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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** | | |  |
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|  | | Public Meeting held December 4, 2014 | | |
| Commissioners Present: | |  | | |
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| Robert F. Powelson, Chairman | | | | |
| John F. Coleman, Jr., Vice Chairman  James H. Cawley  Pamela A. Witmer  Gladys M. Brown, Statement | | | | |
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| Application of Hamilton Relay, Inc. for approval to offer, render, furnish or supply Telecommunication Relay Services for the deaf, hard of hearing, and speech impaired individuals to the public throughout the Commonwealth of Pennsylvania | | | A-2014-2447601 | |
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ORDER

**BY THE COMMISSION:**

On September 30, 2014, Hamilton Relay Inc. (Applicant or Company) filed an Application seeking a Certificate of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§ 201, *et seq*., (TA-96)[[1]](#footnote-1) and to Chapter 11 of the Public Utility Code (Code) (66 Pa. C.S. §§ 1101, *et seq.*) evidencing authority to provide the Telecommunications Relay Services for the deaf, hard of hearing and speech impaired individuals throughout the Commonwealth of Pennsylvania. The assigned utility code is 3117002.

**Background**

On June 19, 2014, the Commission issued RFP-PUC-2014-2, at Docket No. M-2014-2399871, seeking qualified bidders to submit a proposal for the provisioning of traditional and speech-to-speech intrastate Telecommunications Relay Services (TRS) for the deaf, hard of hearing and speech impaired individuals throughout the Commonwealth of Pennsylvania to replace AT&T Corp., which is currently the sole certificated Pennsylvania TRS provider.

At public meeting on September 2, 2014, the Commission accepted the Bureau of Administration’s recommendation of the RFP-PUC-2014-2 Evaluation Committee’s choice of Hamilton Relay, Inc. for TRS in Pennsylvania.

As required by RFP-PUC-2014-2 Part 1, section 1-1, in order to proceed with final negotiations with the Commission, Hamilton Relay, Inc. filed an application for a certificate of public convenience.

The Applicant complied with 52 Pa. Code § 5.14 by serving a copy of the signed and verified Application, with attachments and proof of such service, to the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Attorney General. No protests were filed. No hearings were held.

**Information Concerning the Applicant**

* Applicant is not currently certificated as a public utility or presently doing business as a public utility in Pennsylvania.
* The Applicant is a Nebraska Corporation with its principal place of business at 1001 12th Street, Aurora, NE 68818, telephone (402) 694-5101, facsimile (402) 694-5037.
* The Applicant complied with 15 Pa. C.S. § 4124, relating to a foreign corporation.
* The Applicant’s registered office provider within Pennsylvania is CT Corporation Systems, 116 Pine Street, 3rd Floor, Suite 320, Harrisburg, PA 17101, phone (717) 234-6004.
* The Applicant’s Pennsylvania Emergency Management Agency contact is Dixie Ziegler, Vice President, Hamilton Relay, Inc., 1001 12th Street Aurora, NE 68818, telephone (402) 694-5101, facsimile (402) 694-5037.
* Correspondence to resolve complaints may be directed to the primary contact Dixie Ziegler, Vice President, Hamilton Relay, Inc., 1001 12th Street Aurora, NE 68818, telephone (402) 694-5101, facsimile (402) 694-5037, email: [dixie.ziegler@hamiltonrelay.com](mailto:dixie.ziegler@hamiltonrelay.com). The alternate contact is Beth Slough, National TRS Contract Manager, Hamilton Relay, Inc., 1001 12th Street Aurora, NE 68818, telephone (402) 694-5101, facsimile (402) 694-5037, email: [beth.slough@hamiltonrelay.com](mailto:beth.slough@hamiltonrelay.com).
* The Applicant will not be using a fictitious name.
* The Applicant is operating as a public utility in other states. Hamilton Relay, Inc. maintains a certificate of authority in Hawaii to provide intrastate telecommunications service on a resold basis. In Tennessee, Hamilton Relay, Inc. maintains a certificate of authority to provide competitive local telecommunications services.
* The Applicant has an affiliate doing business within Pennsylvania. Hamilton Telephone Company d/b/a Hamilton Telecommunications is currently contracted with the Pennsylvania Public Utility Commission as the Pennsylvania Captioned Telephone Relay Service provider for hard of hearing individuals throughout Pennsylvania (RFP-PUC-2012-2, effective June 26, 2012).
* The Applicant has an affiliate rendering public utility service outside Pennsylvania: Hamilton Telephone Company, d/b/a Hamilton Telecommunications 1001 12th Street, Aurora, NE 68818. Hamilton Telecommunications provides TRS and/or Captioned Telephone relay service in nineteen (19) U.S. states and territories.
* The Applicant is currently certified as a TRS provider pursuant to the rules and procedures set forth by the Federal Communications Commission. In those states in which the Applicant currently provides relay services, the Applicant is certified for the period July 26, 2013 through July 25, 2018.

The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing such operations.

Hamilton Relay, Inc. will process the Pennsylvania telecommunications relay calls from a combination of its relay centers located in Nebraska, Georgia, Louisiana, Maryland and Massachusetts. Currently, the Spanish language calls are processed through the Nebraska and Louisiana relay centers. Hamilton Relay, Inc. will work in cooperation with the other Pennsylvania TRS programs such as the Telecommunications Device Distribution Program and cooperate with wireline and wireless telecommunications and communications carriers as needed.

Hamilton Relay, Inc. will operate the TRS and Pennsylvania TRS outreach through its officially filed tariff, TRS PA P.U.C. No. 1, and the Hamilton Relay, Inc. RFP-PUC-2014-2 reply elements and statements. Some of those RFP reply elements and statements include “Relay Your Way” personalized service; 24 hour customer care service and support; customized invoice billing; furnish all necessary facilities personnel, equipment, circuits, telephone service, training, and start-up testing in a manner that meets and exceeds all federal, state and RFP-PUC-2014-2 requirements.

Hamilton Relay, Inc. will provide a representative to attend and report to the Pennsylvania Telecommunications Relay Service Advisory Board (Board) at the Board’s quarterly meetings. The representative will also be available to fulfill the Company’s responsibilities as required by the Board’s By Laws.

All the relay service provided by Hamilton, Relay, Inc. can be accessed by dialing “711” or (888) 895-1197 as well as the other toll-free access numbers. The access numbers not changed from the previous provider are as follows: Pennsylvania Relay TTY (800) 654-5984 and Pennsylvania Relay Voice (800) 654-5988. The new access numbers for the following services are: Spanish (844) 308-9291, Speech-to-Speech (STS) (844) 308-9292, and Pennsylvania specific customer service (800) 974-1253.

Hamilton Relay, Inc. has provided confidential and proprietary financial information to support its Application. We conclude that the Applicant has demonstrated that it is financially capable of providing telecommunication relay services as the Pennsylvania TRS provider throughout the Commonwealth of Pennsylvania.

The Commission requires that applicants seeking certification in Pennsylvania take steps to protect the public safety of consumers. One means of ensuring the public safety of consumers in the increasingly competitive telecommunications marketplace is to ensure that new entrants provide their consumers with access to a seamless communications infrastructure for emergency services, such as 911. To meet these concerns, Hamilton Relay, Inc. has provided the 911 emergency procedures stated in both RFP-PUC-2014-2 reply and Tariff TRS PA P.U.C. No. 1.

We conclude that the Applicant has met the requirements for certification as a TRS provider, consistent with this Order. Premised upon our review of the Application and the proposed tariff, and consistent with our Orders, the Code, our regulations and the TA-96, we conclude that the Applicant’s proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy. [[2]](#footnote-2)

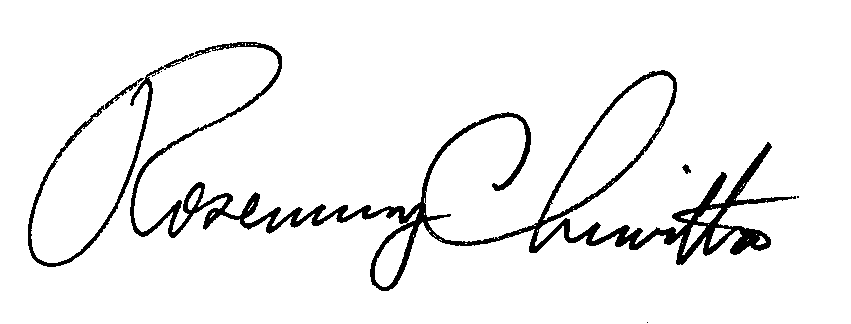
We shall direct the Applicant to file its Initial Tariff on or before fifteen (15) days from the date of entry of this Order to become effective on one (1) day’s notice from the date upon which it is filed and served. The Applicant may file its Initial Tariff electronically, consistent with Commission Rules.[[3]](#footnote-3) Copies of the Initial Tariff shall also be served upon the same entities receiving service of the original Application.

**Conclusion**

Accordingly, we shall grant the Application. Upon the approval of the Initial Tariff, a Certificate of Public Convenience shall be issued evidencing the Applicant’s authority to provide Telecommunications Relay Services for the deaf, hard of hearing and speech impaired individuals throughout the Commonwealth of Pennsylvania, consistent with this Order; **THEREFORE,**

**IT IS ORDERED:**

1. That the Application of Hamilton Relay, Inc. at Docket No. A‑2014-2447601, for authority to operate as the Pennsylvania Telecommunications Relay Services provider throughout the Commonwealth of Pennsylvania is granted, consistent with this Order.
2. That Hamilton Relay, Inc. will operate the Pennsylvania Telecommunications Relay Services and Telecommunications Relay Services Outreach through its officially filed tariff, TRS PA P.U.C. No. 1, and comply with statements and elements made in its reply to RFP-PUC-2014-2.
3. That the Applicant shall either eFile or submit an original copy of its Initial Tariff within fifteen (15) days after the date of entry of this Order. The Applicant shall serve copies of its Initial Tariff on each entity receiving a copy of the original Application. The initial tariff may become effective on or after one (1) day’s notice from the date upon which it is filed and served.
4. That an Initial Tariff shall be labeled on its face according to the respective authority: “TELECOMMUNICATIONS RELAY SERVICES”.
5. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right to the Applicant.
6. That the Applicant maintains accurate accounting records that segment its Pennsylvania traditional telecommunications relay services revenue in the state.
7. That the Applicant shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates within thirty (30) days of entry of this Order.
8. That in the event that the Applicant has not, on or before fifteen (15) days from the date of entry of this Order, complied with the requirements set forth herein, the Application at Docket No. A‑2014-2447601 shall be dismissed and the authority granted herein revoked without further Commission Order.
9. That Hamilton Relay, Inc. and AT&T Corp. will file with the Commission Secretary, at Docket No. A-2014-2447601, a jointly signed document, within ten (10) days after the date of completion of the transition, stating that a complete and satisfactory transition of Telecommunications Relay Services to the public within Pennsylvania from AT&T Corp. to Hamilton Relay, Inc. has been implemented.
10. That upon the approval of the Initial Tariff, a Certificate of Public Convenience shall be issued authorizing the Applicant to furnish services as the Pennsylvania Telecommunications Relay service provider for the deaf, heard of hearing and speech impaired population throughout the Commonwealth of Pennsylvania, consistent with this Order.
11. That changes and/or additions made to an approved, filed tariff shall be made in the form of supplements, consecutively numbered in the order of their filing dates, and the tariff designation shall be in the following manner: Supplement No. \_\_ to Tariff TRS PA P.U.C. No.\_\_\_.
12. That the Applicant shall add its approved Pennsylvania tariff to its website and that the Applicant shall contact Cyndi Page (717-787-5722; [cypage@pa.gov](mailto:cypage@pa.gov)) of the Commission’s Communications Office to create a link from the Commission’s website to the Applicant’s website.
13. That if the Applicant plans to cease doing business within the Commonwealth of Pennsylvania, it shall request authority from the Commission for permission prior to ceasing.
14. That a copy of this Order be served on the Pennsylvania Department of Revenue, Bureau of Corporation Tax and the PEMA (Pennsylvania Emergency Management Agency) Bureau of 9-1-1 Programs.

**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: December 4, 2014

ORDER ENTERED: December 4, 2014

1. Market entry requirements, in light of the policy objectives of the TA-96, for telecommunication service providers are set out in *In Re: Implementation of the Telecommunications Act of 1996,* Docket No. M-00960799 (*Implementation Order*: June 3, 1996; and *Implementation Reconsideration Order*: September 9, 1996) (herein *TA‑96 Implementation Orders)*. [↑](#footnote-ref-1)
2. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, the TA-96, or our regulations or Orders will be deemed inoperative and superseded. [↑](#footnote-ref-2)
3. *See Final Rulemaking to Permit Electronic Filing*, Docket No. L-00070187 (Order entered May 23, 2008). [↑](#footnote-ref-3)