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ORIGINAL



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October 7, 1997

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. *971266-TL*
GTE Florida Incorporated's Petition for Clarification of, or in the Alternative
A Waiver of, Rule 25-4.073(d), with Regard to Calls Transmitted Through the
Florida Relay Service

- ACK _____
- AFA _____
- APP _____
- CAS _____
- CMU** _____
- CTR _____
- ENG _____
- LEE 1 _____
- LIN _____
- OPB *Jan* _____
- PSY _____
- SLJ 1 _____
- WFS _____
- OTH _____

Dear Ms. Bayo:

Please find enclosed for filing in the above matter an original and fifteen copies of GTE Florida Incorporated's Amended Petition for Waiver of Rule 25-4.073(d) with Regard to Calls Transmitted Through the Florida Relay Service. If there are any questions regarding this matter, please contact me at (813) 483-2617.

Very truly yours,

Anthony P. Gillman

Kimberly Caswell

KC:tas

Enclosures

RECEIVED & FILED

FPSC-BUREAU OF RECORDS
A part of GTE Corporation

DOCUMENT NUMBER-DATE

10268 OCT-75

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

GTE Florida Incorporated's Petition)
for Clarification of, or in the Alternative,)
a Waiver of, Rule 25-4.073(d), with)
Regard to Calls Transmitted Through)
the Florida Relay Service)

Docket No. 971266-TL
Filed: October 7, 1997

**GTE FLORIDA INCORPORATED'S AMENDED PETITION FOR WAIVER
OF RULE 25-4.073(d) WITH REGARD TO CALLS TRANSMITTED
THROUGH THE FLORIDA RELAY SERVICE**

GTE Florida Incorporated (GTEFL) asks the Commission for a waiver of Florida Administrative Code Rule 25-4.073(d) to the extent it may be applied to calls transmitted to GTEFL through the Florida Relay Service (FRS). This Petition for Waiver was originally filed on October 1, 1997. This Amended Petition contains certain revisions intended to fully conform the Petition to the format required by Florida Statutes section 120.542, which governs rule waivers.

Commission Rule 25-4.073 establishes answering time standards for calls to a telephone utility's intercept, directory assistance, repair and business office services. Subsection (d) of the Rule states that, when a company uses a menu-driven, automated, interactive answering system (voice-response system), at least 95% of calls must be answered within 15 seconds after the last digit is dialed. If subscribers wish to transfer to a live attendant, the transfer must be completed within 55 seconds after the last digit dialed for at least 85% of calls to any business office, and 95% of calls to the Company's other services.

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GTEFL uses a voice-response system to answer calls to its repair, business, and other services. This waiver request pertains to the parameters for transfer of calls from the Florida Relay Service to a live attendant.

The FRS provides the telecommunications relay service system for Florida. The FRS vendor was selected by this Commission and must adhere to the guidelines and principles the Commission set forth for administration of the system. (See Request for Proposals to Provide a Telecommunications Relay Service System in Florida, Florida PSC, Aug. 14, 1996.)

The FRS system permits hearing- and/or speech-impaired individuals to more effectively use telecommunications services. The FRS, in effect, acts as the translator between the hearing- or speech-impaired caller and the called party. In the process at issue in this filing, the caller uses a telecommunications device for the deaf (TDD) to call the FRS to ask it, in turn, to call GTEFL. (The TDD is a keyboard device allowing a caller to type, rather than speak, the information he wishes to transmit over the telephone.) The FRS is also equipped with TDDs, along with Staff specially trained in American Sign Language, deaf culture, ethics and confidentiality, and sensitivity to the needs of hearing-, speech-, and dual-sensory impaired users. The FRS operator communicates with the GTEFL customer service representative by voice and with the hearing- and/or speech-impaired person through the TDD.

The latest available statistics (from 1995) show that GTEFL business offices receive about 23 calls a month from hearing and/or speech-impaired individuals. These calls are now transmitted to GTEFL through the FRS. (For comparison purposes, an estimated

Granting the waiver would lift the substantial economic hardship GTEFL would otherwise experience. If GTEFL is held to a general answer time standard that it demonstrably cannot meet with regard to calls transmitted through the FRS, it could be subject to substantial, continuing Commission fines or other sanctions for each violation. Further, it would be unduly expensive and burdensome for GTEFL to itself take on the functions FRS currently performs. It would also be a disservice (and thus a potential hardship) to the hearing- and speech-impaired community. GTEFL cannot maintain a special staff for the very small amount of TDD calls to its business and other offices. GTEFL customer representatives would thus never be as skilled and experienced in handling TDD calls as the FRS staff, which is dedicated solely to TDD call processing and which, as noted above, is extensively trained in sensitivity to hearing- and speech-impaired issues.

GTEFL could generally comply with the 55-second transfer rule, even as applied to the two-call sequence, if the FRS operators instituted a policy of bypassing the menu on GTEFL's voice-response system and immediately "zeroing out" to the GTEFL operator when the system answers the call. GTEFL has met with FRS to discuss this option. While FRS agreed GTEFL's proposed resolution was reasonable, FRS believes it cannot, consistent with its guidelines, bypass the menu information unless the caller specifically asks for summarization of the menu.

For all the reasons discussed in this filing, GTEFL asks the Commission to waive it Rule 25-4.073(d) for calls transmitted to GTEFL though the FRS process. The purpose of the underlying statute (section 364.03, F.S.) will not be compromised by this waiver, as

80,000 to 90,000 GTEFL customer calls are processed monthly through the FRS.) Thus, there are actually two calls involved when a hearing- or speech-impaired person contacts GTEFL—one to the FRS, and another from the FRS to GTEFL. Despite this fact, GTEFL believes that Commission Staff treats the contact as just one call for purposes of measuring compliance with Rule 25-4.073(d). In other words, the 55-second standard for transfer of calls to a live operator applies from the time the party places the call to the FRS to the time GTEFL transfers the call to a live operator.

Under the existing interpretation, then, GTEFL is held accountable for FRS' answer time (in addition to its own), even though GTEFL has no control over FRS procedures. Furthermore, the nature of the calls—both the call from the subscriber to FRS, and the call from FRS to GTEFL—makes them inherently more lengthy than usual. The process of "translating" typed into spoken information and vice versa simply takes longer than does a totally spoken conversation.

GTEFL believes the rule was never intended to apply to the two-call sequence at issue; indeed, calls through the relay service were likely not even contemplated when the answer time rules were established. Nevertheless, given Staff's interpretation, GTEFL is obliged to ask the Commission to excuse it from compliance with Rule 25-4.073(d) for calls transmitted through the FRS. GTEFL's experience shows it is impossible for GTEFL to satisfy the Rule if it is deemed to encompass the two calls. On average, GTEFL believes it takes about 110 seconds for the two-call transmission, but even this number cannot be used as a standard because, again, GTEFL cannot control the timing of the first leg of the contact, from the caller to FRS.

the service rendered in answering TDD calls is today as expeditious, prompt, and efficient as possible, given the relatively greater time requirements inherently associated with such "translated" communications. Further evidence that the purpose of the statute is satisfied is apparent in the fact that neither FRS nor the hearing- and/or speech-impaired callers have complained about GTEFL's answer time on the calls at issue.

GTEFL believes that this request fits squarely within the circumstances for which waivers are intended. Continued application of Rule 25-4.073(d) to FRS calls will lead to "unreasonable, unfair, and unintended results," (section 120.545(1), F.S.), particularly because there is no indication that the Rule was ever meant to apply to FRS calls.

Respectfully submitted on October 7, 1997

By: Kimberly Caswell *APC*
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Telephone: 813-483-2617

Attorneys for GTE Florida Incorporated

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Amended Petition for Waiver of Rule 25-4.073(d) with Regard to Calls Transmitted Through the Florida Relay Service were sent via overnight delivery on October 6, 1997 to:

Martha Brown, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Charles J. Beck
Office of the Public Counsel
111 W. Madison Street, Suite 812
Tallahassee, FL 32399-1400

Kimberly Caswell *AKC*
Kimberly Caswell

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

October 1, 1997

Kimberly Caswell, Attorney
GTE Florida Incorporated
Post Office Box 110
Tampa, Florida 33601

Re: Docket No. 971266-TL

Dear Ms. Caswell:

This will acknowledge receipt of a petition for waiver of Rule 25-4.073(d), F.A.C., with regards to calls transmitted through Florida Relay Service, by GTE Florida Incorporated, which was filed in this office on October 1, 1997 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting
Florida Public Service Commission