

STATE OF FLORIDA

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Public Service Commission RECEIVED

July 1, 1998

JUL - 2 1998

BY AIR BORNE EXPRESS

FCC MAIL ROOM

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: CC Docket No. 98-67 - Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities.

Dear Ms. Salas:

Enclosed are an original and 12 copies of the Florida Public Service Commission's comments in the above-referenced docket. Please date-stamp one copy and return to us in the enclosed self-addressed stamped envelope.

Sincerely,

Cynthia B. Miller
Senior Attorney

CBM:jmb
Enclosure

cc: Carmell Weathers, Common Carrier Bureau
International Transcription Services, Inc.

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Before the
Federal Communications Commission
Washington, D. C. 20554

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In the Matter of:)
)
Telecommunications Relay)
Services and Speech-to-Speech)
Services for Individuals with)
Hearing and Speech Disabilities)
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CC Docket No. 98-67

**EXECUTIVE SUMMARY OF
FLORIDA PUBLIC SERVICE COMMISSION C-S**

In general, the Florida Public Service Commission (FPSC) comments support the FCC's tentative conclusions that:

- 1) "improved" relay services be reimbursed by the interstate TRS fund;
- 2) video relay interpreting not be mandated by FCC rules;
- 3) implementation of multilingual relay service be left to the states;
- 4) pay-per-call services via TRS should not be mandatory;
- 5) communications assistants may summarize information; and,
- 6) the FCC's TRS answer time standard should be clarified.

In addition, the FPSC provides comments regarding our procedures for handling complaints and how the public, relay users included, are made aware of our complaint resolution program.

The FPSC comments do not support the FCC's time-frame regarding the provisioning of speech-to-speech (STS) services.

The FCC tentatively concluded that, within two years of the publication of the Federal Register of a Report and Order all common carriers must ensure that STS services are available. The FPSC believes it would be more appropriate to time the provision of STS to current contract expiration dates.

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Before the
Federal Communication8 Commission
Washington, D. C. 20554

In the Matter of:)
)
Telecommunications Relay) CC Docket No. 98-67
Services and Speech-to-Speech)
Services for Individuals with)
Hearing and Speech Disabilities)
_____)

**Comments of the Florida Public Service Commission
In Response to the Notice of Proposed Rulemaking
Dated May 20, 1998**

I. Introduction

Pursuant to Florida's Telecommunications Access System Act of 1991, the Florida Public Service Commission (FPSC) implemented the Florida Relay Service beginning June 1, 1992. With the assistance of an appointed Advisory Committee consisting of representatives from the deaf, hearing and speech impaired communities as well as the telecommunications industry, the FPSC established the operational standards and procedures to be followed by its relay provider. These standards and procedures have been modified and updated through consultation with the Advisory Committee and the telecommunication's industry. The Florida Relay Service is certified by the Federal Communications Commission, pursuant to the requirements specified in 564.605 State Certification of the FCC's rules.

II. Comments

Our comments are identified below by titles and paragraph numbers used in the NPRM.

A. Coverage of Improved TRS Under Title IV of the ADA

1. Scope of TRS Generally (§ 15)

The FCC has tentatively concluded that the costs of providing interstate "improved" relay services should be reimbursed from the interstate TRS Fund. It was also tentatively concluded that two services shall be classified as "improved" TRS services and thus the cost of providing these services should be recoverable: (1) STS (speech to speech) service and (2) VRI (video relay interpreting) service. The FPSC agrees with these conclusions. We also agree that allowing recovery for the interstate costs of these two services will spur further development of these services.

2. Speech to Speech (STS) Relay Service (§ 23)

The FCC has tentatively concluded that, within two years of the publication in the Federal Register of a Report and Order in this proceeding, all common carriers providing voice transmission must ensure that STS services are available to callers with speech disabilities throughout their service territory. We disagree with this time frame. The FPSC believes it would be more appropriate to time the provision of STS to current contract expiration dates; no

sooner than one year but no more than three years from the date of publication in the Federal Register of a Report and Order in this proceeding. For example, the FPSC's current contract with MCI expires on May 31, 2000. The next contract we enter into, beginning June 1, 2000, might address the provision of STS service. The new contract could accommodate any special operational or cost issues which would arise because of the provision of STS. It appears that many existing relay contracts are for a period of 2-3 years. Tying the provision of STS service to current contract expiration dates could reduce the instances of renegotiating existing contracts. Likewise, any change in the FCC's required services or standards should allow time for most current contracts to expire thus eliminating the need to renegotiate existing contracts.

3. **Video Relay Interpreting (VRI) Services** (¶ 32 & 37)

The FPSC supports the FCC's tentative conclusion that VRI should not be mandated by its TRS rules at this time. Not only is the technology still at a relatively early stage of development, but we believe there are few individuals that have the necessary equipment in their home to benefit from VRI, thereby requiring that they travel to a distant location for a video conference. The FPSC further agrees that mandating VRI when it is still at an early

stage of development could remove competitive incentives for the development of innovative and quality VRI offerings by TRS providers. Many states, Florida included, may implement VRI if and when the state believes the time and costs are appropriate. Although the FCC has tentatively concluded the cost of interstate VRI is recoverable from the interstate TRS Fund, it still may be too cost prohibitive at this time to implement.

4. **Multilingual Relay Service8 (MRS) and Translation Services** (§ 37 & 39)

The FCC has tentatively agreed with those parties that assert that, at this time, the decision as to whether to implement MRS is best left to the state TRS programs. The FPSC agrees. States are better able to determine the language needs of its citizens. Florida currently requires that at all times its relay provider (MCI) make available communications assistants (CAs) with the capability to provide relay service to users who use either English, Spanish, or ASL on their relay call.

The FCC tentatively concluded that any "translation" TRS, especially foreign-language translation services, are value-added TRS offerings that go beyond the "relaying" of conversation between two end users. Therefore, the interstate portion of such services should not be reimbursable from the interstate TRS Fund. The FPSC agrees. Our current contract does not require translation from one

language to another. However, as discussed below in our comments on ¶ 46, translation of ASL should be allowed.

6. Access to Enhanced Services (¶ 45)

Aside from a variety of technical issues there are many noteworthy practical issues related to the provision of pay-per-call (PPC) services through TRS. Many PPC services are offered at unregulated per minute rates which exceed rates typically charged for toll calls. Thus, assuming that the technical issue of ensuring that the correct telephone number is available to the PPC provider for billing, the relay user must assume the burden of costs that will often be more than double that charged to other users because of the additional time to complete a relay call. Moreover, the FPSC regularly receives complaints about unauthorized and/or fraudulent charges for such services. With the availability of these services through TRS will likely come extremely high and perhaps unauthorized charges. It must also be recognized that some PPC services are free, for a short duration. Because of the extended time necessary for TRS users to interact with voice response units, the available free time will probably have elapsed before the TRS user benefits from the free offering. It is also likely that insufficient price disclosure will be made to the TRS caller before charging begins.

Technical issues to overcome include making available the ability to block access to 900-number and other service access codes used by PPC providers. Since access to TRS services is usually accomplished via the 800 service access code, relay users may circumvent LEC 900-number blocking services. Thus, if 900-number services are authorized, it should be required that the relay provider offer a 900-number blocking service comparable to the LEC service available to other subscribers. A method of determining who has the authority to establish a block with the TRS provider and to remove a block is required. The Texas approach of requiring TRS callers to access the relay service via a separate 900-number may well be an acceptable way to ensure that LEC 900-number blocking services are also available to TRS users.

Whether the PPC service is interstate or intrastate is an issue with respect to the relay provider's recovery of costs for the call. We know of no way a relay provider can determine where the 900-number service of another carrier terminates. Whether the carrier providing the 900-number has a presence for the handoff of carrier of choice relay traffic is also a factor in how PPC service will function via relay. Such a direct handoff allows the receiving carrier to accept the TRS caller's number automatically for billing, without interpositioning an operator to create an

alternative billing record. Assuming that the relay provider can pass the TRS caller's ANI forward through the relay switch to a remotely located 900-number service provider, calls to those 900-number service providers may be confusing with respect to whether bills for the service will show the caller's originating exchange or the exchange of the relay provider. Without complete resolution of these issues, the FPSC concurs that PPC services via TRS should not be mandated by the FCC.

Verbatim Relay (¶ 46)

The FCC has tentatively concluded that its rules should be amended to allow communications assistants (CAs), when encountering an interactive recorded message during a TRS call that cannot be relayed verbatim due to technical limitations, to alert the TRS user to the presence of a recorded message. The CA also should be permitted to inquire as to whether the TRS user wishes the CA to summarize the message or to listen for specific information. The FPSC supports this conclusion.

We believe summarization is appropriate for all relay calls when the relay user specifically requests summarization and informs all parties that the call is being summarized; the FCC's rules should so specifically state. This would be especially helpful in translating ASL to spoken English.

B. Mandatory Minimum Standards

1. Speed-of-Answer Requirements (§ 50, 52, & 53)

The FPSC agrees that the FCC's TRS Answer Time Standard should be clarified. We believe also that the FCC's standard should be considered a minimum standard and not preclude states from establishing higher standards, consistent with the needs of their citizens.

The FPSC has recognized in its relay contract that answer time may be measured several ways and that averaging answer time over an extended period may mask inferior performance during certain periods. To address these concerns, Florida's relay contract provides for two measurements of answer time. First, on a daily basis the relay provider should answer 90% of the calls reaching its relay switch within 10 seconds and be ready to serve. Those calls abandoned by the caller within 10 seconds need not be counted. Those abandoned after 10 seconds have elapsed must be counted in the speed-of-answer calculation. We agree that the standard should be met on a daily basis. Otherwise poor service may be masked by averaging over extended periods of time. A daily measurement seems to be a reasonable compromise between measuring on an hourly, or more frequent basis, and monthly.

The FPSC also requires that on a monthly basis the relay provider be ready to serve and answer 90% of the test calls initiated by staff within 20 seconds after the last digit is dialed. This measurement is intended to mirror the service received by a TRS user for both TDD to voice and voice to TDD from various locations around the state. In this calculation, it is assumed that 10 seconds of network set-up time is sufficient for the call to reach the provider's system, then another 10 seconds is allowed for the relay provider to answer and be ready to serve. Since the number of test calls per day is not substantial, we believe it is appropriate for this measurement to average the calls on a monthly basis. We believe this measurement is important in our oversight of the quality of service provided in Florida. While this measurement need not be included in federal requirements, neither should it be precluded.

Since each of the proposals the FPSC received in 1996 from major TRS providers asserted their ability to meet our more stringent answer time requirement, i.e., counting the abandoned calls within the measurement, the FPSC believes it is certainly reasonable for the FCC to require compliance with a standard that includes abandoned calls.

If the provider cannot distinguish between those calls abandoned after 10 seconds and those with a shorter duration, then all abandoned calls should be counted. It is certainly true that many calls are abandoned in a relatively short time and the relay provider has insufficient time to answer. However, the calls abandoned after 10 seconds are more likely to be abandoned after an extended time from the caller's frustration with a delay in answering. Thus, calls abandoned after 10 seconds should be counted because the calls probably would not have been abandoned if they were timely answered. Otherwise the provider has less incentive to ever answer a call for which the provider has already missed the answer threshold.

D. E n f o r c e m e n t (¶ 7 5 & 7 6)

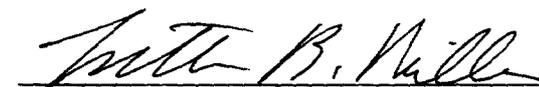
The FPSC routinely accepts complaints and ensures appropriate corrective action is taken where warranted. The public is made aware of our complaint resolution program through media releases and various public service announcements. In addition, every telephone book in Florida, both in English and Spanish on the inside front cover or first page, provides information on how to contact us, toll-free by phone and fax and by using Internet e-mail for any complaints against a regulated utility. This would appear to satisfy the FCC's goal of ensuring that TRS users have

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functionally equivalent information on complaint procedures, without setting up a separate complaint notification system for TRS users that goes beyond what is available to the general public.

A typical written complaint to the FPSC's Division of Communications is acknowledged within 5 days and is usually resolved within thirty days. Complaints are accepted by telephone and are also generally resolved, by the Division of Communications, within thirty days. In addition, the relay provider reports monthly on the number of complaints the provider receives. Therefore, the FPSC sees no need to amend state certification requirements with respect to complaints.

Respectfully submitted,


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DATED: July 1st, 1998