

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2016-248-C - ORDER NO. 2016-637

SEPTEMBER 27, 2016

IN RE: Petition of the Office of Regulatory Staff        ) ORDER ADOPTING  
          Regarding the South Carolina Dual Party        ) RECOMMENDATIONS  
          Relay Program                                        )

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of the Petition of the Office of Regulatory Staff (“ORS”) pursuant to S.C. Reg. 103-825 and other applicable rules of practice and procedure of the Commission seeking Commission approval to reduce the currently effective Dual Party Relay charge of \$0.25 per exchange access line to \$0.06<sup>1</sup> effective January 1, 2017; to request the adoption of a proposed registration form for those wireless carriers and Voice over Internet Protocol (VoIP) providers that do not have a Certificate of Public Convenience and Necessity; and to request approval of the Dual Party Relay budget.

The South Carolina General Assembly established the South Carolina Dual Party Relay Program to provide telephone access to persons who are hearing or speech impaired. *See* S.C. Code Ann. § 58-9-2520(A). The South Carolina Dual Party Relay Program as outlined in S.C. Code Ann. § 58-9-2520 may include the following items:

- a. a statewide dual party relay service;

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<sup>1</sup> The charge is assessed per retail transaction for prepaid wireless sales, per exchange access line for regulated telephone utilities, per CMRS connection and per VoIP service line as set forth in Section 58-9-2535.

- b. a service provider to provide relay service that handles all intrastate calls via telecommunications devices for the deaf;
- c. a distribution system for all TTYs; and
- d. the establishment of procedures to implement and administer all aspects of the dual party relay service, the distribution of TTYs, and a funding mechanism to cover all associated costs.

The program funding areas include Real-Time Closed Captioning, Instructional Closed Captioning, SC Equipment Distribution Program (“EDP”), the SC General Assembly Closed Captioning, and Relay Service. The administration, implementation and promotion of the Dual Party Relay Service and the distribution of telecommunications devices is the responsibility of the ORS as well as the administration of the funding mechanism. The General Assembly authorized the Commission to establish the relay surcharge to fund the Dual Party Relay programs identified by the Commission. Currently, the Dual Party Relay surcharge is set at \$0.25 per business and residential telephone access line. The State Telecom Equity in Funding Act, 2016 S.C. Act 181 (the “Act”) became effective May 25, 2016, revising S.C. Code Ann. § 58-9-2530(A). This revision includes wireless carriers and VoIP providers and caps the surcharge at \$0.10 per access line. ORS recommends that the Dual Party Relay surcharge be revised to \$0.06 effective January 1, 2017.

Although the provisions of the Act may not be fully implemented prior to January 1, 2017, ORS is authorized to begin those actions necessary for implementation upon the effective date of the Act. To accomplish a smooth transition incorporating the provisions

of the Act, ORS seeks the adoption of a proposed registration form for those wireless carriers and VoIP providers which operate in the State that do not hold a Certificate of Public Convenience and Necessity from the Commission. ORS recommends the adoption of the proposed registration form, attached hereto as Order Exhibit 1, and its posting on the ORS's and the Commission's websites in order to expedite the collection of information necessary for full implementation. Beginning the process to establish a revised Dual Party Relay charge several months before the full implementation date of January 1, 2017, has the benefit of providing contributors sufficient notice of the change in the law. Wireless carriers, non-certificated VoIP providers, and prepaid wireless sellers may need to update their billing or computer systems.

ORS does not seek to alter the last approved budget of \$4.1 million. With the adoption of the \$0.06 surcharge, the projected revenue for the 2017 Fund Year (July 1, 2016 – June 30, 2017) is \$4.05 million with anticipated expenses of \$3.62 million. For the 2018 Fund Year, the projected revenue is \$4.17 million with anticipated expenses of \$3.98 million.

Additionally, the South Carolina Telephone Coalition (the "Coalition") is the only Intervenor in this matter. In its Petition to Intervene, the Coalition stated that it supports the relief requested by ORS.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over this matter pursuant to S.C. Code Ann. Section 58-9-2510, et. seq.

2. Section 58-9-2530 caps the surcharge which supports the Dual Party Relay System at ten cents on all local exchange, CMRS, and VoIP providers operating in South Carolina.

3. The purpose of the Dual Party Relay System is to provide deaf, hearing or speech impaired consumers the ability to communicate, and there is a benefit to all users of communication services in South Carolina, including not only traditional landline local exchange services, but also VoIP and wireless services.

Having reviewed the Petition, the Commission adopts ORS's recommendations to reduce the Dual Party Relay charge from \$0.25 to \$0.06 (see footnote 1); to adopt the proposed registration form for non-certificated wireless carriers and VoIP providers; and to maintain the current budget. We also believe that the scheduled hearing in this matter should be cancelled.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:**

1. The \$0.06 Dual Party Relay Charge is approved and shall be effective starting January 1, 2017.

2. The proposed registration form for CMRS and VoIP providers, attached hereto as Order Exhibit 1, is approved and shall be posted on the websites for ORS and the Commission.

3. The current approved budget of \$4.1 million shall remain unchanged.

4. The hearing in this matter is cancelled.

5. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



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Swain E. Whitfield, Chairman

ATTEST:



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Comer H. Randall, Vice Chairman

**ATTACHMENT 1**

**SOUTH CAROLINA WIRELESS AND VoIP CARRIER REGISTRATION FORM**

TYPE:  VoIP       Wireless

<u>COMPANY INFORMATION</u>	
Company Name	FEIN/SSN
Db/a/fka	Telephone #
Mailing Address	Filer FCC Form 499 ID
City, State, Zip Code	

Pursuant to the Commission's requirements, print or type company contact for the following areas:

A. Regulatory Officer (Name & Title)  
(Mailing Address)  
Telephone Number / Facsimile Number / E-mail Address

B. Dual Party Mailings (Name & Title)  
(Mailing Address)  
Telephone Number / Facsimile Number / E-mail Address

C. Universal Service Fund Mailings (Name & Title)  
(Mailing Address)  
Telephone Number / Facsimile Number / E-mail Address

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This form was completed by / Signature  
Title / Date

RETURN COMPLETED FORM TO: [registration@regstaff.sc.gov](mailto:registration@regstaff.sc.gov)