

Appendix J:
Copies of Legislation or
Other Establishing TRS in the State

Below is legislation enacted by the State of Ohio's 118th General Assembly and, on December 26, 1990, signed into law by the Governor, which gave the Public Utilities Commission of Ohio the authority to investigate various programs for Ohioans with communication disabilities and to establish an intrastate TRS. In addition, the legislation provided funding for these programs through a gross receipts tax credit.

(Substitute House Bill Number 254)

AN ACT

To amend section 4905.99 and to enact sections 4905.76, 4905.77, 4905.78, 4905.79, 4905.84, 4905.85, 4909.50, 5727.43, and 5727.44 of the Revised Code to establish a lifeline telephone service program for certain low-income customers, to create tax credits to fund that program and any future telephone service programs for the communicatively impaired, to create the Communicatively Impaired Program Advisory Board, and to eliminate the lifeline telephone service program and the Communicatively Impaired Program Advisory Board on January 1, 1996, by repealing sections 4905.76, 4905.77, 4905.78, 4905.84, 4905.85, 4909.50, and 5727.43 of the Revised Code on that date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4905.99 be amended and sections 4905.76, 4905.77, 4905.78, 4905.79, 4905.84, 4905.85, 4909.50, 5727.43, and 5727.44 of the Revised Code be enacted to read as follows:

Sec. 4905.76. (A) THIS SECTION APPLIES TO ANY TELEPHONE COMPANY THAT PROVIDES RESIDENTIAL BASIC LOCAL EXCHANGE TELEPHONE SERVICE THROUGH WIRE LINES, UNLESS IT OFFERS RESIDENTIAL BASIC LOCAL EXCHANGE, SINGLE-PARTY, FLAT RATE, UNLIMITED CALLING TELEPHONE SERVICE, INCLUDING ACCESS AND LOCAL USAGE, FOR TEN DOLLARS OR LESS PER MONTH.

(B) UPON APPLICATION BY A RESIDENTIAL CUSTOMER WHO IS ELIGIBLE UNDER SECTION 4905.77 OF THE REVISED CODE, A TELEPHONE COMPANY SHALL PROVIDE TO THE CUSTOMER A USAGE SENSITIVE BASIC LOCAL EXCHANGE, SINGLE-PARTY TELEPHONE SERVICE THAT THE COMPANY OFFERS IN THE CUSTOMER'S SERVICE AREA. IF THE COMPANY IN OFFERS MORE THAN ONE TYPE OF USAGE SENSITIVE BASIC

LOCAL EXCHANGE, SINGLE-PARTY TELEPHONE SERVICE IN THE SERVICE AREA, THE CUSTOMER MAY CHOOSE THE SERVICE AREA, IF THE COMPANY OFFERS NO USAGE SENSITIVE BASIC LOCAL EXCHANGE, SINGLE-PARTY TELEPHONE SERVICE IN THE SERVICE AREA, IT SHALL PROVIDE TO THE CUSTOMER THE LEAST EXPENSIVE BASIC LOCAL EXCHANGE, SINGLEPARTY TELEPHONE SERVICE IT OFFERS IN THE SERVICE AREA.

TELEPHONE SERVICE PROVIDED UNDER THIS SECTION IS LIMITED TO ONE ACCESS LINE PER HOUSEHOLD.

A TELEPHONE COMPANY THAT PROVIDES TO A CUSTOMER TELEPHONE SERVICE UNDER THIS SECTION SHALL PROVIDE TO THAT CUSTOMER NO OTHER TELEPHONE SERVICES OFFERED BY THE COMPANY, EXCEPT TOUCHTONE AND TELEPHONE SERVICES DETERMINED BY THE PUBLIC UTILITIES COMMISSION TO BE BENEFICIAL TO CUSTOMERS WITH HANDICAPS OR MEDICAL CONDITIONS, OR IN LIFE-THREATENING SITUATIONS.

(C) IN EACH MONTHLY BILLING STATEMENT TO CUSTOMERS PROVIDED WITH USAGE SENSITIVE BASIC LOCAL EXCHANGE, SINGLE-PARTY TELEPHONE SERVICE UNDER THIS SECTION, A TELEPHONE COMPANY SHALL PROVIDE NOTICE TO THE CUSTOMER THAT IT ALSO OFFERS BASIC LOCAL EXCHANGE, FLAT RATE, UNLIMITED CALLING TELEPHONE SERVICE IN THE CUSTOMER'S SERVICE AREA. THE NOTICE SHALL STATE THE RATE OF THE FLAT RATE, UNLIMITED CALLING SERVICE, SHALL STATE THAT THE CUSTOMER CAN CONVERT TO THE FLAT RATE, UNLIMITED CALLING SERVICE AT NO CHARGE, AND SHALL STATE THAT THE FLAT RATE, UNLIMITED CALLING SERVICE IS NOT SUBJECT TO THE DISCOUNTS AND WAIVERS APPLICABLE TO SERVICE PROVIDED

UNDER THIS SECTION. THE NOTICE SHALL ALSO STATE THAT IF A CUSTOMER CONVERTS FROM BASIC LOCAL EXCHANGE TELEPHONE SERVICE UNDER THIS SECTION TO A BASIC LOCAL EXCHANGE TELEPHONE SERVICE NOT PROVIDED UNDER THIS SECTION, THE CUSTOMER SHALL NOT CONVERT BACK TO BASIC LOCAL EXCHANGE TELEPHONE SERVICE UNDER THIS SECTION UNTIL ONE YEAR HAS PASSED.

(D) AT LEAST ONCE EACH YEAR, A TELEPHONE COMPANY SHALL PROVIDE NOTICE TO ITS CURRENT CUSTOMERS AND THE GENERAL PUBLIC OF THE AVAILABILITY AND TERMS OF TELEPHONE SERVICE UNDER THIS SECTION, EXPLAINING IN PLAIN AND CLEAR LANGUAGE THE TERMS AND CONDITIONS OF THE SERVICE AND THE SUBSCRIPTION PROCEDURES. THE NOTICE SHALL BE MADE BY BILL INSERT, PUBLICATION IN NEWSPAPERS OF GENERAL CIRCULATION IN THE COMPANY'S SERVICE AREA, AND BY ANY OTHER MEANS THE PUBLIC UTILITIES COMMISSION CONSIDERS NECESSARY.

(E) IF A TELEPHONE COMPANY PROVIDES A USAGE SENSITIVE TELEPHONE SERVICE TO CUSTOMERS UNDER THIS SECTION, THE COMPANY SHALL MAINTAIN THE USAGE SENSITIVE TELEPHONE SERVICE TO THOSE CUSTOMERS EVEN THOUGH IT CEASES OFFERING THE USAGE SENSITIVE TELEPHONE SERVICE IN THE SERVICE AREA, THE TELEPHONE COMPANY IS NOT REQUIRED TO OFFER THE USAGE SENSITIVE TELEPHONE SERVICE TO CUSTOMERS WHO SUBSEQUENTLY APPLY FOR TELEPHONE SERVICE UNDER THIS SECTION AFTER THE COMPANY CEASES OFFERING THE USAGE SENSITIVE TELEPHONE SERVICE IN THE SERVICE AREA.

(F) THE PUBLIC UTILITIES COMMISSION SHALL ADOPT RULES AS IT CONSIDERS NECESSARY TO CARRY OUT THIS SECTION.

Sec. 4905.77. (A) A TELEPHONE COMPANY SHALL REQUIRE AS PROOF OF ELIGIBILITY FOR TELEPHONE SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE DOCUMENTATION OF THE CUSTOMER'S APPROVAL FOR RECEIPT OF ENERGY ASSISTANCE UNDER CHAPTER 5117. OF THE REVISED CODE; SUPPLEMENTAL SECURITY INCOME ON THE BASIS OF BLINDNESS OR DISABILITY UNDER TITLE XVI OF THE "SOCIAL SECURITY ACT," 49 STAT. 620 (1935), 42 U.S.C.A. 1381-1383c, AS THAT TITLE EXISTS ON THE EFFECTIVE DATE OF THIS SECTION; OR BOTH MEDICAL ASSISTANCE UNDER CHAPTER 5111 OF THE REVISED CODE AND MEDICARE UNDER TITLE XVIII OF THE "SOCIAL SECURITY ACT," 49 STAT. 620 (1935), 42 U.S.C.A. 301, AS THAT TITLE EXISTS ON THE EFFECTIVE DATE OF THIS SECTION.

THE TELEPHONE COMPANY SHALL NOT REQUIRE A CUSTOMER TO DEMONSTRATE CONTINUING ELIGIBILITY FOR TELEPHONE SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE MORE THAN ONCE A YEAR.

(B) TO THE EXTENT LEGALLY AND REASONABLY POSSIBLE, STATE ADMINISTRATORS FOR THE PROGRAMS ENUMERATED IN THIS SECTION SHALL COOPERATE WITH TELEPHONE COMPANIES TO FACILITATE SUBSCRIPTION OF ELIGIBLE RESIDENTIAL CUSTOMERS TO TELEPHONE SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE.

(C) THE PUBLIC UTILITIES COMMISSION SHALL ADOPT RULES IT CONSIDERS NECESSARY TO CARRY OUT THIS SECTION.

Sec. 4905.78. NO PERSON SHALL PROVIDE FRAUDULENT DOCUMENTATION UNDER SECTION 4905.77 OF THE REVISED CODE IN ORDER TO OBTAIN TELEPHONE SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE.

Sec. 4905.79. ANY TELEPHONE COMPANY, AS DEFINED IN DIVISION (E)(2) OF SECTION 5727.01 OF THE REVISED CODE, THAT IS REQUIRED TO PROVIDE ANY TELEPHONE SERVICE PROGRAM IMPLEMENTED AFTER THE EFFECTIVE DATE OF THIS SECTION TO AID THE COMMUNICATIVELY IMPAIRED IN ACCESSING THE TELEPHONE NETWORK SHALL BE ALLOWED A TAX CREDIT FOR THE COSTS OF ANY SUCH PROGRAM UNDER SECTION 5727.44 OF THE REVISED CODE. RELATIVE TO ANY SUCH PROGRAM, THE PUBLIC UTILITIES COMMISSION, IN ACCORDANCE WITH ITS RULES, SHALL ALLOW INTERESTED PARTIES TO INTERVENE AND PARTICIPATE IN ANY PROCEEDING OR PART OF A PROCEEDING BROUGHT BEFORE THE COMMISSION PURSUANT TO THIS SECTION. THE COMMISSION SHALL ADOPT RULES IT CONSIDERS NECESSARY TO CARRY OUT THIS SECTION.

Sec. 4905.84. THE COMMUNICATIVELY IMPAIRED PROGRAM ADVISORY BOARD SHALL SUBMIT A REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION ON OR BEFORE THE FIRST DAY OF JANUARY OF EACH YEAR.

THE REPORT SHALL CONTAIN EVALUATIONS OF THE PERFORMANCE AND COST CONTROL MEASURES OF ANY TELEPHONE SERVICE PROGRAMS FOR THE COMMUNICATIVELY IMPAIRED IMPLEMENTED BY THE PUBLIC UTILITIES COMMISSION; OF NEW TECHNOLOGIES THAT MAY BE AVAILABLE FOR USE IN SUCH PROGRAMS; AND OF THE MOST EFFICIENT MEANS OF DISTRIBUTING INFORMATION, EQUIPMENT, AND SERVICES TO PERSONS QUALIFIED TO PARTICIPATE IN SUCH PROGRAMS.

Sec. 4905.85. (A) AS USED IN THIS SECTION:

(1) "COMMUNICATIVELY IMPAIRED" MEANS DEAF, HARD OF HEARING, OR SPEECH-IMPAIRED.

(2) "DEAF PERSON" MEANS A PERSON WITH A HEARING LOSS THAT PREVENTS HIM FROM BEING ABLE TO UNDERSTAND SPEECH OVER THE TELEPHONE.

(3) "HARD OF HEARING PERSON" MEANS A PERSON, INCLUDING A PERSON WHO USES A HEARING AID, WITH A SENSE OF HEARING THAT IS DEFECTIVE BUT FUNCTIONAL FOR ORDINARY LIFE PURPOSES.

(4) "SPEECH-IMPAIRED PERSON" MEANS A PERSON WITH A SPEECH IMPAIRMENT THAT RENDERS HIS SPEECH UNINTELLIGIBLE ON THE TELEPHONE.

(B) THERE IS HEREBY CREATED THE COMMUNICATIVELY IMPAIRED PROGRAM ADVISORY BOARD CONSISTING OF THE FOLLOWING MEMBERS:

(1) THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION, THE CHAIRMAN OF THE REHABILITATION SERVICES COMMISSION, AND THE DIRECTOR OF AGING, OR THEIR DESIGNEES, WHO SHALL SERVE AS EX-OFFICIO MEMBERS;

(2) TWO DEAF PERSONS, ONE HARD OF HEARING PERSON, AND ONE SPEECH-IMPAIRED PERSON, EACH OF WHOM IS AN ACTIVE MEMBER OF AN ADVOCACY GROUP FOR THE COMMUNICATIVELY IMPAIRED, APPOINTED BY THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION;

(3) ONE PERSON WHO IS EMPLOYED BY A PROVIDER OF TELECOMMUNICATION SERVICES TO THE COMMUNICATIVELY IMPAIRED, APPOINTED BY THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION;

(4) ONE REPRESENTATIVE OF A NONPROFIT AGENCY PROVIDING SERVICES TO THE COMMUNICATIVELY IMPAIRED COMMUNITY ON A LOCAL OR STATEWIDE BASIS, APPOINTED BY THE GOVERNOR;

(5) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE MEMBER OF THE HOUSE OF REPRESENTATIVES, APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION SHALL MAKE APPOINTMENTS UNDER DIVISIONS (B)(2) AND (3) OF THIS SECTION SO THAT AT LEAST ONE MEMBER OF THE ADVISORY BOARD RESIDES IN EACH GEOGRAPHIC AREA OF THIS STATE SERVED BY A DIFFERENT AREA CODE.

TERMS OF MEMBERS WHO ARE NOT EX-OFFICIO MEMBERS SHALL BE FOR TWO YEARS, BEGINNING ON THE FIRST DAY OF THE FIRST FISCAL YEAR OF EACH BIENNIAL APPROPRIATION PERIOD AND ENDING ON THE LAST DAY OF THE SECOND FISCAL YEAR OF EACH BIENNIAL APPROPRIATION PERIOD. MEMBERS MAY BE REAPPOINTED. VACANCIES

SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS. ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION DATE OF THE TERM FOR WHICH HIS PREDECESSOR WAS APPOINTED SHALL HOLD OFFICE AS A MEMBER FOR THE REMAINDER OF THAT TERM. A MEMBER SHALL CONTINUE IN OFFICE SUBSEQUENT TO THE EXPIRATION DATE OF HIS TERM UNTIL HIS SUCCESSOR TAKES OFFICE OR UNTIL A PERIOD OF SIXTY DAYS HAS ELAPSED, WHICHEVER OCCURS FIRST.

MEMBERS OF THE BOARD SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. MEMBERS OF THE BOARD WHO ARE APPOINTED BY THE GOVERNOR OR BY THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION, AND WHO ARE NOT OFFICERS OR EMPLOYEES OF THE STATE, SHALL BE COMPENSATED ON A PER DIEM BASIS IN AN AMOUNT DETERMINED UNDER SECTION 124.14 OF THE REVISED CODE. THE ACTUAL AND NECESSARY EXPENSES AND COMPENSATION OF BOARD MEMBERS, AND ANY OTHER EXPENSES OF THE BOARD IN THE PERFORMANCE OF ITS OFFICIAL DUTIES, SHALL BE PAID FROM MONEYS APPROPRIATED TO THE PUBLIC UTILITIES COMMISSION FOR THAT PURPOSE. THE COMMISSION SHALL PROVIDE CLERICAL ASSISTANCE TO THE BOARD.

THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION OR HIS DESIGNEE UNDER DIVISION (B)(1) OF THIS SECTION IS THE CHAIRMAN OF THE COMMUNICATIVELY IMPAIRED PROGRAM ADVISORY BOARD. ANNUALLY, THE BOARD SHALL SELECT FROM AMONG ITS MEMBERS A SECRETARY. THE BOARD SHALL ADOPT BYLAWS GOVERNING ITS PROCEEDINGS, WHICH SHALL BE OPEN TO PUBLIC INSPECTION. THE BOARD SHALL KEEP A RECORD OF ITS PROCEEDINGS.

THE BOARD SHALL MEET AT THE CALL OF THE CHAIRMAN OR UPON THE WRITTEN REQUEST OF FOUR BOARD MEMBERS. THE SECRETARY SHALL SEND WRITTEN NOTICE OF THE TIME AND PLACE OF EACH MEETING TO EACH MEMBER.

LEGISLATIVE MEMBERS OF THE BOARD SHALL SERVE AS NONVOTING MEMBERS, SIX MEMBERS OF THE BOARD, COUNTING NONVOTING MEMBERS, CONSTITUTE A QUORUM. THE BOARD MAY NOT, HOWEVER, TAKE ANY FORMAL ACTION WITHOUT THE CONCURRENCE OF FIVE VOTING MEMBERS.

Sec. 4905.99. (A) Whoever violates section 4905.44 of the Revised Code is guilty of a felony of the third degree.

(B) Whoever violates section 4905.52 of the Revised Code shall be fined not less than fifty or more than five hundred dollars.

(C) Whoever violates section 4905.56 of the Revised Code is guilty of a felony of the fourth degree.

(D) COINCIDENT WITH THE OPERATION OF SECTION 4905.78 OF THE REVISED CODE, WHOEVER VIOLATES THAT SECTION IS GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE.

Sec. 4909.50. (A) THE RATE FOR USAGE SENSITIVE BASIC LOCAL EXCHANGE TELEPHONE SERVICE PROVIDED BY A TELEPHONE COMPANY UNDER SECTION 4905.76 OF THE REVISED CODE IS THE COMPANY'S ACCESS LINE CHARGE FOR THAT SERVICE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION FOR CUSTOMERS WHO ARE NOT ELIGIBLE FOR SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE, MINUS AN AMOUNT EQUAL TO THE GREATER OF THE COMPANY'S SUBSCRIBER LINE CHARGE, AS DETERMINED BY THE FEDERAL COMMUNICATIONS COMMISSION AND IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, OR SUCH SUBSCRIBER LINE CHARGE AS IT MAY SUBSEQUENTLY CHANGE. ANY USAGE PORTION OF THE RATE IS THE USAGE RATE SET FORTH AT ANY TIME IN SCHEDULES OF THE COMPANY FILED UNDER SECTION 4905.30 OF THE REVISED CODE, WHETHER OR NOT EXPRESSLY DENOMINATED AS A USAGE RATE.

THE RATE FOR ANY OTHER BASIC LOCAL EXCHANGE TELEPHONE SERVICE PROVIDED BY A TELEPHONE COMPANY UNDER SECTION 4905.76 OF THE REVISED CODE IS THE RATE FOR THAT SERVICE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION FOR CUSTOMERS WHO ARE NOT ELIGIBLE FOR SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE, MINUS AN AMOUNT EQUAL TO THE GREATER OF THE COMPANY'S SUBSCRIBER LINE CHARGE, AS DETERMINED BY THE FEDERAL COMMUNICATIONS COMMISSION AND IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, OR SUCH CHARGE AS IT MAY SUBSEQUENTLY CHANGE.

(B) RATE SCHEDULES FILED UNDER SECTION 4905.30 OF THE REVISED CODE FOR TELEPHONE SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE SHALL INCLUDE A PROVISION THAT CUSTOMER DEPOSITS, SERVICE CONNECTION CHARGES IN AMOUNTS GREATER THAN FIVE DOLLARS, AND SERVICE CONVERSION CHARGES OTHERWISE APPLICABLE TO SUBSCRIPTION TO RESIDENTIAL BASIC LOCAL EXCHANGE TELEPHONE SERVICE DO NOT APPLY TO SUBSCRIPTION TO OR CHANGING TO OR FROM SUCH SERVICE.

A SUBSCRIBER TO TELEPHONE SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE IS NOT ENTITLED TO BENEFIT FROM THE WAIVER OF CUSTOMER DEPOSITS, SERVICE CONNECTION CHARGES IN AMOUNTS GREATER THAN FIVE DOLLARS, OR SERVICE CONVERSION CHARGES MORE OFTEN THAN ONCE PER YEAR FOR SERVICE AT THE SAME ADDRESS. THE SUBSCRIBER MUST HAVE SATISFIED OR HAVE MADE PAYMENT

ARRANGEMENTS TO SATISFY ALL OF HIS OUTSTANDING OBLIGATIONS TO THE TELEPHONE COMPANY IN ORDER TO BENEFIT FROM SUCH A WAIVER.

(C) THE PUBLIC UTILITIES COMMISSION SHALL, IN ACCORDANCE WITH ITS RULES, ALLOW INTERESTED PARTIES TO INTERVENE AND PARTICIPATE IN ANY PROCEEDING OR PART OF A PROCEEDING BROUGHT PURSUANT TO THIS SECTION AND SECTIONS 4905.76 AND 4905.77 OF THE REVISED CODE.

(D) THE PUBLIC UTILITIES COMMISSION SHALL ADOPT RULES AS IT CONSIDERS NECESSARY TO CARRY OUT THIS SECTION.

Sec. 5727.43. A TELEPHONE COMPANY THAT PROVIDES TELEPHONE SERVICE UNDER SECTION 4905.76 OF THE REVISED CODE SHALL BE ALLOWED A CREDIT AGAINST THE EXCISE TAX COMPUTED UNDER SECTION 5727.38 OF THE REVISED CODE. THE AMOUNT OF THE CREDIT IS THE AGGREGATE OF THE DISCOUNTS TO RATES AND CHARGES AND THE WAIVERS OF SERVICE CONNECTION AND SERVICE CONVERSION CHARGES AND CUSTOMER DEPOSITS UNDER SECTION 4909.50 OF THE REVISED CODE INCURRED BY THE COMPANY DURING THE PERIOD FOR WHICH GROSS RECEIPTS ARE COMPUTED FOR THE PURPOSE OF SECTION 5727.33 OF THE REVISED CODE, EXCLUDING ANY SERVICE CONNECTION CHARGES OR SERVICE CONVERSION CHARGES OR ANY REVENUE DEFICIENCY DUE TO WAIVERS OF CUSTOMER DEPOSITS UNDER SECTION 4909.50 OF THE REVISED CODE FOR WHICH THE COMPANY HAS BEEN REIMBURSED.

THE TELEPHONE COMPANY SHALL CLAIM THE CREDIT IN THE COMPANY'S ANNUAL STATEMENT UNDER DIVISION (A) OF SECTION 5727.31 OF THE REVISED CODE.

IF THE TAX COMMISSIONER DETERMINES THAT THE CREDIT CLAIMED IS THE CREDIT ALLOWED UNDER THIS SECTION, HE SHALL CREDIT SUCH AMOUNT AGAINST THE EXCISE TAX DUE FROM THE COMPANY FOR THE CURRENT YEAR AND SHALL REFUND THE

AMOUNT OF ANY OVERPAYMENT OF TAX RESULTING FROM THE APPLICATION OF THE CREDIT. IF THE TAX COMMISSIONER DETERMINES THAT THE CREDIT CLAIMED IS NOT CORRECT UNDER THIS SECTION, HE SHALL DETERMINE THE PROPER CREDIT, SHALL CREDIT SUCH AMOUNT AGAINST THE EXCISE TAX DUE FROM THE COMPANY FOR THE CURRENT YEAR, AND SHALL REFUND THE AMOUNT OF ANY OVERPAYMENT OF TAX RESULTING FROM THE APPLICATION OF THE CREDIT. IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TOTAL TAXES DUE FOR THE CURRENT YEAR, THE TAX COMMISSIONER SHALL CREDIT SUCH EXCESS AGAINST EXCISE TAXES DUE FOR SUCCEEDING YEARS UNTIL THE FULL AMOUNT OF THE CREDIT IS GRANTED.

THE ESTIMATED TAXES REQUIRED TO BE PAID UNDER SECTION 5727.31 OF THE REVISED CODE SHALL BE BASED ON THE TAXES FOR THE

PRECEDING YEAR PRIOR TO ANY CREDIT ALLOWED UNDER THIS SECTION FOR THAT YEAR.

Sec. 5727.44. A TELEPHONE COMPANY THAT PROVIDES ANY TELEPHONE SERVICE PROGRAM TO AID THE COMMUNICATIVELY IMPAIRED IN ACCESSING THE TELEPHONE NETWORK UNDER SECTION 4905.79 OF THE REVISED CODE SHALL BE ALLOWED A CREDIT AGAINST THE EXCISE TAX COMPUTED UNDER SECTION 5727.38 OF THE REVISED CODE. THE AMOUNT OF THE CREDIT IS THE COST OF PROVIDING SUCH TELEPHONE SERVICE PROGRAM INCURRED BY THE COMPANY DURING THE PERIOD FOR WHICH GROSS RECEIPTS ARE COMPUTED FOR THE PURPOSE OF SECTION 5727.33 OF THE REVISED CODE.

THE TELEPHONE COMPANY SHALL CLAIM THE CREDIT IN THE COMPANY'S ANNUAL STATEMENT REQUIRED UNDER DIVISION (A) OF SECTION 5727.31 OF THE REVISED CODE.

IF THE TAX COMMISSIONER DETERMINES THAT THE CREDIT CLAIMED IS THE CREDIT ALLOWED UNDER THIS SECTION, HE SHALL CREDIT SUCH AMOUNT AGAINST THE EXCISE TAX DUE FROM THE COMPANY FOR THE CURRENT YEAR AND SHALL REFUND THE AMOUNT OF ANY OVERPAYMENT OF TAX RESULTING FROM THE APPLICATION OF THE CREDIT. IF THE TAX COMMISSIONER DETERMINES THAT THE CREDIT CLAIMED IS NOT CORRECT UNDER THIS SECTION, HE SHALL DETERMINE THE PROPER CREDIT, SHALL CREDIT SUCH AMOUNT AGAINST THE EXCISE TAX DUE FROM THE COMPANY FOR THE CURRENT YEAR, AND SHALL REFUND THE AMOUNT OF ANY OVERPAYMENT OF TAX RESULTING FROM THE APPLICATION OF THE CREDIT. IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TOTAL TAXES DUE FOR THE CURRENT YEAR, THE TAX COMMISSIONER SHALL CREDIT SUCH EXCESS AGAINST EXCISE TAXES DUE FOR SUCCEEDING YEARS UNTIL THE FULL AMOUNT OF THE CREDIT IS GRANTED.

THE ESTIMATED TAXES REQUIRED TO BE PAID UNDER SECTION 5727.31 OF THE REVISED CODE SHALL BE BASED ON THE TAXES FOR THE PRECEDING YEAR PRIOR TO ANY CREDIT ALLOWED UNDER THIS SECTION FOR THAT YEAR.

SECTION 2. That existing section 4905.99 of the Revised Code is hereby repealed.

SECTION 3. That sections 4905.76, 4905.77, 4905.78, 4905.84, 4905.85, 4909.50, and 5727.43 of the Revised Code are hereby repealed, effective January 1, 1996.

SECTION 4. No later than thirty days after the effective date of this act, each telephone company required under section 4905.76 of the Revised Code to provide the

telephone service prescribed in that section shall file a written application with the public utilities commission solely to implement the service. No later than one hundred twenty days after the effective date of this act, the commission shall issue orders implementing the telephone service for each such company. The companies, in accordance with section 4905.30 of the Revised Code, shall file amended schedules, effective no sooner than January 1, 1991, to implement the service as ordered by the commission. Upon issuing orders initially implementing the telephone service, the Commission shall apply to the Federal Communications Commission to obtain the maximum federal benefits available.

SECTION 5. The Governor and the Chairman of the Public Utilities Commission shall make their initial appointments to the Communicatively impaired Program Advisory Board not later than sixty days after the effective date of this act. Notwithstanding section 4905.85 of the Revised Code, the terms of the initial members of the Communicatively Impaired Program Advisory Board appointed by the Governor and the Chairman of the Public Utilities Commission shall expire on June 30, 1993.

SECTION 6. The Public Utilities Commission, no later than January 1, 1995, shall submit a report to the committees of the House of Representatives and Senate that deal principally with matters relating to public utilities regarding the level of subscription to telephone service provided under section 4905.76 of the Revised Code; the cost to this state of the service under section 5727.43 of the Revised Code; the effectiveness of this act; and any recommendations for continuation of, and changes relative to, this act.