



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING
PSC

DATE: APRIL 19, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (MOSES/K. CRAIG) (KC)
DIVISION OF APPEALS (BROWN) WCB
DIVISION OF LEGAL SERVICES (ELLIOTT) BK for JE

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: 05/01/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

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

CASE BACKGROUND

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 telecommunications 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-01-0455-PAA-TP issued February 26, 2001, the Commission ordered all certificated telecommunications companies to provide 711 access to TRS by August 1, 2001. It was noted in Docket No. 001809-TP that Sprint-Florida,

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Incorporated (Sprint) might request temporary relief from the answer time requirements and liquidated damages provisions of its contract when 711 is first implemented due to uncertainty of the effect this feature will have on call volume.

On February 23, 2001, Sprint filed a Request for Temporary Waiver of Service Requirements (Attachment A, pages 6 and 7). In this petition, Sprint requested a 60-day waiver for liquidated damages associated with failure to meet the blockage and answer time requirements of the contract due to the implementation of 711 service (Attachment B, page 8).

The Commission is vested with jurisdiction over this matter pursuant to Sections 427.702(3)(a)(b)(c) and 427.704(1)(d)(8), Florida Statutes. Accordingly staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should Sprint's request for a 60-day waiver for liquidated damages associated with failure to meet the blockage rate and answer time requirements, as stated in Section B.47 of Florida's contract with Sprint for the provision of TRS, be granted?

RECOMMENDATION: Yes. Staff recommends that Sprint's request for a 60-day waiver for liquidated damages associated with failure to meet the blockage rate and answer time requirements, as stated in Section B.47 of Florida's contract with Sprint for the provision of TRS, be granted. This waiver period shall begin on the implementation date for 711 and continue for 60 days thereafter.
(Moses/K. Craig)

STAFF ANALYSIS: In Docket No. 001809-TP, by Order No. PSC-01-0455-PAA-TP, the 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 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 two service requirements associated with the implementation of 711 service for relay calls (Attachment A, pages 6 and 7). 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 (Attachment B, page 8)

According to the petition, implementation of the 711 service will pose a risk that Sprint will not meet the requirements of the contract due to the uncertainty of the initial effect on call volume. Also, Sprint anticipates an increased workload when 711 is first implemented due to the necessary coordination with and reliance on the supporting local 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.

Staff believes Sprint has adequately demonstrated the concerns and risks the initiation of 711 may pose, and we believe that these concerns are reasonable. Accordingly, staff recommends that Sprint's request for a 60-day waiver for liquidated damages associated with failure to meet the blockage rate and answer time requirements, as stated in Section B.47 of Florida's contract with

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Sprint for the provision of TRS, be granted. This waiver period shall begin on the implementation date for 711 and continue for 60 days thereafter.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open for the duration of the contract with Sprint for relay service.
(Brown/Elliott)

STAFF ANALYSIS: This docket should remain open for the duration of the contract with Sprint for relay service.



Contracts Department
13221 Woodland Park Road
Herndon, VA 20171
Mailstop VAHRNA0608

01 FEB 23 11 19

February 22, 2001

State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0866

Attn: Ms. Beth Salak,
Assistant Director, Division of Competitive Services

Subject: Waiver of Service Requirements

Dear Ms. Salak:

Sprint has been apprised of the State of Florida's plans for implementation of 711 service for relay calls. While Sprint fully supports the implementation of 711 service, this new feature does pose some risks to Sprint's relay service due to the uncertainty of the effect this feature will have on call volume and also due to the necessary coordination with and reliance on the supporting LECs. Therefore, Sprint requests a 60-day waiver for liquidated damages associated with the following two requirements as stated in Section B.47 of Florida's RFP for the provision of TRS:

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

The requested waiver period will begin with the implementation date for 711. If the State should elect to have an extended implementation period, the waiver will start with the first implementation date and continue for 60 days after the final implementation.

The State may either acknowledge Sprint's request by signing where indicated on the following page or by submitting a letter to the undersigned stating the State's intent. If you should have any questions concerning this request, please contact Andrew Brenneman at (703) 904-2382.

Sincerely,

Don Rawlings
Senior Contracts Administrator

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COMPETITIVE SERVICES



Contracts Department
13221 Woodland Park Road
Herndon, VA 20171
Mailstop VAHRNA0608

The Public Service Commission for the State of Florida has reviewed and hereby approves Sprint's request for a 60-day waiver for the liquidated damages associated with failure to meet the blockage and answer time requirements of the contract due to the implementation of 711 service. This waiver period shall begin on the implementation date for this service and continue for 60 days thereafter.

Signed: _____

Printed Name and Title: _____

Date: _____

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COMMUNICATIONS



The point of contact™

- k) *By March 1, the provider shall provide to the Administrator and the contract manager forecasted relay usage figures and costs to the Commission for the upcoming fiscal year (July 1 - June 30).*

Sprint will submit an annual report summarizing operations for the contract year with forecasted relay usage figures and costs to the Commission for the upcoming fiscal year.

The provider shall include information on its capability and willingness to provide ad hoc reports including new information in the bidder's database or new formats for existing information.

Sprint welcomes the opportunity to work with the Commission in the development of ad hoc reports and their associated costs.

B.47 Liquidated Damages for Failure to Initiate Services on Time or to Provide Contracted Services for the Life of the Contract.

Implementation of the Florida Relay Service in a timely matter is essential. Failure by the Provider to implement the service by June 1, 2000 shall be considered a significant and material breach of the Provider's commitment. For every day the service is delayed, the Provider shall pay to the Administrator, for deposit in its operating fund, the sum of \$25,000 per day.

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

- a) *For failure to meet, blockage rate or transmission level requirement - \$5,000*
- b) *For failure to meet complaint resolution requirement - \$1,000*
- c) *For failure to provide reports - \$500*
- d) *For failure to provide contracted services for the life of the contract, the FPSC reserves the right to require the payment by the Provider, of liquidated damages in an amount commensurate with the duration and extent of the system deficiencies.*

Liquidated damages shall accrue in amounts up to \$25,000 per month for failure to meet answer time requirements.

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.

Sprint understands and will comply.

B.48 Transfer to New Provider

When relay service is transferred to a new provider, the provider shall make every effort to ensure that service is transferred to the new provider so that relay users do not experience an interruption in service. The relay service and consumer service 800 or other telephone numbers shall be made available to the new provider, with