

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of an Application of Assistive )  
Technology for Kansans for Approval to )  
Distribute Tablets as Part of the TAP Program ) Docket No. 18-ATKT-058-GIT  
and Increase the Maximum Amount of )  
Funding Available for Electronic Devices )  
Allowed as Part of the TAP Program. )

**ORDER APPROVING REQUEST FOR ENHANCEMENTS TO TAP PROGRAM**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. Assistive Technology for Kansans (ATK), the current Telecommunications Access Program (TAP) administrator, has approached Commission Staff regarding a request for enhancements to the current TAP Program for Kansas. ATK is requesting the addition of tablet technology to the current approved offerings in the TAP Program and an increase in the current funding level supported for tablets and cellular phones.

2. On August 2, 2017, the Commission Staff (Staff) submitted its Report and Recommendation, attached hereto and made a part hereof, recommending the Commission approve the addition of tablets to the list of available equipment to users of the TAP Program and increase the available funding for cellular phones and tablets to \$450 maximum, per user every four years.

3. The Kansas Commission for the Deaf and Hard of Hearing approached the Commission in January of 1996 requesting a process be established to fund and provide a

program for telecommunications devices for the disabled community. Later that year, the 1996 Telecommunications Act in HB 2728 provided for the establishment and funding of the program.

4. The Kansas Telecommunications Act (HB 2728, The Act) contains the following provision in K.S.A. 66-2002 (g):

Section 3. The Commission shall: [(g)] initiate and complete a proceeding by January 1, 1997, to establish a competitively neutral mechanism or mechanisms to fund: dual party relay services for Kansans who are speech or hearing impaired; telecommunications equipment for persons with visual impediments; and telecommunications equipment for persons with other special needs.

The Commission determined in an Order dated January 24, 1997, in Docket 194,283-U, that establishing a voucher program for telecommunications equipment for persons with visual impediments, hearing disabilities or impairments, and other special needs would be in the public interest. The Commission determined that the Kansas Telecommunications Industry Association (KTIA) should also administer the TAP equipment program through its contract with Kansas Relay Services, Inc. (KRSI). KRSI was the contracted administrator at that time for the Telephone Relay System (TRS), also known as Dual Party Relay System (DPRS).

5. The funding mechanism for TAP and the revised funding mechanism for the TRS program were established by Commission Order in Docket No. 190,492-U, dated December 27, 1996. The Commission determined that both programs would be funded by the Kansas Universal Service Fund (KUSF). The Commission Order in Docket No. 194,283-U (96-GIMT-435-MIS) determined the eligibility requirements for the TAP program, the process to order the equipment, the authorized parties required to provide a medical need assessment, and the income guidelines. The Commission authorized KRSI to establish any remaining requirements found to be necessary, such as the time limit required to obtain new replacement equipment; however, any policy changes or new policies were to be submitted to the Commission for approval.

6. The Contract with KTIA to administer the TAP and TRS programs expired on March 20, 2014. Staff negotiated a Contract extension with KTIA to administer both the TAP and TRS programs for sixty days, and the Motion was approved by Commission Order on March 20, 2014, in Docket 14-GIMT-300-GIT. The extension allowed for the transition of the programs to the new vendor. On April 18, 2014, the Order was issued designating ATK as the new TAP and TRS Administrator. The Order also directed Staff to investigate needed modifications to the program.

7. With the change in administration from KRSI to ATK, the existing procedures were reviewed and modifications were made to enhance the program. The original TAP program provided for various analog telephone instruments and external equipment (ie: buzzers, ringers, auto dialers, etc.) to work with a participant's landline telephone service. The program has been enhanced over the years as technology evolved and needs were identified for additional equipment to benefit the users. Requests for needed enhancements are provided by the program administrators considering input from the user group and the overall community.

8. On January 11, 2006, the Commission approved a requested modification to add PDAs/cellular phones to the TAP equipment list and required recipients of PDAs/cellular phones must show that they have access to 911 service and must subscribe to wireless service.

9. Under its current procedure, if a user prefers a cellular telephone set, they are required to make the purchase and sign the contract commitments, if necessary, with the vendor for the monthly service. The user then provides the proof of purchase of the hand set along with proof of a wireless monthly service account and the medical needs assessment to the TAP Administrator. The user is reimbursed up to a maximum of \$350, depending on the actual cost of the cellular telephone.

10. ATK is requesting to add computer tablets to the list of available devices for the TAP user community. According to Staff, Tablets provide beneficial applications for many of the users that cannot use or are impeded by a cellular phone due to the restrictions of a smaller screen. These restrictions are alleviated by tablets that provide larger viewing screens. The larger screen is beneficial for a deaf person who communicates via American Sign Language. The small screen of a cellular phone is limited as to the view area, making it difficult to see the signing of the person on the other end of the conversation. It also limits the user themselves as the phone has to be quite a distance away from the user to capture the signing they are performing for their portion of the conversation. A tablet also would be of benefit to those users with head trauma as the smaller sized screen can be confusing to those users with the icons located so closely together due to screen size. The tablets can also be utilized by someone with limited motor skills as different switches can be used with the tablet to allow the user to utilize eye movements or puffs of air to activate the switch to aid in their operation of the computer.

11. In order to assure users have access to emergency services, Staff recommends that, as with cellular phones, the administrator assures that these users have access to 911 and subscribe to broadband or wireless service to ensure the telecommunications capabilities can be utilized by the consumer.

12. ATK has indicated to Staff that the current funding of \$350 maximum makes the “Smart Phones” out of economic reach for many of the users. It has been eleven years since the maximum benefit was set at \$350. Staff states that it agrees with ATK that additional funding would be of benefit to cellular and tablet users. Staff recommends an increase from \$350 to \$450 per user. The program rules allow for replacement equipment no earlier than four years

after the original benefit, unless the individual's disability has progressed to the point a different device is required to meet their needs.

13. Staff estimates the \$100 increase, from \$350 per applicant to \$450, may increase the TAP equipment budget and, as a result, the Kansas Universal Service Fund expense per year, by \$2,500. The Contract for PDA/cellular phones currently sets the budget maximum amount at \$21,000 annually, but the actual average annual expense has been \$14,234 based on the years from 2014-current, when ATK assumed administration of the program. Concluding, Staff recommends that the Commission approve this request.

14. The Commission adopts Staff's analysis and recommendation of August 2, 2017, as stated in its Report and Recommendation and finds that Assistive Technology for Kansans' request for enhancements to the current TAP Program be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Assistive Technology for Kansans' request for enhancements to the Telecommunications Access Program are approved. Tablets shall be added to the list of available equipment to users of the Telecommunications Access Program and the available funding for the cellular phones and tablets shall be increased to a \$450 maximum, per user every four years.

B. Additionally, users that utilize a technology such as a tablet that does not interface with the local dial tone network are required to document they have the ability to dial 911 to access assistance in an emergency situation and subscribes to wireless or broadband service to ensure the subscriber has access to telecommunications/text messaging capabilities, as part of the Application for Telecommunications Access Program reimbursement process.

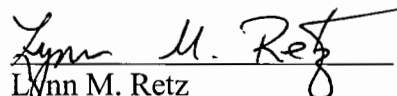
C. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529.

D. The Commission retains jurisdiction over the parties and the subject matter of this docket for the purpose of entering such further order, or orders, as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: AUG 24 2017

  
Lynn M. Retz  
Secretary to the Commission

AAL

**Order Mailed Date**

**AUG 25 2017**

## REPORT AND RECOMMENDATION

### UTILITIES DIVISION

**TO:** Chairman Pat Apple  
Commissioner Shari Feist Albrecht  
Commissioner Jay Scott Emler

**FROM:** Paula Artzer, Senior Telecommunications Analyst  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** August 2, 2017

**SUBJECT:** Docket No. 18-ATKT-058-GIT  
In the Matter of an Application of Assistive Technology for Kansans for Approval to Distribute Tablets as Part of the TAP Program and Increase the Maximum Amount of Funding Available for Electronic Devices Allowed as Part of the TAP Program.

### EXECUTIVE SUMMARY:

Assistive Technology for Kansans (ATK), the current Telecommunications Access Program (TAP) administrator has approached Commission Staff regarding a request for enhancements to the current TAP Program for Kansas. Based on ATK Staff's experience and input from the user communities they represent, ATK is requesting the addition of tablet technology to the current approved offerings in the TAP Program and an increase in the current funding level supported for tablets and cellular phones.

Staff recommends the Commission issue an Order approving the addition of tablets to the list of available equipment to users of the TAP Program and increase the available funding for cellular phones and tablets to \$450 maximum, per user every four years. Staff also recommends the Commission continue to require that a user that utilizes a technology such as a tablet that does not interface with the local dial tone network be required to assure they have the ability to dial 911 to access assistance in an emergency situation and subscribe to wireless or broadband service to ensure the subscriber has access to telecommunications/text messaging capabilities, as part of the Application for TAP reimbursement process.

## **BACKGROUND:**

### **A. Creation of TAP**

On May 17, 1996, the Kansas Telecommunications Act (HB 2728, The Act) was signed into law. It contained the following provision in K.S.A. 66-2002 (g):

Section 3. The Commission shall: [(g)] initiate and complete a proceeding by January 1, 1997, to establish a competitively neutral mechanism or mechanisms to fund: dual party relay services for Kansans who are speech or hearing impaired; telecommunications equipment for persons with visual impediments; and telecommunications equipment for persons with other special needs. This funding mechanism or mechanisms shall be implemented by March 1, 1997.

Following the passage of the Act, the Commission determined in an Order dated January 24, 1997, in Docket 194,283-U, that establishing a voucher program for telecommunications equipment for persons with visual impediments, hearing disabilities or impairments, and other special needs would be in the public interest. Thus, the TAP program was created. The Commission determined that the Kansas Telecommunications Industry Association (KTIA) should also administer the TAP equipment program through its contract with Kansas Relay Services, Inc. (KRSI). KRSI was the contracted administrator at that time for the Telephone Relay System (TRS), also known as Dual Party Relay System (DPRS).

The funding mechanism for TAP and the revised funding mechanism for the TRS program were established by Commission Order in Docket No. 190,492-U, dated December 27, 1996. The Commission determined that both programs would be funded by the Kansas Universal Service Fund (KUSF).

The Contract with KTIA to administer the TAP and TRS programs expired on March 20, 2014. Staff negotiated a Contract extension with KTIA to administer both the TAP and TRS programs for sixty days, and the Motion was approved by Commission Order on March 20, 2014, in Docket 14-GIMT-300-GIT. The extension allowed for the transition of the programs to the new vendor. On April 17, 2014, the Order was issued designating ATK as the new TAP and TRS Administrator. The Order also directed Staff to investigate needed modifications to the program.

### **B. TAP Equipment**

The Kansas Commission for the Deaf and Hard of Hearing approached the Commission in January of 1996 requesting a process be established to fund and provide a program for telecommunications devices for the disabled community. Later that year, the 1996 Telecommunications Act in HB 2728 provided for the establishment and funding of the program.

In a January 24, 1997, Order in Docket No. 194,283-U (96-GIMT-435-MIS), the Commission determined that the TAP program be established and under KRSI's oversight, the same as the TRS program. The Commission Order determined the eligibility requirements for the TAP



program, the process to order the equipment, the authorized parties required to provide a medical need assessment, and the income guidelines. The Commission authorized KRSI to establish any remaining requirements found to be necessary, such as the time limit required to obtain new replacement equipment; however, any policy changes or new policies were to be submitted to the Commission for approval.

With the change in administration from KRSI to ATK, the existing procedures were reviewed and modifications were made to enhance the program. The voucher process was eliminated as ATK was also directly ordering the equipment from the equipment vendors and it was found to be an unnecessary expense and a duplication of paperwork. ATK administers several Federal disability programs and already had a group of representatives in place representing the disabled community to provide feedback and recommendations for improvements to those programs. Many of the representatives were the same individuals that participated in the user group that had worked with KRSI in administering the TAP program. Therefore, the user group KRSI had been working with was formally disbanded and the existing user group utilized by ATK was also able to provide input to the TAP program for feedback and enhancements. Any users involved in the KRSI group but not participating in the ATK group were invited to join the ATK group going forward.

The original TAP program provided for various analog telephone instruments and external equipment (ie: buzzers, ringers, auto dialers, etc.) to work with a participant's landline telephone service. The program has been enhanced over the years as technology evolved and needs were identified for additional equipment to benefit the users. Requests for needed enhancements are provided by the program administrators considering input from the user group and the overall community.

An Order was issued on January 11, 2006, in Docket 06-KRST-250-DPR (06-250 Docket) to add additional equipment for users to benefit from in the form of a CapTel unit, to provide captioned telephone displays of conversations; Personal Digital Assistant (PDA)/cellular phone, to provide the ability to send text messages via wireless service; and video equipment. The Order indicated the video equipment could be utilized with the user's computer line as opposed to the user's "telephone service", as long as the user could ensure they could reach emergency service via 911 in an emergency. This was the first time the Commission approved equipment which did not access a true "telephone service" but also required the user to have a means of reaching emergency services via the user's local telephone service when needed. The Commission also approved the request to add PDAs/cellular phones to the TAP equipment list and required recipients of PDAs/cellular phones must show that they have access to 911 service and must subscribe to wireless service.

The KRSI Board and the user group determined that PDAs would be purchased by the individual user. The structure of the cellular providers' marketing programs required set purchase prices to be determined by the Contract commitment length for monthly wireless service. This structure did not lend itself to KRSI purchasing the hand set for the users, as a user commitment was required for monthly service in order to determine the amount and receive the discounts or rebates on the telephone hand set. When the Application for cellular phones to be added to the program was originally submitted to the Commission for approval, cellular telephones could be

acquired for \$200 to \$500 dollars after discounts and rebates then provided from the cellular carriers.<sup>1</sup> The maximum amount of \$350 per user for PDA/cellular phones was determined to be sufficient and was established by KRSI and the user group.

Currently, if a user prefers a cellular telephone set, they are required to make the purchase and sign the contract commitments, if necessary, with the vendor for the monthly service. The user then provides the proof of purchase of the hand set along with proof of a wireless monthly service account and the medical needs assessment to the TAP Administrator. The user is reimbursed up to a maximum of \$350, depending on the actual cost of the cellular telephone.

### **ANALYSIS:**

ATK is requesting to add computer tablets to the list of available devices for the TAP user community. Attachment 1 is the request letter submitted by ATK. Tablets provide beneficial applications for many of the users that cannot use or are impeded by a cellular phone due to the restrictions of a smaller screen. These restrictions are alleviated by tablets that provide larger viewing screens. The larger screen is beneficial for a deaf person who communicates via American Sign Language. The small screen of a cellular phone is limited as to the view area, making it difficult to see the signing of the person on the other end of the conversation. It also limits the user themselves as the phone has to be quite a distance away from the user to capture the signing they are performing for their portion of the conversation. A tablet also would be of benefit to those users with head trauma as the smaller sized screen can be confusing to those users with the icons located so closely together due to screen size. The tablets can also be utilized by someone with limited motor skills as different switches can be used with the tablet to allow the user to utilize eye movements or puffs of air to activate the switch to aid in their operation of the computer.

Staff agrees with ATK that there is a portion of the user community that currently is not being served by the current equipment available. Tablets would be a viable way of meeting those special needs for this group of users.

Pursuant to K.S.A. 66-2002(g), “telecommunications equipment” is to be funded for persons with visual impediments or other special needs. In determining what equipment should be provided by the TAP program, the KRSI Board followed the principle of “telecommunications functional equivalency.” That is, TAP equipment should assist in providing persons with disabilities similar access to telecommunications services that are available to persons without disabilities.

Kansas statutes do not provide a definition for “telecommunications functional equivalency” but it does define “universal service.” Universal service is defined as “telecommunications services

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<sup>1</sup> In the Matter of the Application of Kansas Relay Service, Inc. to Include CapTel service in the RFP for a Telecommunications Relay Service Agreement and, as TAP Administrator, for permission for TAP to distribute CapTEL and Text Messaging equipment, Docket No. 06-KRST-250-DPR, *Application of Kansas Relay Service, Inc. To Include CapTel Service in the RFP for a Telecommunications Relay Service Agreement and, as TAP Administrator, for Authority for TAP to Distribute CapTel and Text Messaging Equipment.* (“Application”), ¶20.

and facilities which include: single party, two-way voice grade calling; stored program controlled switching with vertical service capability; E-911 capability; tone dialing; access to operator services; access to directory assistance; and equal access to long distance services.”<sup>2</sup> Therefore, the TAP equipment list contains equipment which the KRSI Board and the Commission determined to aid in the provisioning of single party, two-way voice grade calling, stored program controlled switching with vertical service capability, E-911 capability, tone dialing, access to operator services, access to directory assistance, and equal access to long distance services.

As discussed in the 06-250 Docket, Staff noted that not all PDAs/cellular phones provide for all aspects of universal service, in particular, access to 911 services. Therefore, Staff suggested the consumer provide documentation that he/she has access to telecommunications which will provide access to emergency services. The Commission shared Staff’s concern related to access to 911 services. The Commission did not establish a minimum number of wireless minutes to which a consumer must subscribe; however, Staff was directed to work with KRSI to develop an application process that ensures that consumers who opt for PDA/cellular phones have access to emergency service and subscribe to wireless service to ensure that the text messaging capability can be utilized by the consumer.<sup>3</sup>

In order to assure users have access to emergency services, Staff recommends that, as with cellular phones, the administrator assures that these users have access to 911 and subscribe to broadband or wireless service to ensure the telecommunications capabilities can be utilized by the consumer.

In Docket 194,283-U, approved October 11, 2001, the Commission stated “KRSI should be given the authority to set voucher amounts as well as adopt a system for changing voucher amounts.”<sup>4</sup> Therefore, KRSI established the \$350 maximum for cellular phones as a result of the Commission approving the cellular equipment in Docket 06-KRST-250-DPR, approved January 11, 2006. Since that time, the pricing structure of cellular phones has changed significantly. Most cellular carriers do not provide discounts or minimal discounts for the “Smart Phones” available today and the pricing can run between \$700 and \$900 per unit. The user must provide the documentation proving the purchase of the set as part of the TAP application for reimbursement. Therefore, any discounts or rebate programs utilized are indicated on the accompanying documentation and the user is only reimbursed for the actual cost up to the \$350 maximum allowed.

ATK has indicated to Staff that the current funding of \$350 maximum makes the “Smart Phones” out of economic reach for many of the users. It has been eleven years since the maximum benefit was set at \$350. Staff agrees with ATK that additional funding would be of benefit to cellular and tablet users (if approved). Staff recommends an increase from \$350 to \$450 per user. The program rules allow for replacement equipment no earlier than four years

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<sup>2</sup> K.S.A. 66-1,187(p)

<sup>3</sup> Docket No. 06-KRST-250-DPR, January 11, 2006 Order, ¶¶ 7, 19, 25.

<sup>4</sup> See Docket 194,283-U, approved October 11, 2001, ¶61.

after the original benefit, unless the individuals disability has progressed to the point a different device is required to meet their needs.

Staff estimates the \$100 increase, from \$350 per applicant to \$450, may increase the TAP equipment budget and, as a result, the Kansas Universal Service Fund expense per year, by \$2,500. The Contract for PDA/cellular phones currently sets the budget maximum amount at \$21,000 annually, but the actual average annual expense has been \$14,234 based on the years from 2014-current, when ATK assumed administration of the program.

ATK submitted an inquiry to the national Telephone Equipment Distribution Program Association (TEDPA) asking of those member states with an equipment distribution program such as TAP, what their reimbursement program consisted of for electronic devices and if they provided tablets and/or “Smart Phones”, see Attachment 2. Twenty-four states responded. Of those twenty-four states, only two have any type of requirement on the dollar amount allowed. Texas has a maximum of \$575, and Iowa requires the user to invest \$14 of their personal funds in the purchase. All twenty-four states allow tablets and fifteen allow “Smart Phones”.

### **RECOMMENDATION:**

Staff recommends the Commission issue an Order approving the addition of tablets to the list of available equipment to users of the TAP Program and increase the available funding for the cellular phones and tablets to \$450 maximum, per user every four years. Staff also recommends the Commission continue to require a user that utilizes a technology such as a tablet that does not interface with the local dial tone network be required to document they have the ability to dial 911 to access assistance in an emergency situation and subscribes to wireless or broadband service to ensure the subscriber has access to telecommunications/text messaging capabilities, as part of the Application for TAP reimbursement process.



**Assistive  
Technology  
For  
Kansans**

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A project  
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at Parsons

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July 12, 2017

Based on our experiences of operating the TAP program for the past three years and input from consumers during the statewide public forums, we are recommending that tablets be added to the TAP inventory. Inclusion of tablets will better meet the needs of Kansas residents with disabilities. The tablet distribution model has been implemented in 24 states, see attached chart. In addition to the inclusion of tablets, consumers reported that the reimbursement rate of smartphones prohibited participation in the program and limiting their access to telecommunications. The Kansas reimbursement rate is substantially lower than the 24 states for which information is available.

Individuals who need larger onscreen keyboards, use a switch to physically activate their device, require text enlargement, or benefit from a larger image so they can more easily see signs and facial expressions need the features that tablet technology provides to access telecommunications. For example, a woman with Parkinson's who has tremors would benefit from larger operational controls and onscreen keyboard to select letters while composing a text message. An individual who is deaf and uses sign language has better understanding of his communication partner since he can see more of surrounding context. A person with limited motor skills has access to a wider variety of switches that connect to and control a tablet to independently place calls, text or use SKYPE. A young man with a head injury finds it less confusing to operate a device when the screen is less crowded. Individuals who have communication disorders and use communication software or have limited intelligibility benefit from a larger screen and access to FaceTime or SKYPE.

To meet this identified consumer need, ATK would request permission to provide tablet technologies for telecommunications purposes and to increase financial support for these mobile devices.

Respectfully submitted,

Sara Sack  
ATK Director

Sheila Simmons  
ATK Coordinator

State	Tablet	WiFi	4G	Smartphone	Pre-Loaded Apps	Tech Support	Upper Limit	Voucher
Washington	X	X			X	X	None	
Oregon	X	X			X	X	None	
Montana	X	X	X	X	X	X	None	
Utah	X	X	X	X	X	X	None	
Arizona	X	X			X	X	None	
Colorado	X	X		X			None	
New Mexico	X	X			X	X	None	
South Dakota	X	X	X	X	X	X	None	
Texas	X	X	X	X			X value \$575	
Minnesota	X	X	X	X	X	X	None	
Iowa	X	X			X	X		X \$14 copay
Missouri	X	X	X	X	X	X	None	
Arkansas	X	X	X	X	X	X	None	
Louisiana	X	X			X	X	None	
Indiana	X	X			X	X	None	
Kentucky	X	X	X	X	X	X	None	
Tennessee	X	X	X	X	X	X	None	
Rhode Island	X	X	X	X	X	X	None	
Pennsylvania	X	X	X	X	X	X	None	
Maryland	X	X			X	X	None	
Georgia	X	X		X	X	X	None	
North Dakota	X	X	X	X	X	X	None	
Wisconsin	X	X	X	X	X	X	None	

## CERTIFICATE OF SERVICE

18-ATKT-058-GIT

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on AUG 24 2017.

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## **CERTIFICATE OF SERVICE**

18-ATKT-058-GIT

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**AUG 25 2017**