in Massachusetts and who has been certified by the appropriate state authority as a deaf person, hard of hearing person, blind person, or disabled person.

Common carrier means a business in Massachusetts that is a provider of local exchange service to 1,000 or more subscribers.

Deaf person means a person with a severe to profound hearing loss who, in the majority of circumstances, is unable to effectively use the telephone without the assistance of TDD/TTY/SCPE and who has been certified by the Massachusetts Commission for the Deaf and Hard of Hearing as sufficiently deaf or hard of hearing to be in need of TDD/TTY/SCPE.

Department means the Massachusetts Department of Public Utilities.

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Disabled person means a person who has a physical, sensory, breathing or mental disability which substantially limits one or more major activities such as caring for him/herself, performing manual tasks, walking, seeing, hearing, learning and working, and who is unable to obtain access to the telephone network without the assistance of specialized customer premises equipment and who has been certified by the Massachusetts Commission for the Deaf and Hard of Hearing as sufficiently deaf or hard of hearing to be in need of TDD/TTY/SCPE or who has been certified by the Massachusetts Commission for the Blind as sufficiently visually impaired to be in need of SCPE or who has been certified by the Massachusetts Rehabilitation Commission as otherwise sufficiently disabled to be in need of SCPE.

Dual party TDD/TTY message relay service means a system which uses third party intervention to connect deaf, hard of hearing and speech impaired persons who use TDD/TTY equipment, with persons of normal hearing and speech by way of telephone systems.

Equipment assembly means the single configuration of TDD/TTY/SCPE made available under a common carrier's TDD/TTY equipment distribution service and SCPE distribution service to a certified subscriber. An equipment assembly may vary depending on the type of disability or disabilities for which a subscriber has been certified.

Hard of hearing person means a person with a hearing loss who, in the majority of circumstances, is unable to effectively use the telephone without the assistance of a sound amplification control on the telephone receiver or without the use of a hearing aid and a hearing aid compatible handset, and who has been certified by the Massachusetts Commission for the Deaf and Hard of Hearing as sufficiently hard of hearing to be in need of TDD/TTY/SCPE.

Local exchange service means telephone exchange lines or channels that provide local access from the premises of a subscriber in Massachusetts to the local telecommunications network to effect the transfer of information.

SCPE means specialized customer-premises equipment, such as artificial larynxes, signaling devices, amplified handsets, large number dial overlays, direct telephone dialers, telebrailles, TDD/TTY and other devices which provide access to telephone networks for people with hearing, speech, vision and/or mobility impairments.

SCPE distribution service means a system of administration and record keeping, as well as distribution, repair and replacement of SCPE for certified subscribers.

TDD/TTY means a telecommunications device for the deaf consisting of terminals that permit two-way, typed telephone conversations with or between deaf people.

TDD/TTY equipment distribution service means a system of administration and record keeping, as well as distribution, repair and replacement of TDD/TTY equipment for certified subscribers.

273.03: TDD/TTY/SCPE

(1) Every common carrier shall provide and maintain a TD/TTY equipment distribution service and an SCPE distribution service and a description of said services, agents, and/or subcontractors shall be filed with the Secretary of the Department

(2) Each common carrier shall maintain a list, catalogue or booklet describing by disability the types of TDD/TTY/SCPE that will be available under a TDD/TTY equipment distribution service and an SCPE distribution service. Said list, catalogue or booklet shall be updated on an as-needed basis and a copy filed with the Secretary of the Department.

273.04: Equipment Selection

- (1) Each common carrier shall notify its customers about the TDD/TTY equipment distribution service and the SCPE distribution service, the dual party TDD/TTY message relay service and pay telephones with sound amplification. Each common carrier's customer notification plans, as well as any significant modification of these plans, must be approved by the Department.
- (2) A certified subscriber may select only the equipment assembly identified in the common carrier's list, catalogue or booklet which is approved for his/her certified disability or disabilities. Equipment assemblies will be distributed to certified subscribers as soon as practicable by the common carrier or its authorized agents.
- (3) Any person requesting an equipment assembly must self-certify as to his/her financial eligibility, according to a schedule established by the Department.

273.05: Provision of Equipment

The common carrier shall provide an equipment assembly upon request to each certified subscriber consistent with the provisions of 220 CMR 273.09. When a certified subscriber receives an equipment assembly, he/she also shall receive information about installation and the extended warranty and instructions on how to obtain repairs directly from the manufacturer under the warranty.

273.06: Ownership of Equipment

Ownership of an equipment assembly will be transferred to the certified subscriber upon distribution and receipt by the certified subscriber. If such equipment is returned or replaced as described in 220 CMR 273.07 following, it shall become the property of the common carrier upon receipt.

273.07: Returned or Replaced Equipment

- (1) Within 30 Days of Distribution. Any equipment assembly selected by a certified subscriber may be returned within the first 30 days after receipt of the equipment, and replaced by the common carrier at no charge, provided that said equipment is not damaged, unless such damage is the result of a product defect.
- (2) After 30 Days. Any equipment assembly selected by a certified subscriber may be returned after 30 days after receipt of the equipment, and replaced by the common carrier at no charge, provided that said equipment is not damaged, if any of the following conditions are met:
  - (a) the certified subscriber provides to the common carrier written verification from the appropriate certifying agency that there is a change in the certified subscriber's disability necessitating different equipment; or
  - (b) the common carrier determines that there is a product defect; or
  - (c) the common carrier determines that the certified subscriber's equipment assembly is technologically obsolete; or
  - (d) the common carrier determines that there is a need to change the equipment due to a recall; or
  - (e) the common carrier determines that there is a need to change the equipment as a result of normal wear and tear.

273.08: Repair and Replacement of Equipment

- (1) Equipment Repair. Upon a request by a certified subscriber, the equipment assembly shall be repaired by the common carrier at no charge, provided, however, that said repair does not result from the abuse or neglect of the equipment assembly. An equipment assembly damaged as a result of abuse or neglect shall be repaired by the common carrier, with reasonable costs to be borne by the certified subscriber.

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(2) Equipment Replacement. An equipment assembly that is lost, stolen or damaged due to abuse or neglect shall be replaced by the common carrier at the incurred cost to be borne by the certified subscriber.

(3) Loaner Equipment Assembly. A certified subscriber shall be provided with a functionally equivalent loaner equipment assembly at no charge while his/her original equipment is being repaired or replaced. The loaner equipment assembly must be returned by the certified subscriber to the common carrier or its agent at the time the original equipment assembly is repaired or replaced. If the loaner equipment assembly is lost, stolen or damaged due to abuse or neglect, the certified subscriber to whom that equipment was loaned shall be responsible for the reasonable costs incurred by the common carrier to repair or replace said loaner equipment assembly, as described in 220 CMR 273.08(1) and 220 CMR 273.08(2).

273.09: Billing and Payment Standards

(1) Cost of Equipment.

(a) If the annual income of a certified subscriber in a household is less than the income threshold established by the Department, one equipment assembly shall be provided at no charge.

(b) If the annual income of a certified subscriber in a household is greater than the income threshold established by the Department, the certified subscriber shall make payments to the common carrier consistent with a schedule on file with the Department.

(c) Upon request by a common carrier or on its own initiative, the Department may change the income threshold and payment schedule established under 220 CMR 273.09(1) and 220 CMR 273.09(2).

(d) Common carriers shall file, for the Department's approval, all plans for financial self-certification, including, but not limited to, a sample self-certification form.

(2) Computation of Payment. If payment by a certified subscriber for an equipment assembly is required pursuant to 220 CMR 273.09(1), the common carrier shall notify the certified subscriber, at the time the equipment assembly is requested, of his/her right to have the charges for such equipment prorated. If requested by the certified subscriber, the common carrier shall prorate the charges for the equipment assembly in 12 equal portions, without carrying charges, to appear on each monthly bill. Each monthly bill must be paid within 30 days.

(3) Commencement of Payments. No certified subscriber shall be required to pay any part of any charge for an equipment assembly before the certified subscriber receives the first monthly bill for such equipment. A certified subscriber may be restricted from further participation in the TDD/SCPE program for failure to pay all outstanding charges for TDD/SCPE provided by and billed by the common carrier under the program.

(4) Billing Disputes. All other matters pertaining specifically to billing disputes under the TDD/SCPE program shall follow the procedures described in D.P.U. 18448 regarding right to appeal, hearings and adjudicatory proceedings. All other matters relating generally to the certified subscriber's telephone service shall be governed by D.P.U. 18448.

273.10: Pay Telephones

Each common carrier that provides coin and coinless telephone service and maintains four or more telephones shall provide and maintain a minimum of 25% of its telephones with controls for sound amplification of incoming transmission. Any person, firm, corporation or other entity that is not a common carrier that provides coin or coinless pay telephone service and maintains at least four of such telephones, shall provide and maintain a minimum of 25% of its telephones with controls for sound amplification of incoming transmission. Every common carrier shall be in compliance with the provisions of this clause on or before July 1, 1995; provided, however, that 25% of all installations of pay telephones shall, after December, 1990, include such controls for sound amplification of incoming transmissions.

273.11: Miscellaneous

- (1) Residential Telephone Directories. The common carrier shall print, in a conspicuous place in the introductory pages of all residential telephone directories furnished by the common carrier:
  - (a) a description of all residential customer rights and responsibilities under 220 CMR 273.00; and
  - (b) a general description of available TDD/TTY/SCPE.
  
- (2) Adoption of Other Practices. The common carrier may adopt such other reasonable practices governing its relations with customers as are necessary and appropriate and consistent with 220 CMR 273.00. The common carrier shall file a copy of such practices, including all revisions thereto, with the Department.
  
- (3) Advisory Committee. The advisory committee may make recommendations to the Department on all manners of policy and the operation of the TDD/TTY equipment distribution service, the SCPE distribution service, the placement of coin and coinless telephone services for disabled persons in public places and the dual party TDD/TTY message relay service.

REGULATORY AUTHORITY

220 CMR 273.00: St. 1991, c. 291, § 6.

NON-TEXT PAGE