

State of Florida



Public Service Commission

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RECORDS AND REPORTING

DATE: 10/26/00
TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)
FROM: DIVISION OF COMPETITIVE SERVICES (AUDU, KING, MOSES, SALAK)
DIVISION OF APPEALS (BROWN) MCB
RE: DOCKET NO. 991222-TP - REQUEST FOR SUBMISSION OF PROPOSALS FOR RELAY SERVICE, BEGINNING IN JUNE 2000, FOR THE HEARING AND SPEECH IMPAIRED, AND OTHER IMPLEMENTATION MATTERS IN COMPLIANCE WITH THE FLORIDA TELECOMMUNICATIONS ACCESS SYSTEM ACT OF 1991.

AGENDA: 11/07/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 12/18/00 - FCC RULE REQUIREMENT EFFECTIVE

SPECIAL INSTRUCTIONS: PLEASE PLACE AT THE BEGINNING OF THE AGENDA OR AT A TIME CERTAIN TO MINIMIZE INTERPRETER COSTS

FILE NAME AND LOCATION: S:\PSC\CMP\WP\991222.RCM

CASE BACKGROUND

The Federal Communications Commission (FCC) published amendments to its Telecommunications Relay Service (TRS) rules in the Federal Register on June 21, 2000. In January, 2000, the Commission signed an agreement with Sprint to provide Florida relay service beginning June 1, 2000. The terms and conditions of the existing agreement with Sprint do not completely comply with the new rules passed recently by the FCC. Attached is a chart which illustrates the areas in which Florida's contract will not be in compliance with the FCC rules. December 18, 2000, is the effective date of the new requirements. The Commission has asked the FCC for an extension of time until March 1, 2001, if necessary, to implement the new rules.

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On May 9, 2000, the TASA Advisory Committee met. The Advisory Committee voted to recommend that the Commission add Turbo Code as a service offered under the Sprint relay contract.

This recommendation addresses proposed amendments to Sprint's contract to comply with the new requirements of the FCC rules and include the Turbo Code service.

ISSUE 1: Should the Commission amend Sprint's contract to comply with the new FCC rules on relay?

RECOMMENDATION: Yes, the Commission should accept Sprint's offer to modify the current contract to comply with the FCC rules for the additional price proposed. If the Commission does not accept Sprint's offer, the Commission should initiate a Request for Proposals for a new relay contract. (Salak)

STAFF ANALYSIS: On June 1, 2000, Sprint became the new relay provider for the State of Florida. The contract for Sprint's relay services was signed in January, 2000, and was in compliance with the FCC's existing rules for relay service. Subsequently, however, the FCC modified its rules with the intent of improving the quality and functional equivalence of relay services. As a result, the Commission's current contract with Sprint does not comply with all of the new standards mandated by the FCC. The Commission is required to "(e)nsure that the telecommunications relay service system complies with regulations adopted by the Federal Communications Commission to implement Title IV of the Americans with Disabilities Act." Section 427.704(1)(d), Florida Statutes.

Under these circumstances, the Commission has two options to bring Florida's Relay Service into compliance with the new FCC Relay Rules: 1) The Commission can issue a new request for proposals and begin the entire selection process again; or 2) The Commission can amend the contract with Sprint currently in effect.

Staff recommends the latter of these options. The current contract already requires that the provider comply with all applicable Federal and State requirements, and Sections 27 and 42-f of the RFP incorporated into the contract contemplate modifications necessary both to comply with the law and to adopt additional optional features. Staff believes this is the more efficient and cost-effective course of action, considering that the contract with Sprint has only been in effect since June of this year.

Sprint has offered to modify the contract to comply with the FCC's new rules for an additional price per session minute of \$.07 over the current \$.72. Sprint has offered to handle the additional amount on a per session minute basis for the remainder of the contract period, or on a lump sum basis. The payment option will be discussed in Issue 2.

The main cost drivers for the increase in price are the requirement of 60 words per minute of text transmission for Communications Assistants (CAs); Speech-to-Speech requirements; answer time requirements; emergency services; and In-Call

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replacements of CAs. Staff requested a supporting breakdown of the price and an explanation of what is involved for the increased price. Based upon a review of this information, staff believes that this price increase is reasonable.

Staff recommends that the Commission accept Sprint's offer to modify the current contract to comply with the FCC rules for the additional price proposed. If the Commission does not accept Sprint's offer, the Commission should initiate a Request for Proposals for a new relay contract.

ISSUE 2: Should the Commission pay Sprint on a per session minute basis or in a lump sum payment?

RECOMMENDATION: The Commission should pay Sprint on a lump sum basis. (Salak)

STAFF ANALYSIS: Sprint has offered the Commission the option of paying for the increase in the contract rate through a per session minute charge of \$.07 for the remainder of the current three year contract, or through a lump sum payment of \$1,827,000. If the contract were to be lawfully canceled during the three year period, Sprint will prorate the lump sum payment over the period for which the contract was in effect and refund the unused portion of those monies. Another lump sum payment would be due for each of the optional one-year renewal periods after the initial three years.

Staff has calculated the break even point between the alternatives to be approximately 900,000 session minutes on average per month. To-date 2000, the average monthly session minutes has been 923,448. This would lead to the conclusion that the lump sum payment is better. In addition, FTRI has a balance of approximately \$9.2 million in its accounts as of October 23, 2000. Staff believes a lump sum payment could be paid from this balance with no harm to the program.

However, in Issue 3 staff is recommending that Turbo Code be added as an additional feature to be offered by Sprint at a cost of \$.01 per session minute. As discussed in Issue 3, Turbo Code should depress the number of total session minutes used in Florida, but may not offset the growth rate Florida is experiencing. This leads to ambiguity in determining if the flat rate or lump sum payment method is the better alternative for the remainder of the three year period.

Staff recommends that the lump sum payment of \$1,827,000 be made. It is a known amount that will not vary with usage. At this time, there are more than sufficient funds available for the payment.

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ISSUE 3: Should Sprint's contract be amended to add Turbo Code as a feature of Florida's relay service?

RECOMMENDATION: Yes, Turbo Code should be added as a feature to be provided by Sprint. (Salak)

STAFF ANALYSIS: At the TASA Advisory Committee meeting held on May 9, 2000, the Advisory Committee unanimously voted to recommend that the Commission add Turbo Code as a feature of Florida's Relay Service. Turbo Code is a feature that allows for enhanced transmission and the capability to interrupt during transmission. Sprint can provide Turbo Code as an additional feature the first quarter of 2001 at an additional cost of \$.01 per session minute.

Staff believes that Turbo Code will lead to fewer session minutes on average. The minutes saved per relay customer will vary depending upon the equipment of the customer, whether Turbo Code is turned on or off, and typing speed. Other states that offer Turbo Code as a feature have seen a reduction in session minutes; however, the reductions vary. It should be noted that the equipment currently distributed by FTRI is capable of providing Turbo Code.

Based upon the average of calendar year 2000 to-date total billable intrastate session minutes of use, and assuming Sprint's current or proposed new price before adding Turbo Code, staff believes monthly session minutes will only have to decrease a little over 1% for the total bill paid to Sprint to decrease if Turbo Code is added as a relay feature. This does not take growth into consideration. Staff believes that total monthly billable session minutes will decrease by more than 1% as a result of Turbo Code, so Sprint's relay bills should decrease in the long run with Turbo Code. Staff believes that use of the interrupt function that Turbo Code provides will decrease session minutes of use, as well as provide increased quality of service and increased functional equivalence.

Staff recommends that the Commission amend its contract with Sprint to include Turbo Code as a relay feature.

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ISSUE 4: Should the surcharge be changed at this time?

RECOMMENDATION: No. (Salak)

STAFF ANALYSIS: Staff does not recommend that the surcharge be changed at this time. In other issues staff is recommending an increase in the price per session minute and use of the available funds. However, FTRI currently has a balance of funds over nine million dollars. The budget for FTRI will be addressed mid-year 2001 at which time we can look at the impact of the increases in price. In addition, there should be a reflection of the reduction in minutes due to Turbo Code.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No, this docket should not be closed. (Brown)

STAFF ANALYSIS: This docket should remain open during the contract period with Sprint as the relay provider. This docket is used to monitor issues that arise that are related to the contract.

SPRINT PROPRIETARY DATA

FCC RULES AND ORDERS	CURRENT CONTRACT	IMPLEMENTATION DATE
§ 64.603 Provision of Services		
Speech to Speech relay service (STS)	Not Included	March 1, 2001 Included in this proposal
Interstate Spanish language relay service	Sprint offers Spanish Services, which provide Spanish-to-Spanish, English-to-Spanish, and Spanish-to-English translation	In place
Video Relay Services (VRS)	Not Included	Service available Upon request
§ 64.604 Mandatory Minimum Standards		
(a) OPERATIONAL STANDARDS		
<i>(1) Communications Assistant -</i> 60- WPM Text Transmission	"A minimum typing speed of 55 correct words per minute"	December 18, 2000 Included in this proposal
<i>(2) Confidentiality and conversation content -</i> CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with limited exception for STS CAs.	"As required by s.427.704(1)(c), F.S., all calls shall be totally confidential"	TRS: In place. STS: March 1, 2001
<i>(3) Types of Calls -</i> CAs are prohibited from refusing sequential calls or limiting the length of calls utilizing relay services.	"The FRS user has full control of the relay call. There is no limit to the number of calls a user may request the CA to process."	In place
<i>(4) Handling of Emergency Calls -</i> At a minimum, the system must automatically and immediately transfer the caller to the nearest Public Safety Answering Point (PSAP)	Current standard call procedure is: 1. Determine area code of originating number; 2. Dial directory assistance; 3. Dial emergency number provided.	December 18, 2000 Included in this proposal

SPRINT PROPRIETARY DATA

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FCC RULES AND ORDERS	CURRENT CONTRACT	IMPLEMENTATION DATE
<p>(5) <i>In-Call Replacement of CAs</i> –</p> <ul style="list-style-type: none"> Requires CA to stay with the call for a minimum of <u>10 minutes</u>. Requires STS CA to stay with the call for a minimum of <u>15 minutes</u>. 	<p>“If a FRS user requests that the same CA be used to process the entire conversation, Sprint Relay will, whenever possible, comply.”</p>	<p>December 18, 2000 Included in this proposal</p>
<p>(6) <i>CA Gender Preferences</i> – Requires that TRS providers make every effort to accommodate requests for a specific CA gender at the beginning of a call or during a CA transfer.</p>	<p>If a request is made for another gender CA, every attempt is made to honor the request.</p>	<p>In place</p>
<p>(7) <i>STS Called Numbers</i> – Requires Frequent Dialed Number feature be made available to STS users.</p>	<p>Not Included</p>	<p>March 1, 2001 Included in this proposal</p>
<p>(b) TECHNICAL STANDARDS</p>		
<p>(1) <i>ASCII and Baudot</i> – TRS shall be capable of communicating with ASCII and Baudot, at any speed generally in use.</p>	<p>Included in Sprint's standard TRS Platform</p>	<p>In place</p>
<p>(2) <i>Speed of Answer</i> – Requires 85% of all calls be answered in 10 seconds by a CA prepared to handle the call at the time to accommodate automated call handling. Calls are not to be put in a queue or on hold. Calls shall be measured on a daily basis.</p>	<p>“Provider is responsible for answering 90% of all calls per month within 10 seconds “</p>	<p>December 18, 2000 Included in this proposal</p>
<p>(3) <i>Equal Access to interexchange carriers</i> – TRS users shall have access to their chosen interexchange carrier through TRS, and to all other operator services.</p>	<p>“FRS callers will have their interstate calls carried by any interexchange carrier who has agreed to participated in the COC program”</p>	<p>In place</p>
<p>(4) <i>TRS facilities</i> – TRS shall operate every day, 24 hours a day.</p>	<p>Included in Sprint's standard TRS Platform</p>	<p>In place</p>

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(5) <i>Technology</i> – Development of improved technology that fosters the availability of telecommunications to persons with disabilities. VCO and HCO technology are required.	Included in Sprint's standard TRS Platform	In place
<i>Voice Mail and Interactive Menus</i> – CAs must alert TRS user to the presence of a recorded message and interactive menu through a hot key. Recorded messages shall be electronically captured, recorded, and retained for the length of the call. No charges are allowed for additional calls which must be made by the relay user in order to complete these types of calls.	Included in Sprint's standard TRS platform (Machine Recording Capability).	In place
<i>Pay-Per-Call services.</i>	"Provider will not be required to provide access to 900 service unless required by the FCC"	December 18, 2000 Included in this proposal
(c) FUNCTIONAL STANDARDS		
(1) <i>Consumer Complaint Logs</i> – A log of consumer complaints must be retained and submitted to FCC by July 1 of each calendar year.	Not Included	June 1, 2001 (Report period from June 1, 2000 to May 31, 2001). Included in this proposal
(2) <i>Contact persons</i> – Providers of relay having state TRS contracts must submit to the Commission the name and number for a person to contact about the provider's service.	Not Included	Completed on June 30, 2000 (www.fcc.gov/cib/dro/trs.html)
(3) <i>Public Access to Information</i> – Efforts must be made to assure that callers are aware of the availability and use of all forms of TRS.	Outreach is not included in the contract	December 18, 2000 Not included in this proposal. Provided outside of this contract.
(4) <i>Rates</i> – Rates for TRS calls shall be no greater than rates paid for functionally equivalent voice communications services.	Interstate and International calls are not billed to the end user at a rate higher than the rate for a non-relay call.	In place
(5) <i>Jurisdictional separation of costs</i>	Refer to FCC 00-200 document.	In place

SPRINT PROPRIETARY DATA

FCC RULES AND ORDERS	CURRENT CONTRACT	IMPLEMENTATION DATE
(6) <i>Consumer Complaint Logs</i> - A log of consumer complaints must be retained	Sprint reports complaints received to FL PSC in the monthly invoices.	In place
(7) <i>Treatment of TRS customer Information</i> - Provision of TRS customer profile data to the incoming TRS vendor at least 60 days prior to outgoing TRS vendor's last day of service.	Not Included	Sprint will comply at the end of contract term. Included in this proposal

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