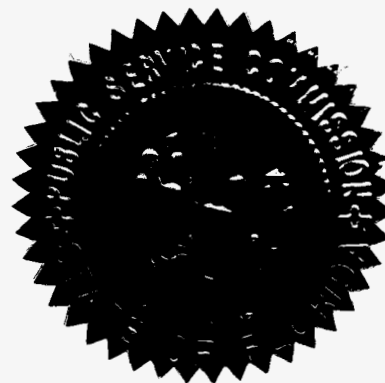


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 110013-TP

REQUEST FOR SUBMISSION OF PROPOSALS
FOR RELAY SERVICE, BEGINNING IN
JUNE 2012, FOR THE DEAF, HARD OF
HEARING, DEAF/BLIND, OR SPEECH
IMPAIRED, AND OTHER IMPLEMENTATION
MATTERS IN COMPLIANCE WITH THE
FLORIDA TELECOMMUNICATIONS ACCESS
SYSTEM ACT OF 1991.



PROCEEDINGS: RELAY BIDDERS CONFERENCE

TAKEN AT THE
INSTANCE OF: The Staff of the Florida
Public Service Commission

DATE: Friday, May 20, 2011

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6732

FLORIDA PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

P R O C E E D I N G S

1
2 **MR. KENNEDY:** Okay. I'm going to go ahead and
3 start the Bidders Conference. My name is Ray Kennedy.
4 I'm with the Florida Public Service Commission. And to
5 begin with, we're going to read the notice, and Samantha
6 Cibula will do that, and then we will make
7 introductions.

8 **MS. CIBULA:** Pursuant to notice, this time and
9 place has been set for a Bidders Conference in Docket
10 Number 110013-TP.

11 **MR. KENNEDY:** Okay. I'm going to introduce
12 the staff of the PSC. Again, my name is Ray Kennedy,
13 and I'm overseeing the procurement.

14 **MS. CIBULA:** I'm Samantha Cibula. I'm with
15 the Office of General Counsel.

16 **MR. CASEY:** And my name is Bob Casey, and I'm
17 with staff.

18 **MR. KENNEDY:** Okay. In the room I'm going to
19 let the visitors introduce themselves and who they're
20 with.

21 **MR. GREER:** Stan Greer with AT&T.

22 **MS. CARTRITE:** Dottie Cartrite with Sprint
23 Relay.

24 **MS. SIRIANNI:** Maryrose Sirianni, AT&T.

25 **MR. KENNEDY:** And we have Jane Faurot, our

1 court reporter, and Bryan Conrad as our interpreter
2 today.

3 All of you on the phone, please identify
4 yourself and your affiliation.

5 **MR. SMITH:** This is Greg Smith with AT&T.

6 **MS. SANCHEZ:** Gail Sanchez with AT&T.

7 **MR. MINNICK:** This is Sid Minnick with AT&T.

8 **MR. KENNEDY:** Hamilton.

9 **MS. ZIEGLER:** Dixie Ziegler with Hamilton.

10 **MS. SLOUGH:** Beth Slough with Hamilton.

11 **MR. KENNEDY:** I know I didn't need to do that
12 again, but I did it in case anybody else joined in.

13 Okay. We will begin; and how I would like to
14 start this, I sent y'all a list of questions that you
15 submitted to us, and you'll notice I did not provide
16 answers to those. After this Bidders Conference, we
17 will submit to you responses in writing that we will
18 consider to be the official answers to your questions.
19 We will have some questions on some of your questions
20 and if we can't answer today, we'll provide in writing
21 the answers to those we can't answer today.

22 I don't anticipate we'll be changing any
23 answers we give you today, but if you bring up a
24 question that we are unclear of our answer, then it
25 might be slightly different than what you hear here

1 today. I hope that's not the case.

2 So I'm just going to just start with the list.
3 Does everyone have the list?

4 **UNIDENTIFIED SPEAKER:** Yes.

5 **MR. KENNEDY:** Okay. The first question was on
6 Section A-5 of the RFP regarding the Certificate of
7 Public Convenience and Necessity and Registration. It's
8 a fact that the law has changed with registrations. The
9 PSC will no longer be handling registrations. They will
10 not exist. And it's our belief that became a moot point
11 on the registration. The CLEC certification does remain
12 the same if you, the relay provider, are providing any
13 telephone services. If you use someone else for that,
14 that company needs to be certified, and you would not
15 need the CLEC certificate. And I think that's fairly
16 clear in the RFP itself. Any further clarification
17 needed on that? Okay.

18 Question 2. Section A-24 states if a breach
19 of the contract by the provider occurs, the FPSC may, by
20 written notice to the provider, terminate the contract
21 upon 24-hours notice. After notification of a breach,
22 how many days is the vendor provided to correct said
23 breach before the contract is terminated?

24 I think we have probably a two-part answer to
25 this. Before I forget this, if you have any comments

1 and you are on the phone, please identify who you are
2 when you ask the question. As we look at this, if you
3 get a letter that terminates the contract in 24 hours,
4 we are well beyond the point of curing any breaches.
5 That is basically a hammer that says we are ending our
6 relationship with you.

7 We run the bid process to select a good
8 provider, and we don't anticipate that occurring. Sure,
9 there are going to be issues as the contract goes along.
10 We are going to work with you on any of those issues,
11 come up with plans, whatever it takes to make things
12 work properly. So the simple answer is you get that
13 letter and the contract ends. Any further clarification
14 needed? Okay.

15 Question 3. Section A-25. Samantha, stop me
16 if you need to stop me.

17 **MS. CIBULA:** Okay.

18 **MR. KENNEDY:** May a bidder submit proprietary
19 confidential business information as part of its bid
20 under a claim of confidentiality pursuant to
21 Section 364.183(1), Florida Statutes, and Rule
22 25-22.006(5), Florida Administrative Code, or must a
23 bidder file a formal request for confidential
24 classification under Rule 25-22.006(4), Florida
25 Administrative Code?

1 I'm going to let Samantha answer this
2 question.

3 **MS. CIBULA:** Pursuant to 364.183, you can
4 choose which option you want to -- how you want to file
5 your request for confidential classification, either
6 pursuant to Subsection 5 of Rule 25-22.006 or 25-22.006,
7 Subsection 4. So it's your choice. However, whichever
8 way you choose to pursue, you need to specify your
9 request of which rule provision you're requesting it
10 under, so that we're clear which procedure you are
11 requesting.

12 **MR. KENNEDY:** This is Ray. Our preference is
13 if you file it under a claim, and then it remains
14 confidential -- now, if anyone requests that
15 information, at that point you will be given, you know,
16 an opportunity to protect the information and to respond
17 to any request from any other party that requests that
18 data. That's the simpler procedure for us. You don't
19 have to do it that way, but that's the simplest way to
20 do it.

21 **MS. ZIEGLER:** This is Dixie at Hamilton. If
22 we do it that way, does that mean that you just make the
23 request for confidentiality, and then you do not follow
24 the rules or statutes under those two subsections? I'm
25 just not sure I understood what you just said there at

1 the end, what your preference was.

2 **MS. CIBULA:** No, they're just two different
3 procedures that are followed. With Subsection 5, you
4 just submit a claim for confidential classification, and
5 the information is kept confidential, unless someone
6 asks for the information. They will have to -- there's
7 a procedure set out in that rule of what will happen
8 then. So either --

9 **MS. ZIEGLER:** Your preference is for us to do
10 it under Number 5, then, is what you're saying.

11 **MS. CIBULA:** Yes.

12 **MS. ZIEGLER:** Gotcha. Thank you.

13 **MR. KENNEDY:** The next question, Number 4.
14 Section B-22 states that, "No roaming or guest options
15 are to be allowed." Would the FPSC consider amending
16 this section to allow ANI-based billing, which would
17 allow captioned telephones be billed in the same manner
18 as traditional relay and eliminates the need for the
19 roaming or guest-option requirements.

20 Our answer to that is no, we are going to
21 stick with the RFP as written and approved by the
22 Commission.

23 Number 5. Liquidated damages in Section
24 B-59-a states that liquidated damages shall accrue in
25 amounts up to the following amounts per day of

1 violation. For failure to meet answer time
2 requirements, \$25,000. Vendor suggests that this read,
3 "Liquidated damages shall accrue in amounts of \$1,000
4 per day, up to a maximum of \$25,000 per month for
5 failure to meet speed of answer requirements." Our
6 answer to that is, no, we're keeping it the way --
7 again, keeping it as specified and approved by the
8 Commission. And just to add to that, that's the most
9 important thing is answering calls. You know, you may
10 have someone type a few words a minute slower, they
11 still make the call, but to answer and handle the calls
12 is of prime importance. Plus, it's up to a maximum of
13 25,000. I mean, up to a maximum of that amount. It
14 could be less.

15 **MS. ZIEGLER:** This is Dixie at Hamilton. So
16 does that mean when a performance issue happens and it
17 is not met, it goes before the Commission to determine
18 how much to penalize the vendor, but it's up to no more
19 than 25,000?

20 **MR. KENNEDY:** That's correct.

21 **MR. CASEY:** Per day.

22 **MS. ZIEGLER:** Thank you.

23 **MR. SMITH:** This is Greg Smith with AT&T. To
24 follow on Dixie's comments, so it's up to 25,000 per
25 day, but it would be determined, I guess, based on the

1 severity or the circumstances determined by the PSC what
2 penalty would be imposed, if any, is that correct?

3 **MR. KENNEDY:** That's correct. Staff will not
4 determine any of these penalties. It will be the
5 Commission. We will recommend, and it would be the
6 Commission that decides the penalty. So, you know, you
7 don't lose your right to object to anything staff
8 proposes.

9 **MR. SMITH:** Okay. Thank you very much. Very
10 well.

11 **MR. KENNEDY:** And we certainly hope that
12 doesn't happen. Okay.

13 Question 6. Section C-1-d states, "Each page
14 of the entire proposal should be numbered at the bottom
15 center of each page, and each page should be
16 consecutively numbered with no repetition of page
17 numbers in the entire proposal." I'm not going to read
18 the rest of it.

19 In your proposal, in your notebooks, the
20 consecutive numbers require any attachments. We have no
21 problem. Label your attachments A, B, C, D, E, F. And
22 then on your attachment make A, Page A-1, A-2; B, B-1,
23 B-2. I think that is a solution, and hopefully everyone
24 could accept that. They do not have to be part of the
25 numbering system of your proposal itself. Any questions

1 on that? Okay. Moving along.

2 Section 7 or Question 7. Section E;
3 evaluation method. According to the information
4 provided by the FPSC, the billable minutes for CapTel
5 for June 2009 to July 2010 amounts to almost 45 percent
6 of the total billable minutes. Because CapTel makes up
7 such a large portion of the contract, we request that
8 the price proposal of both basic relay and caption
9 telephone be weighted by 20 percent rather than
10 35 percent for basic relay and 5 percent for CapTel.

11 We will not change that; that will remain the
12 same.

13 Question 8. Section C-6 states, "If the
14 bidder intends to use a subcontractor to provide any
15 part of the relay service, the bidder must also provide
16 three customer references for the subcontractor and the
17 information required in Paragraph 5." We would request
18 that this requirement be waived for subcontractors.

19 We will not waive that requirement, and I
20 thought maybe I would just give an example of why we
21 won't. Let's say a bidder has English only in their
22 relay operational center, and uses a subcontractor for
23 the Spanish users. A totally different company. We
24 want to know that, and that will be part of the
25 evaluation as to what type of references we receive on

1 them. Okay.

2 Question 9 is essentially the same question as
3 Question 3. No, excuse me, Question 5, and the answer
4 remains the same.

5 Question 10. May the state provide a
6 certificate of insurance to meet this requirement?

7 And that's where we need feedback. AT&T, you
8 asked that question. Can you give us more of an
9 explanation of what you are looking for there?

10 **MR. MINNICK:** Yes. This is Sid Minnick with
11 AT&T. The RFP states that the provider must maintain
12 insurance coverage, you know, in certain amounts;
13 \$1 million, \$2 million, et cetera. But it does not
14 really describe how that's to be documented or anything.
15 And the question is can the provider provide a
16 certificate of insurance that meets those particular
17 monetary guidelines for insurance coverage?

18 **MR. KENNEDY:** I think I can only answer yes to
19 that question, unless I'm missing something.

20 **MR. MINNICK:** Okay.

21 **MR. KENNEDY:** I'm going to tell you what I was
22 thinking, and maybe I shouldn't, but I will. I was
23 thinking that you might go to the State's Department of
24 Insurance, if you were self-insured, and get a
25 certificate from them recognizing that you were

1 self-insured, and that you could cover these limits.
2 And they would issue you a certificate acknowledging
3 that, is what we were thinking when I first saw this
4 question. But that's not what you're saying.

5 **MR. MINNICK:** Again, this is Sid Minnick. We
6 do use a company, Marsh (phonetic), that does provide
7 certificates of insurance for AT&T on all of our bid
8 contracts. So for AT&T, the certificate of insurance is
9 a normal procedure that we follow, and a document that
10 is usually acceptable by all states.

11 **MR. KENNEDY:** Okay. I mean, common sense
12 tells me that's what we would expect to see.

13 **MR. MINNICK:** Okay. Sounds good. I just
14 wanted to clarify it.

15 **MR. KENNEDY:** Very good.

16 **MR. MINNICK:** Okay. Thank you.

17 **MR. KENNEDY:** You're welcome.

18 Question 11. May the certificate be provided
19 upon award of the contract? Yes.

20 **MR. MINNICK:** Okay. Thank you.

21 **MR. KENNEDY:** You still have to acknowledge
22 that part of the RFP, though.

23 **MR. MINNICK:** Yes; that's understood.

24 **MR. KENNEDY:** Okay. Question 12. Will the
25 state please provide the current price per minute for

1 TTY, voice, STS, and Captel?

2 TTY, voice, and STS currently is 85 cents per
3 minute. CapTel, currently, \$1.47 per minute.

4 MR. MINNICK: Thank you.

5 MR. KENNEDY: Any questions?

6 MR. SMITH: This is Greg Smith. Can you
7 repeat those one time, please?

8 MR. KENNEDY: Sure. TTY, voice, and STS, 85
9 cents per minute.

10 MR. SMITH: And is that per session minute?
11 This is Greg.

12 MR. KENNEDY: Per session minute.

13 MR. SMITH: Thank you.

14 MR. KENNEDY: CapTel, \$1.47 per session
15 minute. All of these are session minutes.

16 MR. SMITH: Thank you very much.

17 MR. KENNEDY: You're welcome.

18 Question 13. Page 46, Section E, will the
19 state please provide the monthly session minutes for
20 Spanish relay?

21 April of 2011, 8,849 minutes for April of
22 2011.

23 Question 14. Checklist of proposal content;
24 Page 36, Section A. The contact person responsible for
25 the proposal and the person signing the transmittal

1 letter are two different individuals. The contact
2 person develops and assembles the proposal and is
3 responsible for its contents. May the contact person
4 responsible for the proposal contents initial the
5 checklist item?

6 I'm not exactly sure how to answer that. We
7 have got very specific requirements in the RFP, and I'm
8 not trying to be funny, but my thought was have the
9 person -- two people sign the letter. Now that may go
10 against your corporate policies and that type thing.
11 And we may need to think about that a little more, but
12 if you will provide more explanation of what you are
13 looking for, and then why.

14 **MR. MINNICK:** This is Sid Minnick with AT&T.
15 Do you want me to send that to you, some additional
16 information?

17 **MR. KENNEDY:** You can, and I will share it
18 with everyone, as I will everything throughout this bid
19 process.

20 **MR. MINNICK:** Okay. That sounds good.

21 **MR. KENNEDY:** So we have no answer for that.
22 I mean, I have been on the other side, like where you
23 have sat before, and I think I understand what you are
24 saying, but maybe you can overcome that somehow.

25 **MR. MINNICK:** Thank you.

1 **MR. KENNEDY:** Okay. Question 15. Can you
2 please clarify if you are requesting relay transcription
3 capabilities or the underlying telecom service such as
4 trunks in this RFP? Okay. Obviously we are requesting
5 relay services, not trunks.

6 Also, what is the service location? I would
7 say the State of Florida. And where your shops are
8 located is what you bid.

9 And that's all I have. Any further comments,
10 questions? Hearing none -- go ahead.

11 **MS. SANCHEZ:** This is Gail. I have a question
12 on the issue of the service level with the liquidated
13 damages. I understand that the Commission is not
14 willing to negotiate that lower, but is that -- are the
15 damages calculated per service type, or is it a
16 combination of all services together? For example, if
17 the service level for CapTel is missed, would that
18 trigger the 25,000, or the liquidated damages, or is it
19 combined for all services?

20 **MS. CIBULA:** We'll look at that question. I
21 guess we'll have a written response to that question.

22 **MR. SMITH:** This is Greg. Sid, why don't you
23 go ahead and capture that question when you send in your
24 other clarification, okay?

25 **MR. MINNICK:** Yes.

1 **MR. KENNEDY:** Hearing no further questions or
2 comments, this meeting is adjourned.

3 Thank you very much. Have a nice weekend,
4 everyone.

5 (The Bidders Conference concluded at
6 9:59 a.m.)

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STATE OF FLORIDA)

: CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 23rd day of May, 2011.



JANE FAUROT, RPR
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