

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 991222-TP
ORDER NO. PSC-01-1150-FOF-TP
ISSUED: May 21, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER GRANTING REQUEST FOR TEMPORARY WAIVER OF
LIQUIDATED DAMAGES PROVISIONS OF CONTRACT

BY THE COMMISSION:

On July 21, 2000, the Federal Communications Commission (FCC) adopted its Second Report and Order (FCC 00-257) in the matter of the use of N11 codes and other abbreviated dialing arrangements. This order requires nationwide implementation of 711 dialing for access to telecommunication relay service (TRS) on or before October 1, 2001. With 711 Access implemented nationwide, a person traveling across the United States may dial 711 instead of being required to obtain the 800 number appropriate for each state's relay system.

In Docket No. 001809-TP, by Order No. PSC-01-4555-PAA-TP, this Commission ordered all certificated telecommunications companies to provide 711 Service on or before August 1, 2001. Sprint indicated that it might request a temporary waiver from the liquidated damages provisions of its contract when 711 is first implemented. On February 23, 2001, Sprint filed a request for a 60-day waiver of

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two service requirements associated with the implementation of 711 Service for relay calls. The two requirements, as stated in Section B.47 of Florida's contract with Sprint for the provision of TRS, are:

1. Failure to meet blockage rate or transmission level requirements
2. Failure to meet answer time requirements

According to the petition, Sprint is uncertain how the implementation of 711 will affect call volume into the relay service. Sprint believes that this will pose a risk that it will not meet the requirements of the contract. Also, Sprint anticipates an increased workload when 711 is first implemented due to the necessary coordination with and reliance on the supporting exchange companies (LECs). A large number of call attempts to Sprint may prevent it from answering all relay calls within 10 seconds on a daily basis.

We are vested with jurisdiction over this matter pursuant to Sections 427.702 (3)(a)(b)(c) and 427.704 (1)(d)(8), Florida Statutes. Sprint has adequately demonstrated the concerns and risks the initiation of 711 may pose, and we believe these concerns are reasonable.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Sprint's request for a temporary waiver of liquidated damages provisions in its contract to provide relay services is granted as specified in the body of this Order. It is further

ORDERED that the waiver period shall begin on the implementation date for 711, August 1, 2001, and shall continue for 60 days thereafter. It is further

ORDERED that this docket shall remain open.

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By ORDER of the Florida Public Service Commission this 21st
Day of May, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JAE

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme

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Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.