

March 10, 2004

Elizabeth Rolando, Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

Re: Docket No. 04-0067

Dear Ms. Rolando:

Enclosed for filing in the above captioned docket, please find an Amended Response to Petition filed by the Staff of the Illinois Commerce Commission. Also enclosed is a Notice of Filing, a Certificate of Service, and a Service List.

Sincerely,

Christy Pound, Staff Liaison  
Consumer Services Division

Enclosures

cc: Examiner Albers  
Service List

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Jacksonville Area Center for Independent Living :  
Petition for Eligibility pursuant to 83 Ill. Admin : 04-0067  
Code Sec. 755.210 :

AMENDED RESPONSE TO PETITION

Now comes the staff of the Illinois Commerce Commission (“Staff”) and submits this amended response to the Petition filed by Jacksonville Area Center for Independent Living (“Petitioner”) on February 3, 2004 for designation as an organization eligible to receive a Text Telephone (TT).

Section 13-703(d) of the Public Utilities Act (“the Act”) states:

The Commission shall determine and specify those organizations serving the needs of those persons having a hearing or speech disability that shall receive a telecommunications device and in which offices the equipment shall be installed in the case of an organization having more than one office. For the purposes of this Section, “organizations serving the needs of those persons with hearing or speech disabilities” means centers for independent living as described in Section 12a of the Disabled Persons Rehabilitation Act and not-for-profit organizations whose primary purpose is serving the needs of those persons with hearing or speech disabilities. The Commission shall direct the telecommunications carriers subject to its jurisdiction and this Section to comply with its determinations and specifications in this regard.

A review of the materials submitted with the petition indicates that the Petitioner is a not-for-profit organization and is not owned by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this state. The

The Petitioner is a center for independent living as defined in Section 13-703(d) and promotes independent living for all persons with disabilities in Morgan, Scott, Cass and Mason counties. Section 12a of the Disabled Persons Rehabilitation Act defines Center for independent living as a consumer controlled, community based, cross-disability, non-residential, private non-profit agency that is designated and operated within a local community by individuals with disabilities and provides an array of independent living services. By definition, the Jacksonville Area Center for Independent Living is a cross-disability organization providing services to individuals who have a physical or mental impairment that substantially limits a major life activity, has a record of such an impairment or is regarded as having such an impairment. The Petitioner is committed to enabling persons with disabilities to gain effective control and direction of their own lives in the home, in the workplace, and in the community. The Petitioner's goal is to stimulate and promote a growing sense of personal dignity through individualized programs designed to provide the tools necessary for maximum independence and community participation.

Staff is of the opinion that the facts of docket 04-0067 differ from the facts of docket 99-0325 based on the Petitioner in docket 04-0067 being a Center for Independent Living. The Petitioner in docket 99-0325 did not meet the designation as a TT recipient organization as they were not a Center for Independent Living and their primary purpose was to reach children with the gospel, basic discipleship and getting them involved in local churches by offering eight weekly summer camps with one week being specifically designed for children with hearing disabilities. Services provided to those individuals with hearing or speech disabilities would have been incidental to the services provided to

all of the children. Staff notes that under circumstances similar to those stated in Docket No. 04-0067, approval to receive a text telephone was granted by orders in Docket No. 00-0730 on December 20, 2000, and Docket No. 00-0209 on April 12, 2000. Therefore, it is Staff's opinion that the Petitioner meets the statutory test for designation as a TT recipient organization due to their status as a Center for Independent Living. Wherefore, Staff does not seek a hearing in this matter.

Respectfully submitted,

Christy Pound, Staff Liaison  
Consumer Services Division

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Jacksonville Area Center for Independent Living :  
Petition for Eligibility pursuant to 83 Ill. Admin : 04-0067  
Code Sec. 755.210 :

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

YOU ARE HEREBY NOTIFIED that I have on this 10th day of March, 2004, forwarded to the Chief Clerk of the Illinois Commerce Commission, for filing in the above docket, a Response to Petition filed by Staff of the Illinois Commerce Commission, copies of which are hereby served upon you.

\_\_\_\_\_  
Christy Pound, Staff Liaison  
Consumer Services Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Notice, together with the documents referred to therein, were served upon the parties on the attached Service List, by first class mail, proper postage prepaid, from Springfield, Illinois on this 10<sup>th</sup> day of March, 2004.

\_\_\_\_\_  
Christy Pound, Staff Liaison

VERIFICATION

I, Christy Pound, first being duly sworn upon oath depose and say that I am the Staff Liaison in the Consumer Services Division, that I have read the above and foregoing Response to Petition, and that the facts and matters set forth therein are true to the best of my knowledge and belief.

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Christy Pound, Staff Liaison  
Consumer Services Division

Subscribed and sworn to before me  
this 10<sup>th</sup> day of March, 2004.

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(Notary Public)

## SERVICE LIST

Rebecca McGinnis  
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Jacksonville Area Center  
for Independent Living  
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Trudy Snell  
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