

**CHAPTER 36****(HB 416)**

AN ACT relating to Telecommunications Devices for the Deaf.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 278.5499 is amended to read as follows:

- (1) The Public Service Commission shall determine the appropriate funding mechanism for the TDD distribution program established pursuant to KRS 163.525. The funding mechanism shall be designed to collect ***reasonably necessary funds, not to exceed one cent (\$.01) per access line per month***, ~~no more than two hundred thousand dollars (\$200,000) per year~~ from subscribers of telecommunication utilities. The telecommunications industry shall not be required to absorb the cost of funding the TDD distribution program.
- (2) The Public Service Commission shall distribute the funds collected from this funding mechanism to the Commission on the Deaf and Hard of Hearing for the purpose of implementing and operating the TDD distribution program. The secretary of the cabinet to which the Commission on the Deaf and Hard of Hearing is attached by statute or executive order shall establish oversight conditions with the Commission on the Deaf and Hard of Hearing to ensure the funds are being used solely for the purposes consistent with this section and KRS 163.525.
- (3) The Public Service Commission, with the advice of the Commission on the Deaf and Hard of Hearing, shall initiate an investigation, conduct public hearings, and determine the appropriate funding mechanism for the TDD distribution program no later than January 1, 1995. As part of this determination, the commission may review the funding mechanism for the telecommunications relay service pursuant to KRS 278.549. The commission shall consider whether a telecommunications utility experiences a competitive disadvantage resulting from the funding mechanism when compared to other telecommunication utilities.

**Approved March 12, 2002**