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PUBLIC UTILITY COMMISSION

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FILING CAPTION: Permanent Rulemaking Regarding Changes to Rules Governing OTAP and TDAP Programs

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RULES:

860-033-0035, 860-033-0535

AMEND: 860-033-0035

REPEAL: Temporary 860-033-0035 from PUC 7-2021

RULE TITLE: OTAP and Lifeline Benefits

NOTICE FILED DATE: 12/01/2021

RULE SUMMARY: This rule change permanently adjusts the level of Oregon Telephone Assistance Program (OTAP) support from \$7.00 to \$10.00 and replaces "call" with "contact" so Eligible Telecommunications Providers are not limited to one form of required contact from the low-income customer to activate service offered at no charge.

RULE TEXT:

(1) A residential customer qualifying for the OTAP and Lifeline benefit pays a reduced monthly rate, as established by the Commission, for broadband internet access service or basic service, or both, whether sold separately or in combination with other services, provided by an Eligible Telecommunications Provider. The monthly OTAP benefit includes:

- (a) The federal Lifeline program support in accordance with 47 C.F.R. §54.403, if available; and
 - (b) For a customer paying a monthly rate, the State of Oregon support of up to \$10.00. The customer may not receive a monthly OTAP benefit in excess of the customer's monthly rate; or
 - (c) For a customer that receives the OTAP supported service at no charge, the State of Oregon support of \$10.00. If an Eligible Telecommunications Provider that offers OTAP supported service at no charge to the low-income customer demonstrates to the Commission that it provides unlimited voice minutes for basic service and unlimited data for any broadband internet access service provided to the customer, the Commission may authorize a State of Oregon support amount up to \$10.00.
 - (d) The Commission may reduce the State of Oregon support by order of the Commission when sufficient funding is not available to sustain the current level of support.
- (2) OTAP and Lifeline benefits become effective on the date the Commission notifies the Eligible Telecommunications Provider of approval unless otherwise specified in the notice of approval.

(3) An Eligible Telecommunications Provider that offers OTAP or Lifeline supported service at no charge to the low-income customer must require the customer to contact the Eligible Telecommunications Provider to activate the OTAP or Lifeline supported service. The Eligible Telecommunications Provider must require the low-income customer to provide the last four digits of his or her social security number or Tribal identification number before activating the OTAP or Lifeline supported service.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 759, 1987 OL Ch. 290

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 759.036, 1987 OL Ch. 290

AMEND: 860-033-0535

RULE TITLE: Ownership Conditions and Liability

NOTICE FILED DATE: 12/01/2021

RULE SUMMARY: The rule change specifies the conditions with which the Telecommunication Devices Access Program (TDAP) recipient is relieved of financial liability in the one-time instance of damage or loss to equipment.

RULE TEXT:

(1) All Assistive Telecommunication Devices or Adaptive Equipment purchased by the Commission remain the property of the State of Oregon for four years from the Commission's purchase date.

(2) A recipient who received TDAP equipment when under the age of 18 must sign a new Conditions of Acceptance form within 30 calendar days after becoming 18 years of age. Similarly, if there is a change in legal guardian for an adult recipient, the new guardian must sign a Conditions of Acceptance form within 30 calendar days of the change in guardianship.

(3) The Commission will not provide an Assistive Telecommunication Device or Adaptive Equipment to an application or recipient when the applicant or recipient owes any amount of money due and payable to the Commission under the terms of an order.

(4) A recipient may trial two Assistive Telecommunication Devices or Adaptive Equipment for 60 calendar days. The recipient must return one Assistive Telecommunication Device or Adaptive Equipment to the Commission with 30 days after the end of the trial period.

(5) A recipient of an Assistive Telecommunication Device or Adaptive Equipment is responsible for the appropriate care and the costs related to the use of an Assistive Telecommunication Device or Adaptive Equipment.

(6) A recipient may not sell, lease, give away, or loan any Assistive Telecommunication Device or Adaptive Equipment. A recipient may not use any Assistive Device or Adaptive Equipment as collateral for a loan of any type or as a pledge for a pawn loan.

(7) A recipient who moves to a different address within Oregon must report the new address to the Commission within 30 calendar days of the move. Before moving out of Oregon, a recipient must return all Assistive Telecommunication Devices or Adaptive Equipment to the Commission.

(8) Except for the first instance of equipment damage or loss in sections (5), (7), (8)(a), and (8)(b) of this rule, the recipient is financially responsible for:

(a) Damage to the Assistive Telecommunication Device or Adaptive Equipment not caused by normal wear and tear, force majeure, or acts of terrorism;

(b) Loss of the Assistive Telecommunication Device or Adaptive Equipment; or

(c) Failure to comply with sections (4), (5), (6), (7), or (8) of this rule.

(9) If the Assistive Telecommunication Device or Adaptive Equipment is stolen, the recipient must notify the law enforcement agency in the jurisdiction where the theft occurred within 24 hours of the time the recipient discovers the theft. The recipient must submit a copy of the law enforcement agency report that describes the theft, includes the location, date, time of discovery and any witnesses' names, addresses, and telephone numbers to the Commission within five business days of the reported date of the theft.

(10) When the Commission receives notice that recipient is deceased, the Commission may request that the recipient's alternate contact return the Assistive Telecommunication Device or Adaptive Equipment.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 759, 1987 OL Ch. 290

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 759.036, 1987 OL Ch. 290