



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

RECORDED AND REPORTING
08 JUL 13 PM 2:34
RECEIVED-PPSC

DATE: July 20, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMPETITIVE SERVICES (KING, MCDONALD, MOSES, SALAR, AUDU)
DIVISION OF APPEALS (BROWN) *MCB*

RE: DOCKET NO. 960598-TP - REQUEST FOR SUBMISSION OF PROPOSAL FOR PROVISION OF RELAY SERVICE, BEGINNING IN JUNE 1997, FOR THE HEARING AND SPEECH IMPAIRED, AND OTHER IMPLEMENTATION MATTERS IN COMPLIANCE WITH THE FLORIDA TELECOMMUNICATIONS ACCESS SYSTEM ACT OF 1991.

AGENDA: 08/01/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: PLEASE PLACE NEAR THE BEGINNING OF THE AGENDA OR SCHEDULE A TIME CERTAIN TO REDUCE INTERPRETER COSTS.

FILE NAME AND LOCATION: S:\PSC\CMP\WP\960598M.RCM

CASE BACKGROUND

The Telecommunications Access System Act of 1991 (TASA), Section 427.701, et. seq., Florida Statutes, directed the Commission to establish a statewide telecommunications relay system, beginning June 1, 1992. TASA required the development of a statewide relay service that could be certified by the Federal Communications Commission (FCC) under the provisions of the Americans with Disabilities Act. MCI Telecommunications Corporation (MCI) was Florida's Relay provider from the time the system was established until May 31, 2000, when its contract expired. As of June 1, 2000, Sprint is the provider of relay service in the state. The contract between MCI and the Commission

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was based on a Request for Proposals the Commission issued in August of 1996 and was awarded to MCI in December of 1996, with service beginning June 1, 1997.

The MCI contract for relay service included a section that provided for liquidated damages for failure to perform the obligations required by the contract. That section stated, in pertinent part:

Liquidated damages shall accrue in amounts up to the following amounts per day of violation:

(a) For failure to meet answer time, blockage rate or transmission level requirement - \$5,000.

Any liquidated damages may be paid by means of the Administrator deducting the amount of the liquidated damage from a monthly payment to the provider. Such action shall only occur upon order of the FPSC.

On March 30, 2000, the Commission issued an order assessing liquidated damages against MCI for failure to perform the obligations required by the contract for the period from June 1, 1997, through December 31, 1999. However, for the period between January 1, 2000, through May 31, 2000, MCI did not meet the answer time requirements outlined in the contract. This is evidenced in MCI's monthly reports to the Commission (Attachment A). For the last five months of the contract, MCI failed to meet the answer time objective on 38 days. It did meet the blockage objective on all days for the period from January 1, 2000, through May 31, 2000 (Attachment B). As a result of MCI's failure to meet the answer time requirements, the citizens of Florida did not receive the service for which the Commission contracted, and the following recommendation to collect additional liquidated damages is appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission collect liquidated damages from MCI in the amount of \$190,000 for failure to meet the answer time

requirements of its contract from January 1, 2000, through May 31, 2000?

RECOMMENDATION: Yes. The Commission should require MCI to pay liquidated damages to the Florida Telecommunications Relay Inc. (FTRI) in the amount of \$190,000 for failure to meet the answer time requirements of the contract. This should be paid within thirty (30) days of the effective date of the Commission order assessing liquidated damages. **(McDonald)**

STAFF ANALYSIS: The answer time requirement and blockage rate, as outlined in the RFP that formed the basis of the contract, and agreed to by MCI, required that the provider answer 90% of all calls each day within 10 seconds of reaching the relay switch. Also, 99% of all calls reaching the relay center each day must either be answered or continue to receive a ringing signal (resulting in a maximum blockage rate of 1%).

FRS is often the only means by which hearing and speech impaired citizens can communicate by telephone. TASA requires that the hearing and speech impaired community receive telecommunications service comparable to the level of service that a hearing person receives. A hearing person only has to receive dial tone in order to place a call to another hearing person, and telecommunications providers generally provide dial tone service in under 2 seconds. Dial tone to a hearing impaired person equates to a Communications Assistant answering a call and being ready to provide relay service for the caller. Since human intervention is required, answering the caller within 10 seconds 90% of the time is as close to comparable service as is currently reasonable.

MCI's contract required a monthly report to the Commission on the daily percentage of calls answered and the daily percentage of calls blocked (Attachment A). Staff reviewed the reports MCI provided from January, 2000, through May, 2000. The data showed that MCI missed the answer time requirement on 38 days, out of a total of 152 days. MCI met the blockage requirements of the contract during the above period. MCI has continued to experience problems with answer time during 2000, as it missed the answer time requirement on 19 out of 31 days in January, 7 out of 29 days in February and four days in each month from March through May. MCI made some effort to transfer traffic out of state to other MCI centers in order to provide a better level of service.

Staff acknowledges that some improvement was shown as MCI missed the answer time requirement a total of 26 days in January

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and February but managed to reduce the number of days the requirement was missed to a total of 12 for the period from March through May. However, MCI still did not meet the service quality standards in the contract. Therefore, staff recommends that the Commission invoke the liquidated damages provision of the contract and collect damages in the aggregate amount of \$190,000 for the period January, 2000, through May 2000.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Upon receipt of MCI's liquidated damages payment, this docket should be closed. **(Brown)**

STAFF ANALYSIS: Docket 960598-TP should remain open until MCI has paid the liquidated damages to FTRI (within 30 days from the effective date of this order). The contract with MCI expired on May 31, 2000 and upon receipt of payment this docket can be closed.

ASA / BLOCKAGE

January-00

<u>Time</u>	<u>NCO</u>	<u>NCH</u>	<u>ASA</u>	<u>Rejects</u>	<u>% Blocked</u>	<u>Longest</u>	<u>Shortest</u>	<u>%10sec</u>
01/01/00	4394	4058	5	0	0	180	0	83
01/02/00	4347	4256	2	0	0	180	0	92
01/03/00	7187	6995	5	0	0	180	0	81
01/04/00	6909	6810	3	0	0	180	0	89
01/05/00	7160	7042	3	0	0	180	0	88
01/06/00	6691	6191	4	0	0	180	0	85
01/07/00	6386	7498	2	0	0	180	0	92
01/08/00	4772	4731	1	0	0	180	0	96
01/09/00	4078	3902	3	0	0	180	0	89
01/10/00	7478	7330	4	0	0	180	0	84
01/11/00	6764	6610	4	0	0	180	0	83
01/12/00	6844	6719	4	0	0	180	0	85
01/13/00	6844	5921	2	0	0	180	0	84
01/14/00	7102	6893	5	0	0	180	0	79
01/15/00	5162	5054	3	0	0	180	0	90
01/16/00	4110	4052	2	0	0	180	0	95
01/17/00	6007	5921	2	0	0	180	0	90
01/18/00	6694	6603	3	0	0	180	0	88
01/19/00	6754	6697	2	0	0	180	0	94
01/20/00	6508	6391	2	0	0	180	0	91
01/21/00	6196	6136	1	0	0	180	0	94
01/22/00	5202	5136	1	0	0	180	0	95
01/23/00	3453	2711	7	0	0	180	0	86
01/24/00	6978	6873	3	0	0	180	0	89
01/25/00	6858	5868	11	0	0	180	0	70
01/26/00	6731	6632	3	0	0	180	0	90
01/27/00	6658	6529	3	0	0	180	0	90
01/28/00	6386	6191	4	0	0	180	0	86
01/29/00	5219	5024	3	0	0	180	0	89
01/30/00	4154	3929	4	0	0	180	0	87
01/31/00	6887	6695	5	0	0	180	0	81

ASA / BLOCKAGE

February-00

<u>Time</u>	<u>NCO</u>	<u>NCH</u>	<u>ASA</u>	<u>Rejects</u>	<u>% Blocked</u>	<u>Longest</u>	<u>Shortest</u>	<u>% 10 SEC</u>
02/01/00	6802	6608	4	0	0	180	0	85
02/02/00	6916	6871	1	0	0	180	0	95
02/03/00	6664	6540	2	0	0	180	0	91
02/04/00	6881	6800	2	0	0	180	0	94
02/05/00	4846	4746	2	0	0	180	0	92
02/06/00	4022	3947	2	0	0	180	0	94
02/07/00	7239	7125	4	0	0	180	0	85
02/08/00	6781	6681	3	0	0	180	0	88
02/09/00	6678	6658	1	0	0	180	0	98
02/10/00	6443	6415	1	0	0	180	0	97
02/11/00	6524	6480	1	0	0	180	0	96
02/12/00	4778	4658	2	0	0	180	0	94
02/13/00	4243	3964	5	0	0	180	0	84
02/14/00	6407	6272	4	0	0	180	0	85
02/15/00	6558	6519	1	0	0	180	0	95
02/16/00	6518	6479	1	0	0	180	0	94
02/17/00	6697	6667	1	0	0	180	0	97
02/18/00	6754	6636	2	0	0	180	0	93
02/19/00	4902	4758	3	0	0	180	0	91
02/20/00	3865	3729	3	0	0	180	0	89
02/21/00	6787	6763	1	0	0	180	0	98
02/22/00	7233	7126	2	0	0	180	0	91
02/23/00	4956	4932	1	0	0	180	0	98
02/24/00	6731	6656	1	0	0	180	0	95
02/25/00	6640	6573	1	0	0	180	0	96
02/26/00	4800	4725	1	0	0	180	0	96
02/27/00	3874	3768	3	0	0	180	0	91
02/28/00	6589	6493	3	0	0	180	0	89
02/29/00	6728	6674	1	0	0	180	0	95

ASA / BLOCKAGE

March-00

<u>Time</u>	<u>NCO</u>	<u>NCH</u>	<u>ASA</u>	<u>Rejects</u>	<u>% Blocked</u>	<u>Longest</u>	<u>Shortest</u>	<u>% 10 SEC</u>
03/01/00	6916	6880	1	0	0	180	0	98
03/02/00	6634	6478	3	0	0	180	0	89
03/03/00	6499	6425	1	0	0	180	0	95
03/04/00	4965	4818	2	0	0	180	0	93
03/05/00	3782	3596	2	0	0	180	0	94
03/06/00	7345	7180	1	0	0	180	0	95
03/07/00	6500	6465	1	0	0	180	0	97
03/08/00	6511	6391	2	0	0	180	0	93
03/09/00	6622	6563	1	0	0	180	0	97
03/10/00	6650	6557	1	0	0	180	0	96
03/11/00	4951	4841	1	0	0	180	0	96
03/12/00	3399	3211	3	0	0	180	0	91
03/13/00	6745	6584	3	0	0	180	0	87
03/14/00	6900	6854	1	0	0	180	0	97
03/15/00	6596	6477	1	0	0	180	0	97
03/16/00	6528	6458	1	0	0	180	0	97
03/17/00	6909	6863	1	0	0	180	0	98
03/18/00	4339	4222	2	0	0	180	0	94
03/19/00	3488	3269	4	0	0	180	0	89
03/20/00	6860	6795	1	0	0	180	0	96
03/21/00	6251	6191	1	0	0	180	0	97
03/22/00	6559	6457	1	0	0	180	0	96
03/23/00	6322	6280	1	0	0	180	0	96
03/24/00	6312	6204	1	0	0	180	0	97
03/25/00	4542	4200	6	0	0	180	0	81
03/26/00	3166	3090	2	0	0	180	0	94
03/27/00	6915	6838	1	0	0	180	0	97
03/28/00	6658	6615	1	0	0	180	0	98
03/29/00	6438	6343	2	0	0	180	0	94
03/30/00	6593	6521	1	0	0	180	0	97
03/31/00	6674	6630	1	0	0	180	0	98

ASA / BLOCKAGE

April-00

<u>Time</u>	<u>NCO</u>	<u>NCH</u>	<u>ASA</u>	<u>Rejects</u>	<u>% Blocked</u>	<u>Longest</u>	<u>Shortest</u>	<u>% 10 SEC</u>
04/01/00	4420	4092	5	0	0	180	0	85
04/02/00	3668	3473	3	0	0	180	0	89
04/03/00	7154	7132	1	0	0	90	0	98
04/04/00	6640	6603	0	0	0	180	0	99
04/05/00	6617	6584	0	0	0	90	0	99
04/06/00	6192	6159	0	0	0	90	0	99
04/07/00	6500	6384	1	0	0	180	0	98
04/08/00	4324	4139	3	0	0	90	0	88
04/09/00	3170	3039	2	0	0	90	0	92
04/10/00	7071	7014	0	0	0	90	0	99
04/11/00	6407	6368	0	0	0	90	0	99
04/12/00	6575	6531	0	0	0	90	0	99
04/13/00	6257	6231	0	0	0	90	0	100
04/14/00	6270	6155	1	0	0	180	0	97
04/15/00	4550	4499	1	0	0	180	0	97
04/16/00	3731	3697	1	0	0	90	0	97
04/17/00	7210	7152	0	0	0	180	0	98
04/18/00	6806	6794	0	0	0	30	0	99
04/19/00	6450	6428	0	0	0	30	0	99
04/20/00	6540	6487	0	0	0	90	0	99
04/21/00	6371	6297	1	0	0	90	0	98
04/22/00	4794	4622	1	0	0	180	0	95
04/23/00	3455	3057	7	0	0	180	0	78
04/24/00	6997	6832	1	0	0	90	0	96
04/25/00	5882	5785	2	0	0	90	0	92
04/26/00	6588	6541	0	0	0	90	0	99
04/27/00	6574	6539	0	0	0	180	0	99
04/28/00	6134	6050	1	0	0	90	0	96
04/29/00	4621	4495	2	0	0	90	0	91
04/30/00	3510	3375	3	0	0	90	0	91

ASA / BLOCKAGE

May-00

<u>Time</u>	<u>NCO</u>	<u>NCH</u>	<u>ASA</u>	<u>Rejects</u>	<u>% Blocked</u>	<u>Longest</u>	<u>Shortest</u>	<u>% 10 SEC</u>
05/01/00	6872	6796	1	0	0	90	0	97
05/02/00	6577	6533	0	0	0	30	0	99
05/03/00	6217	6189	1	0	0	30	0	98
05/04/00	6587	6504	1	0	0	90	0	97
05/05/00	6028	5889	1	0	0	90	0	95
05/06/00	3889	3775	2	0	0	90	0	92
05/07/00	3413	3159	2	0	0	90	0	92
05/08/00	7496	7411	1	0	0	180	0	97
05/09/00	6849	6824	0	0	0	90	0	99
05/10/00	6900	6841	1	0	0	90	0	97
05/11/00	7043	6990	1	0	0	90	0	97
05/12/00	6790	6669	2	0	0	90	0	94
05/13/00	4490	4422	1	0	0	90	0	96
05/14/00	4598	4319	5	0	0	90	0	84
05/15/00	6553	6404	2	0	0	180	0	92
05/16/00	7254	7216	1	0	0	90	0	97
05/17/00	6399	6353	0	0	0	90	0	99
05/18/00	6804	6732	1	0	0	90	0	98
05/19/00	4792	4693	2	0	0	90	0	94
05/20/00	4188	4057	3	0	0	180	0	91
05/21/00	4336	4249	1	0	0	180	0	96
05/22/00	7109	6887	2	0	0	90	0	93
05/23/00	6779	6730	1	0	0	90	0	95
05/24/00	6455	6354	2	0	0	90	0	93
05/25/00	6511	6435	2	0	0	90	0	92
05/26/00	6504	6402	1	0	0	90	0	96
05/27/00	4267	4010	3	0	0	180	0	89
05/28/00	3559	3288	2	0	0	90	0	93
05/29/00	4524	4383	1	0	0	90	0	96
05/30/00	6588	6363	3	0	0	90	0	87
05/31/00	6150	5970	4	0	0	180	0	86

2000	MCI REPORT Days Missed Ans Time <90%
January	19
February	7
March	4
April	4
May	4
TOTALS	38
DAMAGES/DAY	\$5,000
TOTAL DAMAGES	\$190,000

