

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2850
Email: publications.information@tn.gov

For Department of State Use Only
RECEIVED

2019 NOV 12 AM 10:08

T.P.U.C. BOOKET ROOM

 Sequence Number: 11-01-19

 Rule ID(s): 9208

 File Date: 11-01-19

 Effective Date: 01-30-20

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Public Utility Commission
Division:	Consumer Services
Contact Person:	Kelly Cashman-Grams, General Counsel
Address:	502 Deaderick Street, 4 th Floor
Zip:	37243
Phone:	615.770.6856
Email:	Kelly.Grams@tn.gov

Revision Type (check all that apply):

- ☒ Amendment
☐ New
☒ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1220-04-10	Rules for Collecting Contributions From Telecommunications Providers and Distributing Assistive Telecommunications Equipment to the Qualified Individuals with Disabilities
Rule Number	Rule Title
1220-04-10-.01	Definitions
1220-04-10-.02	Contributions of Providers Funding for the Tennessee Relay Services/ Telecommunications Device Access Program
1220-04-10-.03	Collection of Contributions
1220-04-10-.04	Minimum Eligibility Requirements
1220-04-10-.05	Purchase and Distribution of Assistive Devices
1220-04-10-.06	Maintenance and Repair
1220-04-10-.07	Monthly Telephone Charges
1220-04-10-.08	Confidentiality of Information and Nondiscriminatory Statement

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter title, is amended to delete the first part of the sentence so as to read, "DISTRIBUTING ASSISTIVE TELECOMMUNICATIONS EQUIPMENT TO QUALIFIED INDIVIDUALS WITH DISABILITIES"

Chapter Table of Contents is amended to read:

1220-04-10-.01 Definitions
1220-04-10-.02 Funding for the Tennessee Relay Services/Telecommunications Devices Access Program
1220-04-10-.03 Minimum Eligibility Requirements
1220-04-10-.04 Purchase and Distribution of Assistive Devices
1220-04-10-.05 Maintenance and Repair
1220-04-10-.06 Monthly Telephone Charges
1220-04-10-.07 Confidentiality of Information Nondiscriminatory Statement

Rule 1220-04-10-.01, Definitions, is amended by deleting paragraph (7) and renumbering in consecutive order the paragraphs that follow thereafter.

Authority: T.C.A. §§ 65-2-102 and 65-21-115.

Rule 1220-04-10-.02, Contributions of Providers Funding for the Tennessee Relay Services/Telecommunications Device Access Program, is amended by deleting the first part of the title, "Contributions of Providers" and deleting paragraphs (1), (4), (5), (6), and (7), and renumbering in consecutive order the paragraphs that remain to read as follows:

- (1) Contributions collected by the state emergency communications board from the telecommunication providers will fund the purchase of assistive communication devices for Tennesseans with disabilities, and other equipment that may be necessary to implement the Act, and in addition, cover the necessary administrative costs (including outreach activities) of the Commission to administer the Program.
- (2) The Commission may create a reserve fund for the Program that will not exceed one million dollars (\$1,000,000) within any given fiscal year, including the contributions for that fiscal year.

Authority: T.C.A. §§ 65-2-102 and 65-21-115.

Rule 1220-04-10-.03, Collection of Contributions, is amended by deleting the rule in its entirety and renumbering in consecutive order the rule numbers that follow.

Rule 1220-04-10-.04, Purchase and Distribution of Assistive Devices, is amended by deleting "or Link up" from subparagraph (h).

Rule 1220-04-10-.05, Purchase and Distribution of Assistive Devices, renumbered 1220-04-10-.04, is further amended by correcting the corresponding rule cross-reference in paragraph (3) to read as follows:

- (3) Assistive communication devices awarded to qualified applicants are available for their exclusive use as long as they meet the Minimum Eligibility Requirements listed in 1220-04-10-.03.

Authority: T.C.A. §§ 65-2-102 and 65-21-115.

Rule 1220-04-10-.06, Maintenance and Repair, renumbered 1220-04-10-.05, is further amended by correcting the corresponding rule cross-reference in paragraph (3) to read as follows:

- (3) It is the responsibility of the recipient to return the assistive communication devices to the repair center, as designated by the Commission, for repair. The cost of the repair, and/or coordination with the TDAP Coordinator, shall be the responsibility of the recipient. Special consideration will be given for repair cost by the Commission for recipients who have special financial needs as listed in 1220-04-10-.03(4)(a)-(h).

Authority: T.C.A. §§ 65-2-102 and 65-21-115.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chair Robin L. Morrison	X				n/a
Vice Chair Kenneth C. Hill	X				n/a
Commissioner Herbert H. Hilliard	X				n/a
Commissioner David F. Jones	X				n/a
Commissioner John A. Hie	X				n/a

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Public Utility Commission on August 12, 2019, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 05/24/19

Rulemaking Hearing(s) Conducted on: (add more dates). 07/15/19

Date: 10/15/19

Signature: Kelly Cashman-Grams

Name of Officer: Kelly Cashman-Grams

Title of Officer: General Counsel

Subscribed and sworn to before me on: 10/15/2019

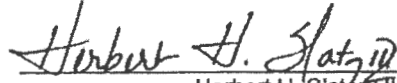
Notary Public Signature: [Signature]

My commission expires on: 3/8/2022

Agency/Board/Commission: Tennessee Public Utility Commission

Rule Chapter Number(s): 1220-04-10


All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slatery III
Attorney General and Reporter
10/24/2019
Date

Department of State Use Only

Filed with the Department of State on: 11/01/19

Effective on: 01/30/20


Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no written or oral comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not impact small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not impact local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

In 1999, the agency promulgated Rule 1220-04-10 for the purpose of developing practices and procedures for an assistive telecommunications device distribution program (aka, the Tennessee relay service/telecommunications devices access program or "TRS/TDAP"). Pub. Ch. 795 (2014), known as the "911 Funding Modernization and IP Transition Act," removed the Commission's duty to directly collect program contributions from telecommunications providers. Instead, the state emergency communications board ("911 Board") provides funding for the TRS/TDAP program. The amendments to the Rule are necessary in order to update certain references to the program's funding source and to delete outdated provisions related to the Commission's collection of contributions from telecommunications providers.

Other than formatting and corrections to certain cross-references, the amendments primarily consist of: 1) In 1220-04-10.01, Definitions, paragraph (7) "Link Up" is deleted as this service is no longer available; 2) In 1220-04-10.02, concerning funding of the program, paragraphs (1), (4), (5), (6), and (7) are deleted, and the remaining paragraphs are renumbered and updated to reflect that the state emergency communications board provides the program funding, consistent with T.C.A. 65-21-115(a); and, 3) 1220-04-10.03 related to the Commission's collection of contributions is deleted in its entirety. Considering these changes, the title and table of contents of this rule chapter has also been amended.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Tenn. Code Ann. § 65-21-115(e),
Funding for Tennessee Relay Services/Telecommunications Devices Access Program

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Telecommunications providers and State Emergency Communications Board (911 Board). Affected persons have not urged adoption or rejection of the amendments to the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None identified.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No fiscal impact.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Kelly Cashman-Grams, General Counsel
Lisa Cooper, Director Consumer Services

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Same as above

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Kelly Cashman-Grams, General Counsel – 615-770-6856; Kelly.Grams@tn.gov;
Lisa Cooper, Director Consumer Services – 615-770-6868; Lisa.Cooper@tn.gov;
Andrew Jackson State Office Bldg., 502 Deaderick Street, 4th Floor, Nashville, TN 37243

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

MEMORANDUM

From: Kelly Cashman Grams, General Counsel

RE: Public Hearing Comments
Rulemaking 1220-04-10
TPUC Docket No. 19-00013

Date: August 27, 2019

The Tennessee Public Utility Commission filed its Notice of Rulemaking Hearing with the Secretary of State on May 24, 2019, and held a rulemaking hearing on the proposed new rule on July 15, 2019. During the rulemaking hearing, no one came forward to be heard concerning the rule. Despite leaving the docket file open for an extended period of time following the hearing, no written comments were filed in the docket file.

ECONOMIC IMPACT STATEMENT
(Tenn. Code Ann. §4-33-104)

(b) The economic impact statement shall include the following information:

(1) A description of the action proposed, the purpose of the action, the legal authority for the action and the plan for implementing the action;

In 1999, the agency promulgated Rule 1220-04-10 for the purpose of developing practices and procedures for an assistive telecommunications device distribution program (aka, the Tennessee relay service/telecommunications devices access program or "TRS/TDAP"). Pub. Ch. 795 (2014), known as the "911 Funding Modernization and IP Transition Act," removed the Commission's duty to directly collect program contributions from telecommunications providers. Instead, the state emergency communications board ("911 Board") provides funding for the TRS/TDAP program.

The purpose of these amendments to the Rule is to update certain references to the program's funding source and to delete outdated provisions related to the Commission's collection of contributions from telecommunications providers. The Rule does not change the existing business practices of the agency or impose new requirements upon stakeholders. It is an administrative action to bring the agency's rules in alignment with its responsibilities after the passage of the 911 Funding Modernization and IP Transition Act.

(2) A determination that the action is the least-cost method for achieving the stated purpose;

The proposed rule does not impose additional costs on a stakeholder group or the agency.

(3) A comparison of the cost-benefit relation of the action to nonaction;

The proposed rule does not impose additional costs on a stakeholder group or the agency.

(4) A determination that the action represents the most efficient allocation of public and private resources;

The proposed rule does not impose additional costs on a stakeholder group or the agency.

(5) A determination of the effect of the action on competition;

The proposed rule does not impose additional costs on a stakeholder group or the agency. The proposed rule will not impact the competitiveness of stakeholder groups.

(6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur;

The proposed rule does not impose additional costs on a stakeholder group or the agency. The proposed rule will not impact the cost of living in the state.

(7) A determination of the effect of the action on employment in the geographical area in which the action would occur;

The proposed rule does not impose additional costs on a stakeholder group or the agency. The proposed rule will not impact employment in the state.

(8) The source of revenue to be used for the action;

No revenue is required to implement these Rules.

(9) A conclusion as to the economic impact upon all persons substantially affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.

These rules will not impose an undue economic impact on any stakeholder group.

RULES
OF
TENNESSEE PUBLIC UTILITY COMMISSION

CHAPTER 1220-04-10
RULES FOR COLLECTING CONTRIBUTIONS FROM TELECOMMUNICATIONS PROVIDERS AND
DISTRIBUTING ASSISTIVE TELECOMMUNICATIONS EQUIPMENT TO THE QUALIFIED
INDIVIDUALS WITH DISABILITIES

TABLE OF CONTENTS

1220-04-10-.01	Definitions	1220-04-10-.0605	Maintenance and Repair
1220-04-10-.02	Contributions of Providers Funding for the Tennessee Relay Services/ Telecommunications Devices Access Program	1220-04-10-.0706	Monthly Telephone Charges
1220-04-10-.03	Collection of Contributions	1220-04-10-.0807	Confidentiality of Information
1220-04-10-.0403	Minimum Eligibility Requirements		Nondiscriminatory Statement
1220-04-10-.0504	Purchase and Distribution of Assistive Devices		

1220-04-10-.01 DEFINITIONS.

- (1) "Act" refers to Chapter 417 of the Public Acts of 1999, now codified at Tenn. Code Ann. § 65-21-115.
- (2) "Applicant" means a person who applies to the Tennessee Public Utility Commission for a device to assist with communication through the basic telephone network.
- (3) "Qualified Applicant" is a person that because of a disability cannot use the basic telephone network effectively without the use of an assistive communications device.
- (4) "Assistive Communication Device" means special equipment that permits individuals who have a disability to communicate effectively over the telephone network.
- (5) "Commission" means the Tennessee Public Utility Commission.
- (6) "Lifeline" means a telephone assistance program that reduces the monthly telephone charges for qualified persons.
- ~~(7) "Link-up" means a telephone assistance program that reduces the non-recurring cost of installing telephone service for qualified persons.~~
- ~~(8)~~(7) "Provider" means a telecommunications service provider or a competing telecommunications provider as defined by Tenn. Code Ann. § 65-4-101 whose annual intra-state gross receipts are greater than five million dollars (\$5,000,000).
- ~~(9)~~(8) "Recipient" means the person whose application for an assistive communications device has been granted by the Commission.
- ~~(10)~~(9) "TDAP" or "Program" refers to the Telecommunications Devices Access Program administered by the Tennessee Public Utility Commission.
- ~~(11)~~(10) "TDAP Coordinator" refers to the individual employed by the Commission to manage the Program.

Authority: T.C.A. §§ 65-2-102 and 65-21-115. **Administrative History:** Original rule filed November 22, 1999; effective February 5, 2000. Amendment filed February 24, 2000; effective May 9, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to

"Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-10-.02 CONTRIBUTIONS OF PROVIDERS FUNDING FOR THE TENNESSEE RELAY SERVICES/TELECOMMUNICATIONS DEVICES ACCESS PROGRAM.

- ~~(1) Providers shall make contributions to the TDAP in proportion to each Provider's share of the total intra-state gross receipts of all Providers for the most recent calendar year.~~
- ~~(2)(1) Contributions collected by the state emergency communications board from the telecommunication providers for the TDAP will fund the purchase of assistive communication devices for Tennesseans with disabilities, and other equipment that may be necessary to implement the Act, and in addition, cover the necessary administrative costs (including outreach activities) of the Commission to administer the Program.~~
- ~~(3)(2) The Commission shall may create a reserve fund for the Program that will not exceed one million dollars (\$1,000,000) within any given fiscal year, including the contributions for that fiscal year.~~
- ~~(4) For the purposes of this Chapter, the intra-state gross receipts of the Providers shall be those reported on Form UD-16 "Statement of Gross Earnings and Computation of Inspection Fee" filed with the Commission on or before April 1 of each year.~~
- ~~(5) On or before May 1 of each year, the Commission shall calculate a contribution factor to apply to the intra-state gross receipts of each Provider to generate total contributions of no more than seven hundred and fifty thousand dollars (\$750,000) per fiscal year from all Providers.~~
- ~~(6) Pursuant to the provisions of the Act, the Providers are prohibited from line itemizing on its end-users telephone bills any prorata contribution of the Provider's contributions to the TDAP.~~
- ~~(7) Contributions by Providers to the TDAP are not recoverable from the Commission's Universal Service Fund.~~

Authority: T.C.A. §§ 65-2-102 and 65-21-115. Administrative History: Original rule filed November 22, 1999; effective February 5, 2000. Amendment filed February 24, 2000; effective May 9, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-10-.03 COLLECTION OF CONTRIBUTIONS

- ~~(1) Forms designed by the Commission for the remittance of contributions to the Program shall be mailed to each Provider by May 15 of each year. Each Provider shall submit its contribution to the Commission by June 15 of each year.~~
- ~~(2) Providers failing to submit contributions, or submitting late, may be subject to penalties under Tenn. Code Ann. §§ 65-4-116 and 65-4-120.~~
- ~~(3) Contributions when collected shall be deposited in the state treasury in the special fund created for the Program.~~

Authority: T.C.A. §§ 65-2-102 and 65-21-115. Administrative History: Original rule filed November 22, 1999; effective February 5, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of

~~2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

1220-04-10-.0403 MINIMUM ELIGIBILITY REQUIREMENTS.

- (1) All applicants must be residents of the State of Tennessee.
- (2) A qualified applicant shall have a disability, as verified by a care giver licensed to practice in the state of Tennessee, such that the person cannot use the basic telephone network effectively without the use of an assistive communication device.
- (3) Only one assistive communication device per household will be awarded through the Program unless there are persons in the same household with different adaptive needs. The TDAP Coordinator may then determine the need for more than one assistive communication device.
- (4) Because the demand for assistive communication devices may exceed the supply, the Commission will award the assistive communication devices on a first come basis. Priority, however, will be given to those applicants with the greatest physical and financial and/or social need. Such factors as described below shall be used to evaluate an applicant's physical, financial and social need for the assistive communication devices:
 - (a) The receiving of federal or state public assistance (i.e., Temporary Assistance to Needy Families (TANF), Medicaid, Food Stamps, Supplemental Security Income (SSI), Federal Housing/Section 8 or Low Income Heating, etc.);
 - (b) Applicants whose total gross family income is less than 125 percent of the Federal Poverty Guidelines;
 - (c) The presence of any serious physical, medical, and/or cognitive condition, as verified by a care giver licensed to practice in Tennessee, that may present a life threatening situation (i.e., heart condition, stroke, severe depression, epilepsy, etc.);
 - (d) A qualified applicant living alone;
 - (e) Applicants who are under the age of 18 years who are able to use assistive communication devices for at least emergency purposes and who are frequently left in charge of the household or alone;
 - (f) A living situation where there is more than one person requiring an assistive communication device;
 - (g) Other unique circumstances deserving of special consideration that do not meet the above factors; and
 - (h) Applicants who meet the federal and/or state qualifications for the Lifeline or Link-up Telephone Assistance Programs.

(Rule 1220-04-10-.0403,

- (5) The Commission may request all necessary documentation needed to confirm information provided by applicants. This documentation may include, but not be limited to, medical statements, copies of the applicant's federal income tax returns, evidence of public assistance eligibility and any other documentation needed to ensure the applicant meets the requirements as specified in the Act and this Chapter.
- (6) Applicants must confirm in their application their ability to utilize an assistive communication device effectively. For those applicants that are not qualified in the use of such equipment, the TDAP Coordinator will provide applicants with information about qualified training.
- (7) The Commission shall furnish application forms to be completed by the applicant or his/her authorized representative.

Authority: T.C.A. §§ 65-2-102 and 65-21-115. **Administrative History:** Original rule filed November 22, 1999; effective February 5, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-10-.0504 PURCHASE AND DISTRIBUTION OF ASSISTIVE DEVICES.

- (1) The Commission will purchase assistive communication devices under a state contract.
- (2) The TDAP Coordinator shall evaluate applications for assistive communication devices and shall award such equipment only to those applicants who meet the requisite requirements listed in this Chapter. Applicants who fail to qualify shall be notified by U.S. Registered Mail of the reasons for denial. Upon such notification, an applicant may request, in writing, directed to the Director of Consumer Services, an informal conference to reconsider the denial. If the proposed solution is not satisfactory to the applicant, the applicant may file a petition for review with the Commission in accordance with Chapter 1220-01-01.
- (3) Assistive communication devices awarded to qualified applicants are available for their exclusive use as long as they meet the Minimum Eligibility Requirements listed in 1220-04-10-.0403.
- (4) The recipient must return the assistive communication devices if any of the following conditions occur:
 - (a) The recipient moves from the state;
 - (b) The recipient loses telephone service permanently;
 - (c) The recipient abuses the assistive communication device;
 - (d) The recipient is found to be using the device for illegal purposes;
 - (e) The recipient no longer requires the device.
- (5) Equipment may be exchanged if a different device becomes necessary because of a change in access needs.

(Rule 1220-04-10-.0604, continued)

- (6) Stolen or damaged equipment may be replaced. The applicant must provide copies of the appropriate documentation, such as fire department and/or police department reports.

Authority: T.C.A. §§ 65-2-102 and 65-21-115. **Administrative History:** Original rule filed November 22, 1999; effective February 5, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-10-.0605 MAINTENANCE AND REPAIR.

- (1) If the assistive communication device is in need of repair, the recipient shall notify the Commission to determine if loaner equipment is available and whether he/she qualifies for such equipment.
 - (a) Recipients will not qualify for loaner equipment if it is determined that the original device was damaged as the result of negligence or abuse.
 - (b) In order to qualify for loaner equipment, recipients must contact the TDAP Coordinator and provide some evidence that they will pay for the repair cost of their assistive communication devices.
- (2) The Commission shall maintain a list of locations where assistive communication devices can be repaired. The Commission shall make the final determination as to where the assistive communication devices are repaired.
- (3) It is the responsibility of the recipient to return the assistive communication devices to the repair center, as designated by the Commission, for repair. The cost of the repair, and/or coordination with the TDAP Coordinator, shall be the responsibility of the recipient. Special consideration will be given for repair cost by the Commission for recipients who have special financial needs as listed in 1220-04-10-.04(4)(a)-(h)-~~03(4)(a)-(eh)~~.
- (4) It is the responsibility of the recipient to purchase miscellaneous items, such as paper rolls, for the operation of the assistive communication devices.

Authority: T.C.A. §§ 65-2-102 and 65-21-115. **Administrative History:** Original rule filed November 22, 1999; effective February 5, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-10-.0706 MONTHLY TELEPHONE CHARGES.

- (1) The recipient is responsible for all charges for local and long distance telephone service and any other service charges from the telephone company.

Authority: T.C.A. §§ 65-2-102 and 65-21-115. **Administrative History:** Original rule filed November 22, 1999; effective February 5, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility

(Rule 1220-04-10-.07, continued)

Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-10-.0807 CONFIDENTIALITY OF INFORMATION AND NONDISCRIMINATORY STATEMENT.

- (1) All information obtained by the Commission from applicants shall be kept confidential and will not be released to any person or entity without the express approval of the applicant unless such information is necessary for the preparation of reports or audits required under state law.
- (2) Services for the TDAP are provided on a nondiscriminatory basis in compliance with Title VI of the Civil Rights Act of 1964, as amended, Section 602 of the Individuals with Disabilities Education Act of 1997, Title II of the Americans with Disabilities Act of 1990 and Title V of the Vocational Rehabilitation Act of 1973 and its amendments.

Authority: T.C.A. §§ 65-2-102 and 65-21-115. **Administrative History:** Original rule filed November 22, 1999; effective February 5, 2000. Repeal and new rule filed December 5, 2006; effective February 18, 2007. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."