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Public Service Commission

December 21, 2005

VIA ELECTRONIC FILING

The Honorable Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GC Docket No. 03-123, DA 05-2961-Telecommunications Relay Services and
Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities

Ms. Dortch:

At its December 20, 2005, Internal Affairs, the Florida Public Service Commission approved filing comments in the above docket with regard to Telecommunications Relay Services.

Rick Moses at (850) 413-6582 is the primary staff contact on these comments.

Sincerely,

/ s /

Cindy B. Miller
Senior Attorney

CBM:tf
cc: Brad Ramsay, NARUC

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	DA 05-2961
With Hearing and Speech Disabilities)	

**COMMENTS OF
THE FLORIDA PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission (FPSC) respectfully submits the following comments to the Federal Communications Commission (FCC) in response to the FCC's request for comments on a petition for rulemaking to mandate captioned telephone relay service and to approve Internet-Protocol (IP) captioned telephone relay service.

Introduction

The FPSC is pleased to have the opportunity to provide comments to the FCC on captioned telephone relay service and IP captioned telephone relay services. Both of these services may enrich the lives of those persons who have difficulty using regular telephone service, but are reluctant to use traditional relay service. The FPSC offers the following comments to assist the FCC in its consideration of mandating these services.

Captel Service

Captel, which is a captioned telephone service, has been provided in the state of Florida since March 2004. Florida is the largest provider of Captel service in the United States with 2,389 current users of the service, and adding up to 100 new customers each month. The per minute usage cost to provide this level of Captel service is approximately \$175,000 per month to the Florida relay provider. Florida has elected to distribute a maximum of 100 Captel phones per month for two reasons.

First, because the provider of Captel only has one call center, the provider is limited in the number of calls its call center can process. The second reason is managing the budget for Captel usage cost and the cost of the Captel instruments. Captel is a relatively new service. As more people become aware of it, the cost has increased monthly. If the FCC mandates Captel as a TRS service and does not fund it from the interstate fund, Florida suggests that consideration be given to allowing each state the ability to offer a restricted service to facilitate budgetary constraints. Florida has a statutorily¹ imposed surcharge cap of \$.25 per wire line access line, for up to 25 access lines per account. The surcharge level is currently \$.15 per access line. If Captel is mandated without a limit to the number of clients that can be added to the service, this cap could easily be exceeded in a relatively short time.

While service quality is not part of the petition, neither the FCC nor Florida currently has any service quality standards for Captel. Florida has experienced service quality problems with the service. The service uses voice recognition software. Although the service is well-received by the users, we are finding that many words are often misspelled or misinterpreted to the degree that the conversation content is radically changed. Therefore, if the FCC mandates Captel or similar captioning service, consideration should be given to imposing minimum service quality requirements.

Two-Line Captel

In the petition for rulemaking, two-line Captel service is referenced for access to E-911 service. Two-line Captel service is necessary in order for the 911 operator to call the Captel user back if the person has been disconnected. Without two lines, the 911 center would have to call the 800 number that reaches the Captel center. Although the 911 center could directly dial the Captel user, the phone would not display captioning.

¹ Section 427.704(4)(a)(3), Florida Statutes

It is unclear in the petition how the cost of the two access lines will be recovered. Florida asserts that the cost of the access lines should be the responsibility of the end user, hearing impaired or not. Florida currently offers two-line Captel service, but does not fund the cost of the access lines. To have the cost covered by the state relay service fund, using the current number of customers (2,389) at \$25 per access line, would add approximately \$119,000 a month to the cost of providing relay service. The cost burden will increase significantly as more customers subscribe to the service.

Florida is not aware of a competitor to Captel service at this time. Florida is constrained by Chapter 427, Florida Statutes, to having one relay provider; therefore, Captel and traditional relay must be provided by the same provider. A competitor could provide Captel in Florida, but the competitor could not be compensated through the relay surcharge authorized by Chapter 427, Florida Statutes.

However, if a competitor does offer a similar service to Captel, we believe it should be considered an equivalent to Captel if the FCC does mandate telephone captioning service. Otherwise, the provider of Captel service could monopolize telephone captioning service.

IP-Captioning Service

Florida agrees with the petitioners that IP-Captioning should be funded from the Interstate TRS fund. Florida is not aware of IP-Captioning being offered anywhere at this time, but as the petitioners state, it will probably use computers, or wireless devices such as PDAs. Florida believes this is an innovative service and will benefit those consumers that need this type of service. However, mandating this service as part of a state-provided relay service will have the same effect as discussed above regarding Captel. It could possibly exceed state authorized budgets and stifle competition for those states that are statutorily constrained to having one relay provider. Furthermore, Florida

understands that identifying the jurisdiction of an IP originated relay call is technically difficult at best because it is difficult to determine if a call is intrastate or interstate.

Conclusion

In Section 225 of the Federal Telecommunications Act, Congress provided for compensation of relay services and distinguishes between interstate and intrastate TRS services. By mandating Captel, two-line Captel, and IP captioning services, Florida believes the majority of the cost will be imposed on the states according to Section 225, of the Act. The FCC has concluded in Order DA 05-3138, adopted December 1, 2005, that the states will pay 89% of the usage cost of two-line Captel. Assuming that the FCC will make a similar decision on the interstate allocation factor for IP captioning service, it will place an economic burden on the states. Therefore, Florida opposes mandating captioned telephone relay service and IP captioned relay service if states are expected to cover the cost of the services.

Respectfully submitted,

/ s /

Cindy B. Miller
Senior Attorney

DATED: December 21, 2005