

State of Florida



## Public Service Commission

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

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

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**DATE:** January 26, 2006

**TO:** Director, Division of the Commission Clerk & Administrative Services (Bayó)

**FROM:** Division of Competitive Markets & Enforcement (Moses, Casey)  
Office of the General Counsel (Tan, Wiggins)

**RE:** Docket No. 040763-TP – Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

**AGENDA:** 02/07/06 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Edgar

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** Anticipate the need for sign language interpreters and assistive listening devices. Please place near the beginning of the agenda or at a time certain to reduce interpreter costs.

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\040763.RCM.DOC

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### Case Background

Relay service is a service that uses specialized operators that interface with hearing impaired individuals for the purpose of accessing telecommunications services and is provided pursuant to Chapter 427, Florida Statutes. The current relay provider is Sprint Communications Company L.P. (Sprint). Sprint and the Florida Public Service Commission (FPSC) signed a

contract<sup>1</sup> for the provision of relay services which began on June 1, 2005. The contract contains a methodology for measuring the length of time it takes a Communications Assistant (CA) of Sprint to answer a relay call.

Staff discovered that the answer time formula used in the Florida Request for Proposal, and ultimately incorporated by reference into the contract, was not modified as required by the Federal Communications Commission (FCC) on March 6, 2000, pursuant to Order Number FCC 00-56. The previous contract under Docket Number 991222-TP, was modified to adopt the FCC mandated answer time calculation on November 8, 2000; however, when staff prepared the RFP used for the current contract, the modification to the answer time calculation was not included.

The purpose of this recommendation is to amend the contract with Sprint to change the answer time calculation to conform to the FCC mandated calculation method. Sprint agrees with the modification and recognizes that this imposes a higher standard for the provision of relay services.

### **Discussion of Issues**

**Issue 1:** Should the Commission modify Section B, Paragraph 31 of the Request for Proposal (RFP) as shown in the type-and-strike of staff's analysis and incorporate the change by reference into the relay contract with Sprint as Amendment 1?

**Recommendation:** Staff recommends that the Commission approve the proposed change to Section B, Paragraph 31 of the RFP as shown in the type-and-strike of staff's analysis and incorporate the change into the contract with Sprint as Amendment 1 effective upon the signature of the Commission's Executive Director and Sprint. (Moses, Casey)

**Staff Analysis:** The FCC certifies each state's relay program and as part of that certification process requires certain mandatory minimum requirements. On March 6, 2000, the FCC amended its requirement regarding the calculation of answer time. Paragraph 64 of FCC Order 00-56 states:

64. As we stated in the *Notice*, we continue to be concerned about the exclusion of abandoned calls – calls answered by the relay center, but never reaching an CA – from the “85-10” calculation. As no other solution was presented in the record, we will mandate that abandoned calls be included in the speed-of-answer calculation. While we continue to recognize that some calls will be abandoned by the caller for reasons that have nothing to do with the length of time it takes to reach a CA, we believe that the 85% minimum allows for those instances.<sup>2</sup> Compliance with the 85% standard will be measured by taking all calls that are answered within ten seconds of reaching the relay center's network in such a way that the call is immediately handled and dividing it by all calls answered by the relay center. Excluding these abandoned calls in speed-of-answer reports can distort the record of a TRS provider's actual performance by reducing the total number of calls from

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<sup>1</sup> Contract to Provide Telecommunications Relay Service (TRS) to Florida (contract)

<sup>2</sup> See *Notice*, 13 FCC Rcd at 14208.

which the average speed-of-answer is calculated, thus indicating that the TRS provider's average speed of answer meets the minimum standard, even though consumers are kept waiting.<sup>3</sup>

The FCC further implemented the answer time standard as §64.604(5)(b)(2)(B), in the Code of Federal Regulations which states: “(B) Abandoned calls shall be included in the speed-of-answer calculation.”

The current answer time calculation requirement as stated in the Florida contract with Sprint is stated in Section B, Paragraph 31 of the RFP which is incorporated into the contract by reference. Staff proposes to strike the language as shown below:

### 31. Answer Time

The provider is responsible for answering, except during network failure, 85% of all calls daily within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold, of reaching the relay switch. Elapsed time is calculated from the time inbound calls reach the relay switch. In calculating the percentage of calls meeting the answer time standard, the numerator shall be the total number of calls per day that are answered (with a CA ready to service) in 10 seconds or less. The denominator shall be the total number of calls per day reaching the relay switch ~~except that the total shall not include calls abandoned within 10 seconds after reaching the relay switch. However, calls abandoned after 10 seconds shall be included in the denominator. (Exception: If the provider is unable to differentiate between calls abandoned within 10 seconds and those abandoned after 10 seconds of reaching the relay switch, then all abandoned calls shall be included in the denominator.)~~

Staff contacted Sprint and Sprint agrees with amending the contract to adopt the FCC requirement. Section 14 of the contract provides that the agreement may not be modified except by a formal amendment executed by the authorized representatives of both Sprint and the FPSC.

Therefore, staff recommends that the Commission approve the proposed change to Section B, Paragraph 31 of the RFP as shown in the type-and-strike of staff's analysis and incorporate the change by reference into the contract with Sprint as Amendment 1 effective upon the signature of the Commission's Executive Director and Sprint.

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<sup>3</sup> For example, if a provider receives a total of 1000 TRS calls a day, and 750 of those calls were answered within 10 seconds or less, the provider's speed-of-answer rate would be 75% and below the required minimum standard. But if 200 of those calls were abandoned by the caller before a CA came on-line to handle the call, and the provider were allowed to exclude these 200 abandoned calls from its speed-of-answer calculation (without knowing whether the calls were abandoned by the TRS user because no response was obtained from the TRS center within 10 seconds), then the provider could report an answer rate of 94% (750/800).

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**Issue 2:** Should this docket be closed?

**Recommendation:** No. This docket should remain open for the duration of the contract. (Tan, Wiggins)

**Staff Analysis:** No. This docket should remain open for the duration of the contract.