

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter P. TEXAS UNIVERSAL SERVICE FUND.

§26.415. Specialized Telecommunications Assistance Program (STAP).

- (a) **Purpose.** The provisions of this section are intended to establish procedures for a specialized telecommunications assistance program and for reimbursement to vendors and service providers who submit vouchers issued under the program.
- (b) **Program responsibilities.**
 - (1) Texas Commission for the Deaf and Hard of Hearing (TCDHH) responsibilities. TCDHH is responsible for:
 - (A) Adopting rules and procedures regarding the issuance of STAP vouchers to eligible individuals;
 - (B) Establishing a database containing sufficient information to enable the commission to verify the issuance of a particular STAP voucher; and
 - (C) Promoting the STAP program by means or efforts that provide contact information for persons interested in the voucher program.
 - (2) **Commission responsibilities.** The commission is responsible for:
 - (A) Adopting rules and procedures regarding the reimbursement to vendors for properly redeemed STAP vouchers;
 - (B) Administering the TUSF to ensure adequate funding of the specialized telecommunications assistance program; and
 - (C) Appointing and providing administrative support for the Relay Texas Advisory Committee (RTAC), in accordance with the Public Utility Regulatory Act (PURA), §56.110 and §56.112.
- (c) **Program administration.**
 - (1) **Vendor and service provider registration.**
 - (A) To facilitate the timely reimbursement of STAP vouchers, the TUSF administrator may specify that a vendor or service provider who accepts STAP vouchers shall register with the administrator by providing their name, contact person, address, telephone number, facsimile number (if available), and information sufficient to permit the administrator to reimburse the vendor or service provider by direct deposit rather than by check.
 - (B) The commission will notify the TUSF administrator and instruct it not to accept registration information from a vendor or service provider if the vendor or service provider is suspended or debarred from doing business with the State of Texas, as determined by the Texas Building and Procurement Commission (formally General Services Commission), or with the federal government. If a vendor or service provider is currently registered under the STAP program and is barred from doing business with the State of Texas or the federal government, the commission shall notify the vendor or service provider, by certified mail return receipt requested, and the TUSF administrator that the vendor or service provider is no longer eligible to receive voucher reimbursements under this program.
 - (2) **Vendor or service provider reimbursement.** A vendor or service provider who exchanges a STAP voucher for the purchase of approved equipment or services in accordance with the terms of the specialized telecommunications assistance program specified by TCDHH shall be eligible for reimbursement of the lesser of the face value of the STAP voucher or the actual standard retail price of the equipment or service as charged to all customers of that vendor for the same equipment.

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§26.415(c)(2) continued

- (A) TUSF disbursements shall be made only upon receipt from the vendor or service provider of:
 - (i) The vendor's copy of the TCDHH voucher signed by the vendor, or an authorized representative, in the space provided thereon. By signing the voucher, the vendor is certifying that the device or service has been delivered to the voucher recipient, and that the device was new when delivered and was not used or re-conditioned.
 - (ii) The vendor's proof of delivery of the device or service to the voucher recipient. For proof of delivery, the vendor should seek the voucher recipient's signature on the voucher in the space provided thereon. If the vendor is unable to obtain the recipient's signature on the voucher, other evidence of delivery, such as a postal or private delivery service receipt, may be used for proof of delivery to the recipient. However, evidence of delivery to the voucher recipient must include the signature of the voucher recipient or the signature of the recipient's parent or guardian. The signature of an authorized agent will not suffice as a substitute for the signature of the recipient or the recipient's parent or guardian.
 - (iii) A receipt that contains a description of the device or service exchanged for the STAP voucher and the price charged to the customer for the device or service exchanged. The price charged to the customer for the device or service exchanged for the voucher cannot exceed the standard retail price charged by that vendor to all of its customers who purchase the same equipment or service.
- (B) TUSF disbursements may also be subject to such other limitations or conditions as determined by the commission to be just and reasonable, including investigation of whether the presentation of a STAP voucher represents a valid transaction for equipment or service under the STAP.
- (C) If a dispute arises as to whether the submitted documentation is sufficient to create a presumption of a valid STAP sales transaction, the commission will be the sole judge of the sufficiency of the documentation.
- (D) The TUSF administrator shall ensure that reimbursement to vendors for STAP vouchers shall be issued within 45 days after the STAP voucher and other documentation required under subparagraph (A) of this paragraph is received by the TUSF administrator.
- (E) The commission may delay payment of a voucher to a distributor of devices or a service provider if there is a dispute regarding the amount or propriety of the payment or whether the device or service is appropriate or adequate to meet the needs of the person to whom the TCDHH issued the voucher until the dispute is resolved.
- (F) The commission may provide that payment of the voucher is conditioned on the return of the payment if the device is returned to the distributor within 30 days of receipt or if the service is not used by the person to whom the voucher was issued within 30 days of its availability. The commission may provide an alternative dispute resolution process for resolving a dispute regarding the equipment or service provided.