

PROJECT NO. 31864

**RULEMAKING PROCEEDING TO § PUBLIC UTILITY COMMISSION
IMPLEMENT PURA §56.301, §
REGARDING AUDIO NEWSPAPER § OF TEXAS
ASSISTANCE PROGRAM FOR BLIND §
AND VISUALLY IMPAIRED PERSONS §**

**PROPOSAL FOR PUBLICATION OF NEW §26.424
AS APPROVED AT THE FEBRUARY 23, 2006 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes new §26.424, relating to Audio Newspaper Assistance Program. The proposed new rule will establish a program that provides financial assistance from the Texas universal service fund to support a free telephone service that offers blind and visually impaired residents access to the text of newspapers using synthetic speech. Project Number 31864 is assigned to this proceeding.

Josh Robertson, Policy Analyst, Communications Industry Oversight Division, and Sean Farrell, Staff Attorney, Telecommunications Legal Section, have determined that, for each year of the first five-year period the proposed section is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Robertson and Mr. Farrell have determined that, for each year of the first five years the proposed section is in effect, the public benefit anticipated as a result of enforcing the section will be the ability for blind and visually impaired persons to access the text of newspapers that they would otherwise not be able to access. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Mr. Robertson and Mr. Farrell have also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

Comments on the proposed section may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Sixteen copies of comments to the proposed amendment are required to be filed pursuant to §22.71(c) of this title. Reply comments may be submitted within 45 days after publication. Comments should be organized in a manner consistent with the organization of the proposed section. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 31864.

This section is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2005) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, PURA §56.301, which requires the commission to establish rules to create a program to provide from the universal service fund financial assistance for a free telephone service for blind and visually impaired persons that offers the text of newspapers using synthetic speech.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002, and §56.301.

§26.424. Audio Newspaper Assistance Program.

- (a) **Purpose.** The provisions of this section establish a program providing financial assistance from the Texas universal service fund to support a free telephone service that allows blind and visually impaired persons access to the text of newspapers by using synthetic speech.
- (b) **Definitions.** The following words and terms shall have the following meanings when used in this section, unless the context clearly indicates otherwise.
- (1) **Texas Newspaper** — a serial publication that contains news on current events of special or general interest published within the state of Texas;
 - (2) **National Newspaper** — a serial publication that contains news on current events of special or general interest that is widely distributed in all fifty states;
 - (3) **Registered User** — a person who has met the eligibility criteria pursuant to subsection (e) of this section and has registered with the Audio Newspaper Program; and
 - (4) **Audio Newspaper Program (ANP) Provider** — the carrier awarded the Audio Newspaper Program contract by the commission.
- (c) **Requirements Audio Newspaper Program (ANP) Provider Must Meet.** The provider of the ANP shall meet all of the requirements listed below.

(1) **Components of ANP.**

(A) The ANP shall provide registered users the following:

- (i) access to ANP through a touch-tone phone;
- (ii) access to ANP 24 hours a day, seven days a week;
- (iii) access through a local number or through a nationwide toll-free number where local access is not available; and
- (iv) access through a personal identification number.

(B) The ANP shall make available to registered users the following call features:

- (i) complete text of each participating newspaper in the form of synthetic speech;
- (ii) menu choices and navigation features that facilitate movement through menu items or articles;
- (iii) ability to select one voice from a variety of choices and adjust the speaking rate of the selected voice;
- (iv) commands for obtaining help, searching text, and spelling text with the capacity to interrupt the presentation and return to the information being read when the help, search, or spell command is activated; and
- (v) access to customer service during regular business hours.

(C) The ANP shall also have the following additional features:

- (i) capability of providing information to determine the number of registered users; and

- (ii) capability of providing information to determine the monthly minutes of use.
- (2) **Content.** The ANP shall provide access to the contents of both Texas newspapers and National newspapers:
 - (A) **Texas Newspapers.** the ANP shall have a minimum of two Texas newspapers available to registered users; and
 - (B) **National Newspapers.** the ANP may allow registered users access to National newspapers to the extent they are available.
- (3) **Updates.** The ANP provider will update each newspaper carried as soon as practicable following the ANP's receipt of electronic files and will provide access to the current day's or most recent edition, the previous day's edition, and the current or most recent Sunday edition.
- (4) **Content Acquisition.** The ANP provider shall attempt to integrate additional Texas newspapers, including Spanish language newspapers, into the ANP. Newspapers participating in the ANP are not eligible for payment.
- (d) **Reporting Requirements.** The ANP provider shall submit the following reports to the commission every year by April 1:
 - (1) **Content Acquisition Report.** The content acquisition report shall consist of the following:
 - (A) a list of the newspapers included in the ANP and indicate those newspapers added to the ANP during the previous 12 months.;
 - (B) a list of the newspapers the ANP has attempted, but failed, to add to the ANP including for each:

- (i) date(s) the newspaper was contacted;
 - (ii) method(s) used to contact the newspaper; and
 - (iii) reason(s) why the newspaper was not added to the ANP.
 - (C) a list of the newspapers that the ANP stopped providing in the previous year, including for each:
 - (i) date the ANP stopped providing the newspaper; and
 - (ii) reason(s) why ANP stopped providing the newspaper.
 - (2) **Annual Usage Report.** The annual usage report shall consist of the following:
 - (A) the number of registered users;
 - (B) the number of registered users in the previous year; and
 - (C) the total minutes of use for all registered users.
 - (3) **Additional Reporting.** The commission may specify additional reporting requirements.
- (e) **Eligibility and Registration.**
- (1) **Eligibility.** A person will be considered eligible for the ANP if the person produces evidence satisfactory to the ANP that said person resides within the state of Texas and:
 - (A) is registered with a state or private vocational rehabilitation agency for the blind;
 - (B) is enrolled in a public school special education program for the blind or state residential school for the blind;
 - (C) is registered with the Texas State Library and Archives Talking Book Program; or

- (D) is in possession of a letter from an M.D. or a D.O. certifying that said person is legally blind or is visually impaired.
- (2) **Registration.** The ANP provider shall allow eligible persons to register for the ANP through a mailing address or a fax number.
- (3) **Records Showing Eligibility.** For each registered user, the ANP provider shall retain (a) electronic and/or photocopy records of all evidence produced to the ANP provider that satisfies the eligibility requirements described in this subsection and (b) the registered user's contact information. The ANP provider shall produce these records and contact information upon request by the commission.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 23rd DAY OF FEBRUARY 2006 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

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