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IDAPA 31
TITLE 46
CHAPTER 02

31.46.02 - RULES FOR TELECOMMUNICATIONS RELAY SERVICES (TRS)

000. LEGAL AUTHORITY (RULE 0).
These rules are adopted under the general legal authority of Chapter 13, Title 62, Idaho Code, and the specific authority of Section 61-1306, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (RULE 1).
The name of this chapter is "Rules for Telecommunications Relay Services (TRS)." This chapter has the following scope: It governs provision of telecommunications relay services (TRS) in Idaho. (7-1-93)

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).
For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or may be reached by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. (7-1-93)

003. ADMINISTRATIVE APPEALS (RULE 3).
Any telephone corporation aggrieved by any decision of the Universal Service Fund Administrator, the Telecommunications Relay System Administrator, or the Commission Staff that affects any of the telephone corporation's interests under these rules may petition the Commission to review the decision of the Universal Service Fund Administrator, the Telecommunications Relay System Administrator, or the Commission Staff by filing a formal petition according to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).
Subsection 205.05 details which papers filed in connection with the administration of the Telecommunications Relay Service Fund are public records and which are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. (4-5-00)

005. DEFINITIONS (RULE 5).
As used in these rules: (7-1-93)

01. Administrator. "Administrator" means the person with whom the Idaho Public Utilities Commission contracts to administer the program for delivery of telecommunications relay services. See Section 61-1302(1), Idaho Code. (7-1-93)

02. American Sign Language (ASL). "American sign language" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body. See 47 C.F.R. 64.601(1). (7-1-93)

03. ASCII. "ASCII" is an acronym for American Standard Code for Information Interexchange, which employs an eight-bit code and can operate at any standard transmission baud rate including 300, 1200, 2400, and higher. See 47 C.F.R. 64.601(2). (7-1-93)

04. Baudot. "Baudot" means a seven (7) bit code, only five (5) of which are information bits. Baudot was used by some text telephones to communicate with each other at a forty-five point five (45.5) baud rate. See 47 C.F.R. 64.601(3). (7-1-93)

05. Communications Assistant (CA). "Communications assistant (CA)" means a person who transliterates conversation from text to voice and from voice to text between two (2) end users of TRS. CAs are also

known by terms such as "TRS operator" or "TDD operator." See 47 C.F.R. 64.601(5). (7-1-93)

06. Communications Impaired. "Communications impaired" means individuals who are hearing-impaired or speech-impaired as defined in Title IV, Section 401, Americans with Disabilities Act of 1990, Public Law 101-336, 47 U.S.C. 225, or regulations promulgated pursuant to that Act, in particular, 47 C.F.R. 64.601 et seq. See Section 61-1302(3), Idaho Code. (7-1-93)

07. Hearing Carry Over (HCO). "Hearing carry over (HCO)" means a reduced form of TRS where the person with a speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. See 47 C.F.R. 64.601(6). (7-1-93)

08. Local Exchange Company. "Local exchange company" means a telephone corporation that provides access lines to residential and business customers with the associated transmission of two-way interactive switched voice communication within a geographic area where basic local exchange rates rather than message telecommunications service rates apply. See Section 61-1302(4), Idaho Code. (7-1-93)

09. Message Telecommunications Service (MTS). "Message telecommunications service (MTS)" means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis, not including Wide Area Telecommunications Service (WATS) (or its equivalent) or individually negotiated contracts for telecommunication services. See Section 62-603(6), Idaho Code, as adopted by reference in Section 61-1302(5), Idaho Code. (7-1-93)

10. Program. "Program" means the effort directed by the administrator to establish and operate an Idaho system to provide telecommunications relay services. See Section 61-1302(5), Idaho Code. (7-1-93)

11. Telephone Corporation. "Telephone corporation" means every corporation or person, their lessees, trustees, or receivers appointed by any court whatsoever, providing telecommunication services for compensation within this State, except telephone corporations solely providing radio paging, mobile radio telecommunications services, answering services (including computerized or otherwise automated answering or voice message services), or one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, that is required for the selection of video programming or other programming service. See Section 62-603(9), Idaho Code, as adopted by reference in Section 61-1302(7), Idaho Code. (7-1-93)

12. Telecommunications Relay Services (TRS). "Telecommunications relay services (TRS)" mean services through which a communications-impaired person, using specialized telecommunications equipment, may send and receive messages to and from a non-communications-impaired person whose telephone is not equipped with specialized telecommunications equipment and through which a non-communications-impaired person may, by using voice communication, send and receive messages to and from a communications-impaired person. This term includes services that enable two-way communication between an individual who uses a text telephone or other non-voice terminal device and an individual who does not use such a device. TRS supercedes the terms "dual party relay system," "message relay services," and "TDD relay." See Section 61-1302(8), Idaho Code, and 47 C.F.R. 64.601(7). (7-1-93)

13. Text Telephone (TT). "Text telephone (TT)" means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communications system. TT supercedes the term "TDD" or "telecommunications device for the deaf." See 47 C.F.R. 64.601(a). (7-1-93)

14. Universal Service Fund (USF). "Universal service fund (USF)" means the fund established by the Commission pursuant to Section 62-610, Idaho Code, and this Commission's rules codified at IDAPA 31.46.01.000, et seq. The USF has an administrator whose duties are set forth by this Commission's rules and this Commission's contract with the administrator. See IDAPA 31.46.01.102. (7-1-93)

15. Voice Carry Over (VCO). "Voice carry over (VCO)" means a reduced form of TRS where the person with the hearing disability is able to speak directly to the other end-user. The CA types responses back to the person with the hearing disability. The CA does not speak on behalf of the TT users. See 47 C.F.R. 64.601(9). (7-1-93)

006. CITATION (RULE 6).
The official citation of these rules is IDAPA 31.46.02.000 et seq. For example, this rule is cited as IDAPA 31.46.02.006. In documents submitted to the Commission or issued by the Commission, these rules may be cited by their short title of Telecommunications Relay Services Rules (TRSR) and the parenthetical rule number. For example, this rule may be cited as TRSR 6. (7-1-93)

007. EFFECTIVE DATE -- HISTORY OF RULES (RULE 7).
The Commission adopted predecessors to these rules in 1992. They were most recently codified at IDAPA 31.D.12. They were readopted and reformatted by rulemaking decision in docket number 31-4602-9301, effective July 1, 1993. The history of rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. -- 100. (RESERVED)

THE TRS PROGRAM, ADMINISTRATOR, AND PROVIDER RULES 101 THROUGH 200

101. REQUIREMENTS OF THE TRS PROGRAM (RULE 101).

01. Operational Requirements. State or federal law imposes the following operational requirements upon a TRS provider: (7-1-93)

a. TRS must be provided twenty-four (24) hours per day, seven (7) days per week, every day of the year. See 47 U.S.C. 225(d)(1)(C); 47 C.F.R. 64.604(b)(4); Section 61-1303(2)(a), Idaho Code. (7-1-93)

b. The TRS provider shall not refuse calls or limit the length of calls using TRS, except that providers of TRS may decline to complete a call because credit authorization has been denied. See 47 U.S.C. 225(d)(1)(E); 47 C.F.R. 64.604(a)(3). (7-1-93)

c. The TRS provider must be capable of communicating with text telephone users using either the ASCII or Baudot format, at any speed generally in use. See 47 C.F.R. 64.604(b)(1). (7-1-93)

d. Except during network failure, the TRS provider shall answer eighty-five percent (85%) of all calls within ten (10) seconds, and no more than thirty (30) seconds shall elapse between receipt of dialing information and the dialing of a requested number. The TRS provider shall include adequate staffing to provide callers with efficient access under projected calling volumes so that the probability of a busy response due to unavailability of communications assistants will be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network. See 47 C.F.R. 64.604(b)(2). (7-1-93)

e. The TRS providers shall give TRS users access through the TRS to their chosen inter-exchange carrier and to all other operator services to the same extent that such access is provided to voice users. See 47 C.F.R. 64.604(b)(3). (7-1-93)

02. Communications Assistants' Handling of Calls. TRS providers must require that communications assistants (CAs) be sufficiently trained to effectively meet the specialized communication needs of individuals with hearing and speech disabilities and that communications assistants have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. Communications assistants are prohibited from disclosing the content of any relayed conversation regardless of content and from keeping records of the content of any conversation beyond the duration of a call. Communications assistants are prohibited from intentionally altering a relayed conversation and must relay all conversations verbatim unless the relay user specifically requests summarization. Communications assistants must relay all messages promptly and accurately. See 47 U.S.C. 225(d)(1)(F), -(G); 47 C.F.R. 64.604(a)(1), -(2); Section 61-1303(2)(b), Idaho Code, -(c). (7-1-93)

03. Rates. The users of TRS shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance

from point of origination to the point of termination. In particular, this means that when a telephone call from one customer to another would not incur long-distance charges if the call were placed directly without use of the TRS system, then there will be no long-distance charge for that call when the TRS system is used, even if the TRS provider is located in a telephone exchange that would ordinarily require a long-distance call to reach the calling or answering party. See 47 U.S.C. 225(d)(1)(D); 47 C.F.R. 64.604(c)(3). (7-1-93)

04. Other Standards and Services. The standards and services required for TRS providers by this rule are minimum standards and services. The request for proposal for TRS services may require additional standards or services, or if the request for proposals does not, the selection of the TRS provider may take into account the ability of the TRS provider to meet standards or provide services in addition to the minimum standards or services required by this rule. (7-1-93)

102. TRS ADMINISTRATOR (RULE 102).

01. Appointment and Contract. The Commission shall appoint and contract with a qualified person to administer the TRS program in accordance with the requirements of state and federal law. The TRS administrator is not an employee or officer of the state of Idaho, but is instead an independent contractor. The appointment and contract shall be for fixed terms, but the Commission may renew terms of appointment or contract. (7-1-93)

02. Duties and Responsibilities of Administrator. The Administrator shall: (7-1-93)

a. Consult with and receive recommendations from a telephone industry technical advisory committee (or its representatives) appointed by the Commission; (7-1-93)

b. Post a fidelity bond in the amount required by the contract with the Commission; (7-1-93)

c. Meet timetables necessary to secure certification of the TRS program by the Federal Communications Commission; (7-1-93)

d. Issue (upon such terms as the Commission finds reasonable) a request for proposals to providers of message relay services requesting responsive proposals to provide such services that may be necessary for the program; (7-1-93)

e. Evaluate responsive proposals to offer TRS services and recommend one (1) or more proposals to the Commission for its review and approval; (7-1-93)

f. Enter into a contract with the provider of TRS, which contract and provider have been approved by the Commission; (7-1-93)

g. Consult with the Idaho State Council for the Deaf and Hard of Hearing and the Idaho State Council on Developmental Disabilities concerning program design and delivery of message relay services to communications-impaired persons within the state of Idaho; and (7-1-93)

h. Perform other services concerning the program as may be deemed reasonable and necessary by the Commission or required by the Commission in its contract with the TRS administrator. (7-1-93)

03. Contributions, Gifts and Grants. The administrator may receive contributions, gifts and grants on behalf of and in aid of the TRS program. The contributions, gifts and grants shall be deposited in the Idaho Telecommunications Relay Services Fund. (7-1-93)

103. ESTABLISHMENT OF TELEPHONE INDUSTRY ADVISORY COMMITTEE (RULE 103).

01. Establishment of Committee. The Commission hereby establishes a telephone industry advisory committee with which the administrator shall consult in the assessment of responses to the RFP, and review the services provided. The industry committee shall have three (3) members, who shall be representatives of: (5-1-16)T

a. A large provider of local exchange and intraLATA MTS services in Idaho; (5-1-16)T

b. An independent telephone company that provides local exchange services and is a member of the Idaho Telephone Association (the trade group that includes independent telephone companies in Idaho); and (5-1-16)T

c. The Idaho State Council for the Deaf and Hard of Hearing, or the State Council on Developmental Disabilities. (5-1-16)T

104. CONSULTATION WITH REPRESENTATIVES OF THE HEARING-IMPAIRED AND THE SPEECH-IMPAIRED (RULE 104).
It shall be the duty of the administrator to consult with representatives of the Idaho State Council for the Deaf and Hard of Hearing and of the Idaho State Council on Developmental Disabilities before formulating the RFP for telecommunications relay services. The administrator shall also solicit comments from the general hearing-impaired and speech-impaired communities before issuing the RFP for TRS. Before issuing the RFP, the administrator shall issue a draft RFP and a written report reviewing the recommendations of the Idaho State Council for the Deaf and Hard of Hearing, of the Idaho State Council on Developmental Disabilities and of the general public, which shall explain why individual recommendations were or were not adopted, stating with particularity technical or economic reasons underlying the administrator's decisions. (7-1-93)

105. REQUEST FOR PROPOSALS (RFP) -- SELECTION OF TRS PROVIDER (RULE 105).

01. Formulation of RFP and Submission to the Commission. The administrator, following consultation as provided in Rules 103 and 104, shall formulate and submit a request for proposals (RFP) for the provision of TRS to the Commission. The Commission shall review the RFP and return it to the administrator, with comments or changes that Commission finds appropriate, and direct the administrator to issue the RFP. (7-1-93)

02. Requirements of the RFP. The RFP issued by the administrator must request all companies responding to the RFP to comply with all requirements of state and federal law. See Rule 101. In addition, the RFP may require those responding to the RFP to meet additional requirements contained in the RFP or ask those responding to list additional standards they could meet or additional services that they could provide above the minimums required by state and federal law. (7-1-93)

03. Timetable for Decision. The administrator shall select a timetable for formulation of the RFP, its review by the Commission, advertisement of the RFP for response, review of proposals submitted in response to the RFP, and final decision selecting a TRS provider that will complete the process of selection of the TRS provider no later than September 1, 1992. (7-1-93)

106. STATE CERTIFICATION -- ANNUAL REPORTS (RULE 106).
As soon as practicable after September 1, 1992, and no later than September 21, 1992, the administrator shall submit a report to the Governor or his designee, to the Idaho Public Utilities Commission, to the Idaho State Council for the Deaf and Hard of Hearing, and to the Idaho State Council on Developmental Disabilities describing the program that will be put in place under the accepted RFP. The purpose of this report will be to allow the Governor or his designee to submit a report to the Federal Communications Commission on or before October 1, 1992, requesting certification of the Idaho TRS in order to allow any Idaho intrastate telephone corporation to comply with its obligations under federal law to provide TRS by contracting with the Idaho TRS provider. The administrator shall in succeeding years submit annual reports to the Commission on or before September 1 reviewing the adequacy of the TRS, recommending necessary changes to the program, recommending a budget for the following year, and otherwise addressing issues concerning the TRS that should be brought to the public's and this Commission's attention. (7-1-93)

107. RESOLUTION OF COMPLAINTS (RULE 107).
The Idaho Public Utilities Commission hereby offers itself as a forum for resolution of customer complaints regarding TRS provided for Idaho intrastate services. Complaints can be filed and handled informally under Rules 401 et seq. of the Telephone Customer Relations Rules, IDAPA 31.41.01.400 et seq., or formally under the Commission's Rules of Practice and Procedure, IDAPA 31.01.01.000 et seq. The Commission commits to process these complaints within the one hundred eighty (180) day timetable set forth in 47 C.F.R. 64.604(c)(5)(i). (7-1-93)

108. -- 200. (RESERVED)

TELECOMMUNICATIONS RELAY SERVICES FUND
RULES 201 THROUGH 300

201. TELECOMMUNICATIONS RELAY SERVICES (TRS) FUND -- ESTABLISHMENT AND PURPOSE (RULE 201).
Section 61-1304, Idaho Code, directs the TRS administrator to establish a fund (the telecommunications relay services fund, or TRS fund) for the provision of telecommunications relay services. The TRS administrator is directed to deposit the fund in a depository approved by the Commission and to credit to that fund all monetary contributions, gifts and grants received by the administrator and all charges billed and collected pursuant to Section 61-1305, Idaho Code, and these rules. No funds derived from monies billed and collected from telephone corporations pursuant to Section 61-1305, Idaho Code, and these rules shall be used for the acquisition of end-user text telephones. All monies deposited in the TRS fund shall be spent for the purpose of defraying the expenses, debts and costs incurred in carrying out the provisions of the TRS program, or for defraying administrative expenses of the administrator, including necessary expenses for consultants to the administrator, expenses for travel, supplies and equipment and other expenses of the administrator necessary for the implementation of the TRS program. All monies credited to the TRS fund may be spent by the administrator at such times and in such manner as authorized by this Commission's rules, orders or contract with the administrator. (7-1-93)

202. THE COMMISSION'S DETERMINATION OF FUNDING LEVELS (RULE 202).

01. Issuance of Commission Order. On or before November 1, 1992, the Commission shall issue an order in response to the administrator's contract with the TRS provider that will establish funding levels to be in effect for the initiation of TRS service. Before June 30, 1993, the Commission may issue an order or orders adjusting the initial funding levels as necessary in light of experience with the initial months of service. Thereafter, on or before March 1 of each succeeding year, the Commission shall issue an order in response to the administrator's annual report that will establish funding levels to be in effect for the twelve months beginning April 1 following issuance of the order. The Commission may issue an order revising funding levels at other times in order to preserve the integrity of the fund. (7-1-93)

02. Findings and Directives of the Order Prescribing Funding Levels. All orders prescribing funding levels issued pursuant to Rule 202.01 shall contain the following: (7-1-93)

a. The Commission's finding of the funding target for the TRS program for the twelve (12) months beginning April 1 (or other appropriate time, if the order is not issued to be in effect for twelve (12) months beginning April 1), based upon anticipated expenses of operation of the TRS program for those twelve (12) months and prudent management of minimum fund balances; and (7-1-93)

b. The Commission's findings of the fair, just and reasonable allocations of the twelve (12) month funding target that will come from telephone corporations providing local exchange service and that will come from telephone corporations providing MTS/WATS services, respectively. (7-1-93)

03. Calculation of Funding Levels. Telephone corporations providing local exchange service in Idaho and telephone corporations providing intrastate MTS/WATS services in Idaho must contribute to the TRS fund as follows: (7-1-93)

a. Each telephone corporation providing local exchange service in Idaho shall file a monthly report, due on or before the first of each month, stating the number of local access lines it has for that month. The data used to determine a local exchange company's number of local access lines shall be the same as that used for monthly reporting to the administrator of the Universal Service Fund (USF) for the monthly USF report. See USF Rule 201.01, IDAPA 31.46.01.201.01. (7-1-93)

b. Each telephone corporation providing intrastate MTS/WATS service in Idaho is required to contribute to TRS funding in proportion to the number of its intrastate MTS/WATS billed minutes, provided that those telephone corporations providing intrastate MTS/WATS service in Idaho that use the services of another telephone corporation for the actual transportation of calls and that have been granted exemptions from contributions

to the Universal Service Fund by the Commission, the USF administrator, or the Commission staff are also granted exemptions from contributions to the TRS fund by operation of this rule. The USF administrator shall provide the TRS administrator with a list of all telephone corporations exempted from contributing to the USF and all changes to that list whenever they are made. The data determining an MTS/WATS company's number of intrastate MTS/WATS billed minutes for a given monthly report due on or before the first of the month shall be the same provided to the administrator of the Universal Service Fund (USF) for the USF report also due on or before the first of that month. See USF Rule 201.02, IDAPA 31.46.02.201.02. (7-1-93)

203. TELEPHONE CORPORATIONS' MONTHLY REMITTANCES TO THE TRS ADMINISTRATOR (RULE 203).

Unless otherwise provided by order of the Commission or written exemption of the USF administrator or the Commission staff, on or before the first day of each month, all local exchange companies providing local exchange service in Idaho shall remit to the TRS administrator the funds due under the Commission's order issued pursuant to Rule 202. Unless otherwise provided by order of the Commission or written exemption of the USF administrator or the Commission staff, on or before the first day of each month all MTS/WATS companies providing intrastate MTS/WATS services shall remit to the administrator the funds due under the Commission's order issued pursuant to Rule 202. (7-1-93)

204. THE ADMINISTRATOR'S QUARTERLY REPORT TO THE COMMISSION (RULE 204).

On or before the fifteenth day after the close of each quarter, the administrator shall submit a report to the Commission providing the following information: (7-1-93)

01. Administrator's Disbursements. The administrator's disbursements to the TRS provider for the quarter. (7-1-93)

02. Administrator's Fees. The administrator's fees for the quarter. (7-1-93)

03. List of All Companies. A list of all companies remitting monies to the TRS fund during the quarter, indicating which companies have remitted funds for their provision of local exchange service, which companies have remitted funds for their provision of MTS/WATS services, and which companies have remitted both. (7-1-93)

04. Total Amounts Remitted. The total amounts remitted to the TRS fund by local exchange companies during the quarter, the total amounts remitted by MTS/WATS companies during the quarter, and the sum of the two; (7-1-93)

05. Total Number of Local Calls. The total number of local calls handled by the TRS provider during the quarter, the total number of intrastate and interstate calls handled by the TRS provider during the quarter (keeping separate totals for each), and the total number of intrastate and interstate MTS/WATS minutes billed by the TRS provider during the quarter (keeping separate totals for each); (7-1-93)

06. Interest, Contributions and Other Income. Interest earned during the quarter, contributions received during the quarter, and any other income for the quarter; and (7-1-93)

07. Fund Balances for the Quarter. Beginning, ending and monthly fund balances for the quarter, together with any information that may be necessary to calculate beginning and ending balances for the quarter. (7-1-93)

205. THE ADMINISTRATOR'S ANNUAL REPORT TO THE COMMISSION (RULE 205).

01. Report of Existing Financial Conditions. Beginning in 1994, on or before February 15 the administrator shall annually submit a report to the Commission providing the following information: (7-1-93)

a. A statement of the TRS fund's income in the previous calendar year from remittances by local exchange companies and from remittances by MTS/WATS companies, and the total, and a statement of all other income (including interest), gifts, contributions, etc., for the calendar year; (7-1-93)

b. Actual TRS fund balances at the end of the quarters ending in March, June, September and December of the preceding calendar year; and (7-1-93)

c. The statewide line count for local service lines on January 1 of that year and January 1 of the previous year, and the total number of MTS/WATS minutes reported to the TRS administrator for the year ending the previous December 31 and the year ending the December 31 before that. The TRS administrator's initial annual report in 1994 shall include all the periods from the permanent TRS administrator's first receipt of any TRS funds, either from the temporary administrator or from telephone corporations. In addition, the TRS administrator may obtain from the USF administrator any information concerning calendar year 1992 that the TRS administrator does not have. (7-1-93)

02. Report on Use of the TRS Program. The administrator shall also report, based upon information to be supplied by the TRS provider, upon use of the TRS program in the previous calendar year. The administrator's contract with the TRS provider shall require appropriate data collection by the TRS provider, including, but not limited to, the number of calls handled by the provider, with breakdown showing whether the calls are local or MTS, intrastate or interstate MTS, total intrastate and interstate MTS minutes, the hours when calls are made (e.g., from 8 a.m. to 5 p.m., from 5 p.m. to 11 p.m., from 11 p.m. to 8 a.m.), days of the week when calls are made, and patterns of increased or decreased usage of the TRS program from month to month for the previous calendar year. The TRS provider shall provide this information by month to the TRS administrator on dates to be specified by the administrator. (7-1-93)

03. Recommendation. The administrator shall report the TRS fund's expected surplus or deficit for the twelve months beginning April 1 based upon the assumption that the TRS funding levels will not change. The administrator shall also report whether this surplus or deficit will alter the expected fund balance during the twelve (12) months beginning April 1 following the report significantly enough to recommend that TRS funding levels be increased or decreased. If the administrator believes that the TRS funding levels should be increased or decreased, the administrator shall recommend a target balance for the TRS fund for the end of the twelve (12) months beginning April 1 following this report and the amount by which TRS fund remittances should be increased or decreased beginning April 1 to meet this target. (7-1-93)

04. Review by Commission Staff. On or before March 1 the Commission Staff shall review the calculations and recommendations of the administrator and call any errors or omissions to the attention of the administrator and the Commission. (7-1-93)

05. Report a Public Record -- Workpapers Exempted Trade Secrets. The report of the administrator showing statewide totals for local service and MTS/WATS minutes, inventories of service lines, and other information not identifying a telephone corporation or a customer is a public record available for inspection, examination and copying under Section 74-102, Idaho Code. Workpapers accompanying the report (including those produced by the USF administrator) showing individual telephone corporation's data for Title 62 services and individual telephone corporation's reports to the TRS or USF administrators showing data for their Title 62 services, together with any data for Title 61 services protected from disclosure under applicable Trade Secret Law, are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. (7-1-93)

206. -- 300. (RESERVED)

PARTICIPATION IN THE TRS PROGRAM
RULES 301 THROUGH 400

301. PARTICIPATION IN PROGRAM (RULE 301).

All telephone corporations providing local exchange service within the state of Idaho and all telephone corporations providing intrastate message telecommunications service (MTS) within the state of Idaho, including those otherwise exempt from the jurisdiction of the Commission pursuant to Section 61-104, Idaho Code, and those providing local exchange service or MTS/WATS pursuant to the Telecommunications Act of 1988, Sections 62-601 et seq., Idaho Code, are required to participate in the TRS program and to contribute to the TRS fund under these rules, except as provided by Rules 203 and 302. (7-1-93)

302. EXEMPTION FROM TRS PARTICIPATION AND FUNDING (RULE 302).

The Commission may permit a telephone corporation that provides local exchange service in Idaho or intrastate MTS/WATS service in Idaho to provide TRS to its customers through a TRS provider other than the provider selected by the Commission and may waive the telephone corporation's obligation to participate in the program and to fund the program if the Commission finds, upon application by the telephone corporation, that: (7-1-93)

01. **ADA**. The telephone corporation will meet its obligation to its Idaho customers in accordance with the standards set forth in the Americans with Disabilities Act. (7-1-93)

02. **TRS Program**. The operation or provision of TRS under the program approved by the Commission will not be substantially impaired if that telephone corporation does not participate in or fund the TRS program. (7-1-93)

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