

Advisory Memo

June 5, 2013

To: All Vendors Participating in the Nebraska Specialized Telecommunications Equipment Program (NSTEP).

From: Steven G Stovall – NSTEP Administrator.

RE: NSTEP Eligibility of personal computer devices.

The Nebraska Specialized Telecommunications Equipment Program (NSTEP) in the TRS system has recently received requests for reimbursement for purchasing certain wireless personal computer devices such as IPADs. This memo is to advise you of the Commission's interpretation of Nebraska law regarding the eligibility of devices such as IPADs, Kindles, Nooks, and other personal computer devices.

Only telecommunications equipment included in the definition of Specialized Telecommunications Equipment as defined in statute are eligible for reimbursement from NSTEP. Nebraska law defines Specialized Telecommunication Equipment as, "any telecommunications device enabling deaf, hard of hearing, or speech-impaired persons to communicate using conventional telephone systems." *Neb. Rev. Stat.* § 86-310.

It is the position of the Commission that IPADs and other similar personal computer devices do *not* meet the statutory definition of Specialized Telecommunications Equipment under the current statutory language and are therefore *not* eligible for reimbursement under NSTEP from the TRS Fund. Simply enabling communication via broadband or internet connection is insufficient to meet the statutory definition. Personal computer devices included in this category of ineligible devices all have the following characteristics leading to the above conclusion:

- 1) The device is not assigned a telephone number and is not classified as a telecommunications device;
- 2) Users of IPADs and other personal computer devices are not assessed the TRS surcharge; therefore, users of these items are not contributing to the TRS Fund and should not benefit from the fund comprised of surcharges assessed on telecommunications users;
- 3) The primary purpose of such devices is not telecommunications, they are devices which allow for communications, but telecommunications via the device with the conventional telephone system is not its primary purpose;

Inclusion in NSTEP of such devices would require a statutory change and an expansion of the NSTEP program by the Legislature.

Thank you for your attention to this matter and if you have any questions regarding this advisory memo, please contact Steve Stovall at 402 471-0225 or steve.stovall@nebraska.gov.

Sincerely,

Steven G. Stovall – NSTEP Administrator
Nebraska Public Service Commission