

ATTACHMENT B

CHARTER of the EQUIPMENT PROGRAM ADVISORY COMMITTEE

[As revised by D.04-__ - __]

1. ARTICLE ONE: NAME

1.1 Name: The name of this committee shall be the Equipment Program Advisory Committee (Committee or EPAC).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Committee: The EPAC, an advisory committee of the Deaf and Disabled Telecommunications Program, serves in an advisory capacity to the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC) in connection with equipment programs mandated by Sections 2881, 2881.1, and 2881.2 of the Public Utilities Code for providing telecommunications access for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information, and to recommend and update, as new technology is developed, a standard equipment list for the programs, to develop procedures for evaluating new products, and to make recommendations for priorities in TTY placement in existing buildings and public accommodations pursuant to Public Utilities Code section 2881.2, and for policy changes with respect to the quality of both equipment distribution, placement, and service provision.

3. ARTICLE THREE: MEMBERSHIP AND NON-VOTING LIAISONS

3.1 Members. The EPAC shall be composed of five voting members.

3.1.1 Voting Members: Voting members shall include the following: one from the hard-of-hearing community, two from the disabled community, one from the deaf community, and one from the senior citizen community. The EPAC may, at its discretion, expand the number of voting members to include other significant disability groups that it deems to deserve membership. The total number of voting

members shall not exceed seven. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional EPAC members. If the Executive Director determines that current funding is not adequate, the expansion of the committee membership will be deferred to the next budget cycle.

3.1.2 Non-voting Liaisons. The non-voting liaisons shall consist of the California Public Utilities Commission's (CPUC or Commission) Deaf and Disabled Telecommunications Program liaison from the Telecommunications Division, one representative of a California Relay Service provider, three representatives from telecommunications exchange carriers or vendors to the DDTP, one representative of the payphone industry who is also a member of the Payphone Service Providers Committee, and a representative from the Primary Service Provider (PSP). The Primary Service Provider is the contractor chosen to operate and manage the DDTP program. The TD liaison shall report on future plans for the DDTP program at each committee meeting, and solicit input as appropriate.

3.1.3 The non-voting liaisons are to attend the meetings, as long as their contracts require attendance, but their attendance shall not be counted in determining whether a quorum is present. The members of EPAC may determine that they do not need input from specific utility or vendor non-voting liaisons. The EPAC shall notify those entities in writing that they are not obliged to attend EPAC meetings.

3.2 Selection of Members. Potential members of the Committee shall be nominated by the organizations or constituencies they are to represent. EPAC shall review the nominees and forward its selection to the TADDAC for approval. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the EPAC.

3.3 Qualifications of Members. In general, members shall have professional or technical expertise sufficient to enable them to be conversant with the responsibilities of the EPAC. Consumer members should be able to demonstrate organizational or other ties to the constituency they represent and, in addition, they should not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and

Disabled Telecommunications Program, consistent with the Disclosure and Conflict of Interest Policy attached to this charter.

3.4 Term of Appointment. The current members of the EPAC will be grandfathered to the board of the new EPAC. The members will serve out their remaining terms, which are staggered. A current list of member position expiration dates is attached. If any current members are unable to serve out the remainder of their terms, a replacement will be selected to fill the vacancy. Thereafter, members will be appointed for four-year terms. At least one voting member shall be in each group of nominees annually. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a member is ineligible to serve another term, including serving as a proxy, until that individual has been off the committee for one full term. After a hiatus of at least one full term, an individual will be eligible for nomination. A member of one DDTP committee who has served two consecutive full terms on that committee may be nominated to serve on a different DDTP committee after a two year hiatus from any DDTP committee membership.

A member shall hold office until a successor has been appointed and has assumed office or until the member has been removed in accordance with Paragraph 3.5 or has resigned in accordance with Paragraph 3.6. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which his or her membership is based, the member's appointment shall terminate as of the date that affiliation ceases.

3.5 Removal. Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures adopted by the Executive Director. Also, two-thirds of the EPAC members present and voting may vote to remove a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not include any policy position taken by the member as a member of the committee. Final authority to remove a member at EPAC's recommendation rests with the TADDAC. Members who fail to attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for

resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

3.6 Resignation. Any member who wants to resign should give thirty (30) days written notice to the then-acting chair of the Committee. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

3.7 Vacancies. The organization or constituency whose seat is vacated shall nominate an individual to fill that vacancy, and the EPAC shall make a recommendation of the individual to fill that vacancy. Final selection shall be made by the TADDAC according to the process in Section 3.2. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

3.8 Indemnification. Members of the EPAC who are not Commission staff are uncompensated servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, the State will indemnify Committee members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the EPAC, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The DDTP budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Committee members for acts done within the course the scope of services performed for the EPAC, to the extent that such activities are held not to be indemnified by the State under Gov. Code §§ 810.2, 825-825.6 and/or 995-996.6.

3.9 Expenses and Per Diem. Members of the EPAC who are not employees of utilities, the Commission, or other governmental agencies of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). Per diem and expenses are authorized for meetings EPAC members attend at the request of the Telecommunications Director. The per diem shall be \$300 for each day of meetings attended by the eligible members or \$200 if the meeting lasts for less than approximately two hours. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection

with service on the Committee, in conformance with Commission rules and regulations. Travel expenses will be reimbursed at the same rates as provided for Commission management employees, as outlined in Standard Form 262. Committee members who do not have internet access through the organization they represent will be reimbursed for basic internet access.

There shall be no per diem for preparation work. For each EPAC member who is an employee of a governmental agency of the State of California, trade association or consumer group, payments for per diem and expense reimbursement related to the member's participation in the EPAC shall go to the member's employer unless the member can show justification for receiving these monies directly.

Eligible Committee members must seek reimbursement of expenses and per diem through the state's Travel Expense Claim (TEC) process. Completed TECs must be submitted to the Commission's Telecommunications Division for review. The director of the Telecommunications Division will assign a designated staff member to review, and if appropriate, approve payment.

Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the EPAC.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties: The EPAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the TADDAC.

- a) Develop a Standard List of Telecommunication Devices for the program (hereafter referred to as the List);
- b) Upon development of the first List, transmit it to the TADDAC for approval and submission to the Commission, and thereafter, in compliance with following paragraphs C. and D., amend the List and transmit it for approval;
- c) Review and update the List, at least three times each year, taking into consideration new technology and advances in science and engineering;

- d) Establish detailed written operating procedures for new product consideration, which will include field trial, engineering evaluation, review of cost-effectiveness, and basis for recommendations for adding any new product to the List.
- e) Assess the feasibility of new program initiatives and improvements;
- f) Provide representation on any specially created Task Force.
- g) Recommend priorities for TTY placement in existing buildings and public accommodations pursuant to Public Utilities Code section 2881.2.
- h) Provide policy recommendations relating to both equipment and service quality in the equipment distribution and placement programs to the TADDAC;
- i) Perform other activities necessary and appropriate to accomplish the purpose and responsibilities of the EPAC.
- j) Perform other functions and duties, as may be directed by the TADDAC or the CPUC

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The EPAC shall act only in the course of a duly noticed meeting. The Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than once per month. Additionally, each February a meeting of TADDAC, the California Relay Service Advisory Committee and the EPAC will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP offices. Notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief, general description of the business to be transacted and shall highlight important

pending decisions, including those to be sent to the TADDAC as recommendations or notification. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

5.2 Open Meetings. All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act. A copy of the Act shall be given to all existing and new members of the Committee. All meetings shall be conducted pursuant to Robert's Rules of Order, 10th Edition (Year 2000) and in accordance with Government Code Sections 1120ff.

5.3 Quorum. A majority of the members of the Committee shall constitute a quorum for the transaction of business. No action shall be taken at any meeting unless a quorum is present. Each voting member shall have one vote, and the Committee may take action by vote of a majority of members present and voting at a meeting at which a quorum is present. A majority of the members present at meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

5.4 Proxies. A member may be represented at any meeting by oral or written authorization by that member to the chair, naming a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting, and must be given orally or in writing before the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. By traditional Committee practice, it is expected that proxies be from the same representative group as the member.

5.5 Public Participation. The EPAC shall provide an opportunity for members of the public to address the Committee directly on each agenda item before or during the Committee's discussion or consideration of the item.

5.6 Records. The Primary Service Provider liaison shall ensure that written minutes are taken of EPAC meetings. Written minutes of each meeting shall: (a) identify the date, time, and place of the meeting; (b) identify the Committee members and non-

voting liaisons in attendance, and (c) contain a summary. Draft minutes shall be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes shall be provided to the Commission or any interested party upon request.

5.7 Copies. Copies of the Committee's public documents that are subject to the Public Records act may be requested from the Committee and the Committee shall provide them within a reasonable time.

6. ARTICLE SIX: OFFICERS

6.1 Two Officers. The EPAC shall have two officers, a Chair and a Vice-Chair, both of whom shall be members of the Committee. The officers shall be elected by the members of the Committee to serve a term of one year, and they may be re-elected. An officer shall continue to hold office until a successor has been elected and assumed office. However, if an officer ceases to be the designated representative of a class or entity as described in Paragraph 3.3, the officer's appointment shall terminate upon the date that the officer's affiliation ceases.

6.2 Duties. The Chair shall be the executive officer and shall be responsible for the general supervision and direction of the affairs of the Committee. The Chair shall preside at all meetings of the Committee. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the Committee may appoint a Chair Pro-Tem for that meeting. The officers shall perform such other duties as from time to time may be prescribed by the Committee, with the assistance of the Telecommunications Division liaison, as needed.

7. ARTICLE SEVEN: EFFECTIVE DATE AND AMENDMENTS

7.1 Effective Date. This Charter shall become effective on July 1, 2003 if approved by the Commission before that date. If not approved by the Commission by July 1, 2003, the Charter shall become effective on the date it is approved by the Commission.

7.2 Amendments. This Charter may be amended by vote of the two-thirds of the members of the EPAC and approval of the proposed amendment by the TADDAC.

The TADDAC will then submit the amendment to the Commission for approval. No amendment shall be effective unless and until the amendment has been approved by the Commission. This Charter is subject to amendment, termination or revocation at any time by order of the Commission, after public notice and an opportunity for public participation.

8. ARTICLE EIGHT: LIMITATION ON POWER AND AUTHORITY

8.1 While the EPAC shall have the power and authority to function consistent with this Charter, and in particular, to carry out the duties and responsibilities specified in Article Four of this Charter, it shall not have the authority to direct telecommunications carriers to act or refrain from acting. Such authority shall remain solely with the Commission.

8.2 The members of the EPAC in the performance of their duties and in the actions taken by the Committee shall at all times be subject to the direction, control and approval of the Commission.

This Charter is hereby modified in response to R.03-03-014 issued March 13, 2003 and is executed on _____.

Member _____
Member _____
Member _____
Member _____
Member _____

Charter Attachment

Equipment Program Advisory Committee

Current Membership Term Expiration Dates

Disabled Community
Term Expires October 2003

Disabled Community
Term Expires October 2004

Senior Citizen Community
Term Expires October 2004

Deaf Community
Term Expires October 2003

Hard of Hearing Community
Term Expires October 2005

Non-Voting Liaisons

California Public Utilities Commission
Telecommunications Division Liaison

DDTP Primary Service Provider

One CRS service provider

Three representatives from telecommunications exchange carriers
or telecommunications-related vendors to DDTP

ATTACHMENT C

O R D E R

IT IS ORDERED that:

1. The advisory board charters for the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC), the California Relay Service Advisory Committee, and the Equipment Program Advisory Committee, which are all appended to D.03-06-070 as Appendix A, are adopted. The effective date of each of these charters shall be July 1, 2003.

2. The amendments to the advisory board charters for the TADDAC and the Equipment Program Advisory Committee, appended to this decision as Attachments A and B, are adopted and shall take effect 30 days from the effective date of this decision.

3. If the committees vote to add any additional members, the TADDAC shall send written notification to the Commission's Executive Director. The TADDAC shall request that the Executive Director determine if there is adequate program funding to support per diem and expenses for additional members. If the Executive Director determines that current funding is not adequate, the expansion of the committee membership shall be deferred to the next budget cycle.

1. TADDAC is authorized to ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for a second EPAC member representing the deaf community.

2. The Telecommunications Division shall ensure that all future contracts with entities involved in the Deaf and Disabled Telecommunications program shall include the requirement that the entity serve as a non-voting liaison, as specified in the charters adopted for the various committees.

3. The payment schedule for Deaf and Disabled Telecommunications Program-related invoices, as shown in Appendix B to D.03-06-070, is adopted.

4. This proceeding is closed.