

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 599
HOUSE BILL 1186

AN ACT TO ESTABLISH A NORTH CAROLINA DUAL PARTY RELAY SYSTEM
TO ENSURE THAT HEARING IMPAIRED OR SPEECH IMPAIRED PERSONS
HAVE ACCESS TO BASIC TELEPHONE SERVICE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-157. Dual party relay system.

(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 and that a statewide dual party telephone relay system for telephone service should be established.

(b) Authority to Require Surcharge. The Commission shall require local exchange companies and telephone membership corporations to impose a monthly surcharge on all residential and business local exchange access facilities to fund a statewide dual party telephone relay system by which hearing impaired or speech impaired persons 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. Not later than February 1, 1990, the Department of Human Resources shall initiate a dual party relay system by filing a petition with the Commission requesting the system 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, 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. 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.

(d) Funds to be Deposited in Special Account. The local exchange companies and telephone membership corporations shall collect the surcharge from their customers and deposit the monies 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 shall deposit these monies. 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 Human Resources to administer the statewide dual party telephone relay system, including its establishment, operation, and promotion.

(e) Administration of Service. The Department of Human Resources shall administer the statewide dual party telephone relay system, 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 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. The local exchange companies and telephone membership corporations shall collect revenues from the users of the relay system for long distance services provided through the relay system. 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 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 Human Resources, develop a format and filing schedule for a comprehensive financial and operational report on the dual party relay system. The Department of Human Resources shall thereafter prepare and file these reports as required by the Commission with the Commission and Joint Legislative Utility Review Committee.

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of July, 1989.