

**Certification Period**

The Commonwealth of Pennsylvania is currently certified to provide intrastate TRS and intrastate CTRS. The Commonwealth of Pennsylvania is requesting recertification beginning July 26, 2018, continuing for a five-year period.

*(d) Method of funding. Except as provided in §64.604, the [FCC] shall not refuse to certify a state program based solely on the method such state will implement for funding intrastate TRS, but funding mechanisms, if labeled, shall be labeled in a manner that promote national understanding of TRS and do not offend the public.*

**Funding**

The PA PUC has been using a monthly surcharge on wireline access lines to fund relay and related items since the PA TRS was implemented in 1990. The surcharge process is now codified in Pennsylvania statute and PA PUC regulation. Any changes to the amount of the surcharge are subject to due process.

*(e)*

*(1) Suspension or revocation of state certification. The [FCC] may suspend or revoke such certification if, after notice and opportunity for hearing, the [FCC] determines that such certification is no longer warranted. In a state whose program has been suspended or revoked, the [FCC] shall take such steps as may be necessary, consistent with this subpart, to ensure continuity of TRS. The [FCC] may, on its own motion, require a certified state program to submit documentation demonstrating ongoing compliance with the [FCC's] minimum standards if, for example, the [FCC] receives evidence that a state program may not be in compliance with the minimum standards.*

The PA relay programs have never been suspended or revoked and will continue to meet all FCC requirements necessary for certification.

*(f) Notification of substantive change.*

*(1) States must notify the Commission of substantive changes in their TRS programs within 60 days of when they occur, and must certify that the state TRS program continues to meet Federal minimum standards after implementing the substantive change.*

The PA PUC will notify the FCC of substantive changes in its relay programs within 60 days of when the changes occur and will ensure that Pennsylvania remains able to certify that the PA relay programs continue to meet federal minimum standards after implementing the substantive change.

By this application, the PA PUC asserts its intention that the operation of the PA relay (including TRS, STS, and CTRS) will continue to comply with the FCC rules and orders regarding telecommunications relay service. If there is any technical or substantial variation discovered by the FCC that would cause or could cause PA relay to be out of compliance, the PA PUC agrees to undertake such action as may be reasonably required to bring the PA TRS and PA CTRS into compliance.

**Appendices**

- ORDER *Hamilton Relay*, Pennsylvania PUC Docket No. A-2014-2447601 (order entered December 4, 2014)
- Certificate of Public Convenience Hamilton Relay
- Tariff TRS PA P.U.C. No. 1
- OPENION & ORDER Pennsylvania TRS Relay Annual Surcharge Recalculation, M-2017-2582552
- ORDER Petition of Hamilton Relay (P-2017-2596198) and Hamilton Telecommunications (P-2017-2596108) Waiver of Equal Access & Billing Requirements
- Pennsylvania TRS Advisory Board By-Laws
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JAN 11 2018

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

FCC Mailroom

Public Meeting held December 4, 2014

**Commissioners Present:**

Robert F. Powelson, Chairman  
John F. Coleman, Jr., Vice Chairman  
James H. Cawley  
Pamela A. Witmer  
Gladys M. Brown, Statement

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

**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)<sup>1</sup> 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.

<sup>1</sup> 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*).

### **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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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.<sup>2</sup>

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<sup>2</sup> 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.

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.<sup>3</sup> 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.

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<sup>3</sup> See *Final Rulemaking to Permit Electronic Filing*, Docket No. L-00070187 (Order entered May 23, 2008).



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.

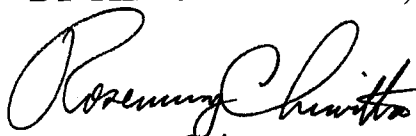
11. That changes and/or additions made to an approved, filed tariff shall be made in the form of supplements, consecutively numbered in the order of their filing dates, and the tariff designation shall be in the following manner: Supplement No. \_\_ to Tariff TRS PA P.U.C. No. \_\_\_\_.

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

JAN 11 2018

**PENNSYLVANIA TELECOMMUNICATIONS RELAY SERVICE  
ADVISORY BOARD**

**BY-LAWS<sup>1</sup>**

**ARTICLE I - NAME**

The Board shall be known as the Pennsylvania Telecommunications Relay Service Advisory Board.

**ARTICLE II - AUTHORITY**

The Pennsylvania Telecommunications Relay Service Advisory Board hereafter referred to as the "Board", is established pursuant to Commission Order on the *Petition of the Pennsylvania Telephone Association Requesting the Commission to Approve Implementation of Pennsylvania Relay Service for the Deaf, Hearing and/or Speech Impaired Community with the Commonwealth of Pennsylvania*, P.U.C. Docket Nos. M-00900239 and A-310125 (Order Entered May 29, 1990).

**ARTICLE III - PURPOSE**

The purpose of the Board shall be to review the performance of the relay services system in Pennsylvania as provided by the Americans with Disabilities Act of 1990 as amended, Title IV – Telecommunications Relay Service, and all Commission TRS related Orders and Policies; to identify improvements in areas such as regulation, relay service, customer service, equipment and outreach; provide feedback on related projects; and provide guidance and advice to the Pennsylvania Public Utility Commission for further action.

**ARTICLE IV - DEFINITIONS**

1. CA – Communications Assistant is an employee of the TRS provider who transliterates conversation from text to voice and from voice to text between two end users of TRS. Except as authorized by section 705 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content and from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. CAs are

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<sup>1</sup> Revised March 11, 2015

prohibited from intentionally altering a relayed conversation and, unless federal, state, or local law prohibits (for example, use of phone for illegal purposes), must relay all conversation verbatim unless the relay user specifically requests summarization.

2. TTY – Teletypewriter is a device that accurately transmits and receives text over the telephone lines in written (type) rather than spoken form.
3. TT - Text telephone is a device that uses graphic communication in the transmission of coded signals through wire or radio communications system.
4. TDD – Telecommunications device for the deaf. The Communications Act of 1934 defines TDD as a machine that employs graphic communication in the transmission of coded signals through a wire or radio. TDD uses the Baudot code method of communication. Most TDD devices are acoustically coupled and slow running.
5. Baudot code – named for the inventor, a French telegrapher Jean-Maurice Emile Baudot (1845-1903). Baudot is the process of encoding characters into the ones and zeros used by computers for Telex transmission.
6. VCO – Voice Carryover – A relay option for hard of hearing person in which they speak into the telephone directly to the party with whom they are communicating and the CA keyboards what the party says to them.
7. HCO – Hearing Carryover – A relay option for a person who has a speech disability in which they listen to a person speaking on the telephone and they keyboard to the CA what they wish to communicate to the other party. The CA then voices the message for them to the other party.
8. STS – Speech-to-Speech – A relay option for a person who has a speech disability, difficulty understanding speech or uses a speech generating augmentative communication device. They speak to the CA and the CA relays the message to the other party. The CAs are trained to work with people who have a speech disability or use augmentative technology.
9. Relay – Refers to the telecommunications relay service including traditional text telephone or teletypewriter (TTY), voice carryover (VCO), hearing carryover (HCO), speech-to-speech (STS) and captioned telephone. The term "telecommunications relay services" means telephone transmission

services that provide the ability for an individual who has a hearing loss or speech disability to engage in communication by wire or radio with someone with similar attributes or an individual without hearing loss in a manner that is functionally equivalent to the ability of an individual who does not have a hearing loss or speech disability.

10. ADA of 1990, Title IV – Title IV of the Americans with Disabilities Act (ADA) of 1990 mandated a nationwide system of telecommunications relay services to make the telephone network accessible to people who are deaf or hard of hearing or who have speech impairments. Title IV of the ADA added Section 225 to the Communications Act of 1934.
11. Americans with Disabilities Act of 1990 as amended, Title IV – Telecommunications Relay Services. Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires telephone companies to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a CA (third party communications assistant). The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally funded public service announcements.
12. Captioned Telephone – A relay option for people who are hard of hearing. The telecommunication device looks and works like an ordinary telephone with one important difference: It has a display screen that shows real time captions of what the other party says throughout the conversation. This form of relay uses a CA that is re-voicing the other party into a computer with speech recognition software, and sends a typed message that is displayed on the caption telephone screen.
13. Relay User – Any person who uses the relay system for communication. This includes people with and without disabilities.
14. Relay Service Providers – Hamilton Relay Inc., is the Certificated (Certificate of Public Convenience to provide Pennsylvania traditional/basic TRS) and Hamilton Telephone Company d/b/a Hamilton Telecommunications as the contracted Pennsylvania Captioned Telephone Relay Service provider.

15. Commission or PUC – Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, The Public Utility Commission was created by the Pennsylvania Legislative Act of March 31, 1937 (and the Public Utility Law of May 28, 1937), which abolished the Public Service Commission. <http://www.puc.pa.gov> The Commission balances the needs of consumers and utilities to ensure safe and reliable utility service at reasonable rates; protect the public interest; educate consumers to make independent and informed utility choices; further economic development; and foster new technologies and competitive markets in an environmentally sound manner. The Commission at Docket No. M-00900239, Ordering paragraph No. 17, Order entered May 29, 1990, established the Board.
16. Office of Special Assistants – OSA of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, <http://www.puc.pa.gov> 717-787-1914. In addition to its function within the Commission, the OSA is the Commission's contact point for approving Board member expense reimbursement claims, and housekeeping matters.
17. Officers – Members of the Board that serve in a capacity of Chairperson, Vice-Chairperson or Secretary.
18. Office for the Deaf and Hard of Hearing – ODHH is an office within the Department of Labor and Industry which provides advocacy, acts as a clearing house for information, and makes referrals for Pennsylvanians who are deaf, hard of hearing or deaf blind, and their families and caregivers.
19. Pennsylvania Telephone Association – PTA – The mission of the PTA is to advocate for its members and their customers and shareholders. They are located at 30 N. 3rd Street, Suite 300, Harrisburg, PA 17101. On the web at [www.patel.org](http://www.patel.org) The PTA filed with the Commission on April 12, 1990, a Petition requesting approval to implement a Pennsylvania Relay Service for the deaf, hearing and /or speech impaired community.
20. Voting Members – Each of the thirteen members of the Board shall have one (1) vote in matters that require voting. A Board member must be present (includes members who participate in the meeting remotely) to vote. Proxy votes will not be accepted.
21. Just Cause – A legally sufficient reason. Just cause is sometimes referred to as good cause, lawful cause or sufficient cause.

22. Ad-Hoc Committee – A committee formed for a specific task or objective, and dissolved after the completion of the task or achievement of the objective.
23. Quorum - To be considered a quorum and legally transact business, a majority of voting Board members must be in attendance (includes members who participate in the meeting remotely).
24. Public Member – The seven Board members who are from the Deaf, Hard of Hearing, Deaf-Blind and Speech impaired communities. Board members that are not Public Members are the relay service providers, Pennsylvania Telephone Association, Pennsylvania Public Utility Commission and the Office for the Deaf and Hard of Hearing.

## **ARTICLE V - MEMBERSHIP**

Section 1. Membership The Board shall consist of representatives appointed by the Pennsylvania Public Utility Commission, hereafter referred to as the "Commission". The membership includes:

- A. One Representative from each of the two Relay Service Providers;
- B. One Representative from the Pennsylvania Telephone Association (PTA);
- C. Two Representatives from the Commission, one analyst from the Bureau of Technical Utility Services (TUS) and one representative from the Bureau of Consumer Services (BCS). A Commission Staff Attorney, not counted as a Board member, will assist the Board by providing advice on legal matters as they arise.
- D. One Representative from the Pennsylvania Department of Labor & Industry, Office for the Deaf and Hard of Hearing (ODHH);
- E. Seven Representatives, who are currently Pennsylvania residents age 18 and older, from the Deaf, Hard of Hearing, Deaf-Blind and Speech impaired communities referred to as Public Members (PM).

Section 2. Nominations For appointments to the Board, application forms should be completed and submitted to the Commission Secretary's Bureau for

further consideration. Application forms may be obtained at the Commission's web site at:  
[http://www.puc.pa.gov/utility\\_industry/telecommunications/telecommunications\\_relay\\_service/trs\\_advisory\\_board.aspx](http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service/trs_advisory_board.aspx)

Section 3 Nomination Process Application forms submitted from individuals will be first set to the meeting agenda for member action on whether to proceed with the nomination.

Section 4 Term Limit Term limits shall be for two years ending on the corresponding appointment date. A member whose term expired or is about to expire may be recommended, to the Commission by a majority vote of the Board members present (including members who are participating in the meeting remotely) to serve one consecutive additional term.

Section 5 Unlimited Terms Members who serve unlimited term on the Board are from the following organizations: Relay Service Provider(s), Pennsylvania Telephone Association, Office for the Deaf and Hard of Hearing and the Commission.

Section 6 Vacancies All vacancies except for unlimited Board member positions shall be filled by the application process. Time spent filling an unexpired term shall not count toward the term limit set in Section 3 above.

Section 7 Member Responsibilities Board members are expected to actively participate in all aspects of the Board's purpose and adhere to the member expectations.

## **ARTICLE VI – OFFICERS OF THE BOARD**

Section 1 Officers of the Board. Officers of the Board shall be a Chairperson, a Vice-Chairperson, and a Secretary selected by a member vote (including members who are participating in the meeting remotely).

Section 2 Election of Officers.

- A. The Board shall biennially elect officers from the Public Members of the Board.
- B. Election of officers shall take place at the first meeting in each odd-numbered calendar year.
- C. All officers will follow the expectations listed in the By-Laws; expectations include duties, responsibilities, and limitations of officers; a member will



- be requested to indicate their interest in being nominated for a particular office and ability to fulfill all of the obligations of that office, if elected.
- D. All members who express interest will be placed on the slate by the Board Secretary provided they are in compliance with these By-Laws and can meet the term commitments of the Office they seek.
  - E. Votes for the election will be cast by ballot vote at the regular quarterly meeting (including members who are participating in the meeting remotely).
  - F. An existing Officer and at least 2 volunteers from the Board who are not on the slate will count votes and announce the results at the meeting.

Section 3. Removal of an Officer An Officer may be deposed from office for just cause by an Officer or voting member. Discussion of motions to censure or remove an officer shall take place during a regularly scheduled Board meeting in executive session. Censure or removal of an Officer requires a two-thirds majority vote of the Board members present (including members who are participating in the meeting remotely). The vote shall be by a ballot vote.

## **ARTICLE VII – EXPECTATION OF OFFICERS**

Section 1 Chairperson The Chairperson shall preside, direct and coordinate activities at all Board meetings. The Chairperson shall perform such other duties as may be imposed by action of the Board or as set forth in other sections of these by-laws. Also, the Chairperson shall establish each quarterly Board meeting agenda and provide for each meeting a Chairperson Report on activities at least two weeks prior to the meeting. With the cooperation of Board members the Chairperson shall identify and define specific Board goals and objectives to be accomplished during his/her term. The Chairperson or Board shall establish such Ad-Hoc committees as shall from time to time be necessary to carry out the duties and responsibilities of the Board.

Section 2 Vice-Chairperson The Vice-Chairperson shall serve in the absence of the Chairperson and shall perform such other duties as may be imposed by action of the Chairperson, Board or as set forth in other sections of these by-laws.

Section 3 Secretary The Secretary shall serve in the absence of the Chairperson or Vice-Chairperson and shall perform such other duties as may be imposed by action of the Board or as set forth in other sections of these by-laws. The Secretary shall monitor member resignations and term expirations to ensure that the composition of the Board is maintained. When vacancies occur or are

anticipated, the Secretary will inform the Chairperson who will take necessary action to recruit a suitable nominee to ensure the composition of the Board. The Secretary shall maintain the records of the Board such as the "Member List", "By Laws", "Meeting Minutes" and "Chairperson's Report", of each quarterly Board meeting. The Secretary shall develop the draft Meeting Minutes and distribute a copy to each member for review at least one month prior to the next scheduled quarterly Board meeting.

Section 4 Committee(s) Special Committees or work groups shall be appointed by the Chairperson whenever deemed necessary by the Board. A special committee shall be restricted to its assigned task, shall report its recommendations to the Board, and shall be dissolved when its report is complete and accepted by the Board.

## **ARTICLE VIII – EXPECTATION OF MEMBERS**

Section 1. Authority of Members No member shall at any time act or purport to act in the name of the Board without the prior approval of the Board.

Section 2. Compensation of Members All Members shall serve on the Board without compensation. However, Public Board members may be reimbursed for travel expenses incurred in order for them to attend the quarterly Board meetings. Expense reimbursement must be approved by the Commission in accordance with the By-Laws, Commonwealth policies and procedures and applicable federal policies. Members from the Commission, PTA, and relay service provider(s) are not entitled to expense reimbursement for Board attendance or services.

Section 3. Participation Board members are expected to actively participate in all aspects of the Board's stated Purpose. In order to fulfill its requirements, by: Attending four (4) scheduled quarterly Board meetings in the fiscal year. Attendance by any Information and Communication Technologies (ICT) is permitted. A member who is unable to attend a regular or special meeting must comply with Article IX Section 5 in order to be considered in attendance.

Section 4. Committee Participation Each member must actively participate on at least one standing committee or ad-hoc committee during the fiscal year. This is a requirement. Actively is defined as participating in conference calls and in-between activities such as responding to correspondence and e-mail. Those members not able to maintain active participation will be asked to resign from the committee. Members may be asked to respond to action items during or between Board meetings. Examples may include, but are not limited to:

- (1) Review of support documents for meeting action items.
- (2) Review and return of surveys, draft documents, etc. when requested.
- (3) Attending Commission public meetings, ODHHS sponsored Expos/Events or other TRS Outreach programs, etc., each year.

## **ARTICLE IX - MEETINGS**

Section 1. Regular Meetings The Board shall meet at the call of the Chairperson not less than four times per year. The time and place of a regular meeting may be changed provided notification is given to members not less than fourteen calendar days in advance. The draft meeting minutes shall be provided by the Secretary to all members no less than one month prior to the next scheduled meeting. On the last regular scheduled meeting of the calendar year, the Board shall set the dates for the next calendar year regular quarterly Board meetings.

Section 2. Relay/Tele-conference Meetings The Board may hold meetings via relay conference call or teleconference when deemed appropriate.

Section 3. Special Meetings Special meetings may be called by the Chairperson or by written request of any five members of the Board. Notice to all members stating the time, place, and purpose of any special meeting shall be provided as early as possible, but not less than seven days prior to the meeting. Matters considered in any special meeting shall be limited to the purpose created. The draft minutes of the special meeting shall be provided to all Board members within one month of the conclusion of that special meeting.

Section 4. Meeting Agenda The Chairperson or Secretary shall provide copies of the tentative agenda to each member at least fourteen calendar days prior to the meeting.

Section 5. Attendance. Members unable to attend any regular or special meeting may designate a non-voting substitute to attend on their behalf. The absent member must provide advanced notice to the Chairperson (or presiding officer such as Vice-Chairperson or Secretary) prior to the opening of the meeting. Members represented by a designated substitute shall be considered attending for purposes of Article VIII, Section 3.

Section 6. Parliamentary Authority All Board meeting shall be conducted in accordance with Robert's Rules of Order.

Section 7. Meetings to be Public All regular and special meetings of the Board shall be open to the public, unless otherwise stated in the By-Laws.

Section 8. Voting All action taken by the Board shall require a majority vote (secret ballot, voting card, or mutually agreed upon technologies as per Chairperson's choice and instructions) of Board members unless otherwise stated in the By-Laws for specific purposes.

Section 9. Meeting Minutes Draft (regular and special) Board meeting minutes are not official until approved by the Board at a subsequent meeting.

## **ARTICLE X - TERMINATION**

The Board shall continue its function and duties until terminated by the Commission.

## **ARTICLE XI - AMENDMENTS**

These By-Laws may be amended or repealed at any meeting by a majority vote of Board members present, provided that the proposed amendment has been provided to the membership at least one month prior to the Board meeting. The one month notice may be waived by unanimous consent of members present at a meeting.

Revised by-laws adopted by the Pennsylvania Telecommunications Relay Service Advisory Board on the 11<sup>th</sup> day of March 2015.

A-2014-2447601

Hamilton Relay, Inc.

TRS PA. P.U.C. - NO. 1  
ORIGINAL TITLE PAGE

TELECOMMUNICATIONS RELAY SERVICES

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**HAMILTON RELAY, INC.**

**TELECOMMUNICATIONS RELAY SERVICES**

**FOR THE COMMONWEALTH OF PENNSYLVANIA**

By: Dixie Ziegler, Vice President  
1001 12th Street  
Aurora, NE 68818  
(402) 694-5101

OFFICIALLY FILED TARIFF

Issued: December 15, 2014

Effective: December 16, 2014

Tariff Contact: Dixie Ziegler, Vice President  
1001 12th Street, Aurora, NE 68818 Phone: (402) 694-5101

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TELECOMMUNICATIONS RELAY SERVICES

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TELECOMMUNICATIONS RELAY SERVICES

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC.

1.1 General

Hamilton Relay, Inc. (Hamilton) will provide for the uniform and coordinated provision of Pennsylvania TRS on a statewide basis. Hamilton ensures Pennsylvania TRS will be available at all times (24 hours a day, 7 days a week, 365 days a year).

Hamilton's relay service is designed to provide the means whereby a person who is deaf, deaf-blind, hard of hearing or who has difficulty speaking can communicate over the existing telecommunications network with a standard phone user (and vice-versa) through the voice assistance of the relay service (Communication Assistant).

The Telecommunications Relay Service in Pennsylvania, which is provided by Hamilton, will accept calls originating from within the Commonwealth of Pennsylvania to any point in the world and from all points outside the Commonwealth of Pennsylvania to any point within the Commonwealth of Pennsylvania.

[Paragraph Expurgated]

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TELECOMMUNICATIONS RELAY SERVICES

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1.1 TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC.(Cont'd)

## 1.2 Description and Method of Operation

Hamilton allows individuals who are deaf, hard of hearing or have difficulty speaking to communicate over the telecommunications network through the following call types and methods:

- A. TTY/ASCII. This call type allows an individual utilizing a TTY to place or receive calls. The Communications Assistant (CA) voices the TTY conversation from the TTY user to the other party, and types the conversation from the other party back to the TTY user.
- B. Voice Carry Over (VCO). VCO provides people who can communicate with their voice but have difficulty hearing, the ability to place or receive calls. The VCO caller speaks his or her own message directly to the caller without such transmission being processed by the CA. The CA then types any conversation spoken to the VCO user so it can be read on the TTY. Hamilton allows relay users to request VCO services without the normal TTY transmission that is typically required. A VCO user can connect voice and say "VCO" and Hamilton connects the call. Voice users do not hear tones during a VCO call.
- C. Hearing Carry Over (HCO). This feature allows people who have difficulty speaking to place and receive calls. The HCO caller hears the communication directly from their caller without such transmission being processed by the CA. The CA then voices any conversation typed by the HCO user to the other party. Hamilton allows HCO users to utilize both TTY modes, acoustic mode and direct connect mode.
- D. A variety of HCO and VCO calls types are available through Hamilton relay including, but not limited to: VCO to HCO, HCO to HCO, VCO to VCO.
- E. Spanish. Hamilton provides Intrastate Spanish to Spanish and Interstate Spanish to Spanish service. Hamilton bills Intrastate Spanish to Spanish minutes to the Commonwealth of Pennsylvania and bills Interstate Spanish to Spanish minutes to the Interstate TRS Fund. Relay users can select "Spanish" as an option on the TRS Provider's Customer Profile. This information is presented to the CAs at the workstation for proper call processing.  
  
In addition, Hamilton also provides Intrastate Spanish to English and English to Spanish call handling and bills these minutes of use to the Commonwealth of Pennsylvania.
- F. Customer Profile. Relay users may indicate how their calls are handled by completing a customer profile form. This feature allows Hamilton to customize the relay service for each relay user. Once activated, the customer profile appears on the CA's screen each time the relay user calls the relay so that the CA can properly process the call according to the user's preferences.

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC.(Cont'd)

## 1.2 Description and Method of Operation (Cont'd)

- G. Speech to Speech (STS). STS Service allows individuals who have difficulty speaking to use his/her own voice or a speech synthesizer when using the relay. STS users are able to communicate with any and all relay users including but not limited to VCO, HCO, TTY, 2LVCO, other STS users or standard phone users. Specially trained CAs process Speech to Speech calls. STS is also available in Spanish.
- H. Caller ID. Hamilton provides true Caller ID service where the actual information of the calling party (not the relay center number) appears on the called party's Caller ID box. This information is provided on all call types and on all carriers.
- I. Call Release. Hamilton releases TTY to TTY calls if the operator reaches a TTY user when placing a relay call. Hamilton gives the calling party the option to communicate independent of the relay function. The CA then drops out of the call. If the call is a long distance call, the call will be billed as a normal relay call (i.e. the relay user's carrier of choice).

Hamilton provides Voice to Voice call release which allows a hearing user to connect to another hearing user via the Relay. This usually happens inadvertently. Rather than blocking the call, this feature allows the CA to be "released" from the telephone line without triggering a disconnection between two hearing users. The CA releases the call after the CA connects the originating hearing caller to the hearing called party.

- J. Speed Dialing. Relay users may choose up to 50 numbers they would like programmed for speed dial.
- K. Three-Way Calling. If a three-way call is desired and three-way calling is available from the LEC and the customer has purchased this feature from his/her LEC, the customer can use the feature to either tie the third party directly into the conversation or to tie the third party in by making a second call to the relay center.
- L. Hamilton is able to receive and transmit calls in Voice, Turbo Code, ASCII (at the correct Baud rate) or Baudot format.

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC. (Cont'd)

## 1.3 Regulations

- A. Hamilton ensures Pennsylvania TRS is available at all times (24 hours a day, 7 days a week, 365 days a year). TRS may be reached by dialing 711, as well as the following toll-free access numbers that are specific to Pennsylvania TRS:

- TTY – (800) 654-5984
- Voice – (800) 654-5988
- Spanish – (844) 308-9291
- STS – (844) 308-9292
- Customer Service – (800) 974-1253
- 

- B. When dialing 711, if the relay user has a customer profile and has indicated a connection preference, the call will be automatically setup in the correct connection mode and immediately delivered to the workstation for call processing (i.e. permanent branding of TTY, ASCII, VCO, etc.)

If the relay user has no customer profile associated with the number they are calling from, the call will default to a voice connection. The CA will listen for different connect tones, or speaking, in order to connect the relay call in a timely fashion (i.e., voice mode then TTY, then ASCII).

All services available from Hamilton are accessible through 711. Hamilton's network is configured to segregate 711 traffic from other 800/888 traffic.

- C. Hamilton's relay service is designed to a P.01 standard. No more than one call in 100 will receive a busy signal when calling the Relay Center at the busiest hour. Hamilton defines "blockage" as any call that arrives at the relay switch but is not answered due to the customer receiving a busy signal. Hamilton ensures call blockages for Pennsylvania TRS users will be no different than experienced by voice-to-voice non TRS callers.
- D. Hamilton will answer eighty-five percent (85%) of all Pennsylvania Relay calls within 10 seconds from the time the call enters the TRS system during all times of the day by any method which results in the caller's call immediately placed, not put in a queue or on hold.
- E. Hamilton is capable of processing non-coin-sent paid calls, sent-paid calls, collect calls, person-to-person calls, international calls, hotel calls and calls charged to a third party. Hamilton also is able to process credit cards, any Pennsylvania local exchange calling cards and all non-proprietary interexchange company calling cards that are accessed by dialing an 800 number. This includes all major interexchange company calling cards.

TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC. (Cont'd)

1.3 Regulations (Cont'd)

- F. Hamilton does not charge relay users who want to place a local call from a payphone as stated in the current FCC coin-sent paid order.

Relay users making a long distance call from a payphone are able to use a calling card (debit card, regular calling card, etc.) or place a collect or third party call. The customer's carrier of choice will then rate and bill any long distance payphone calls. Once billing has been established the call will be processed as a regular relay call.

- G. Hamilton does not and will not place any restrictions on the length or number of calls placed by customers through the relay center.

- H. Any service outage exceeding four hours in length within a twenty-four hour period will subject Hamilton to a penalty equivalent to an average of one day's (24 Hours) billing in the prior calendar month for the service, provided that Hamilton shall not be responsible for any delay or failure in performance hereunder caused by Acts of God (including fire not due to Contractor's negligence, flood, earthquake, storm, or other natural disaster), war, invasion act of foreign enemies, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation, non-preventable effects of terrorist activities, nationalization, government sanction, requirements imposed by government regulations and/or civilian or military authorities, blockage, embargo, labor dispute, strike, or lockout.

- I. Hamilton will meet all FCC standards necessary to maintain certification as a "state program" under the ADA and FCC regulations, including full compliance with the intent and the existing implementation guidelines set forth in Title IV of the Americans with Disabilities Act of 1990 (ADA).

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC. (Cont'd)

1.4 Relay Service Communications Assistant

- A. Except for any information necessary for billing purposes, or gathering caller profile or 7-1-1 information when requested by the caller, Communications Assistants (CAs) will maintain the confidentiality of the call.
- B. Hamilton's CAs convey the full content, context and intent of the communication they translate without intervening in the communication process.
- C. Hamilton's CAs type everything verbatim unless one of the relay users involved in the conversation requests summarization or translation of ASL gloss to written English. At this point in time, the CA gains permission from the other party involved in the call. If both parties agree to summarization or translation, the CA will then begin to summarize or translate the call. Relay users who always want summarization or translation, can select this option on the customer profile.
- D. CAs will not counsel, advise or interject personal opinions or additional information into any communications which they are relaying.
- E. CAs will not disconnect a call against the wishes of the originating party except in those instances in which the caller becomes abusive to or if the CA is not given a number to dial. The CA will request a number to call three times, waiting approximately 20 to 30 seconds between each time.
- F. For 911 emergency calls requested through relay, Hamilton immediately transfers the caller to the appropriate Public Safety Answering Point based on NPA/NXX information. Hamilton passes along the caller's telephone number to the PSAP when a caller disconnects before being connected to emergency services.
- G. Hamilton maintains no written or electronic script or record of any type of call content beyond the duration of the call.
- H. STS CAs have the authority, at the request of the STS user, to retain information beyond the duration of a call in order to facilitate the completion of consecutive calls.

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC. (Cont'd)

1.5 End User Billing Information

- A. To the relay user, a relay call bill looks like it was placed from his or her primary location to the call destination. Relay users do not see or get billed for the "links" going to and from the relay center. Relay users receive no billing for local calls. Intrastate/intralata calls are billed by the customer's carrier of choice.

If the call is a toll call, the caller's carrier of choice terminates the outbound portion of the call and the necessary information digits, calling and called number are forwarded over the circuit so that that interexchange carrier can bill the customer directly.

- B. Interlata (including interstate and international) and intralata and intrastate long distance toll charges are billed by the relay user's carrier of choice in the same manner as the carrier bills that customer for other long distance calls not made through the relay. On each toll call, Hamilton forwards the appropriate information digits, calling number and called number as part of the call information so that the long distance company can bill the customer at the correct rate through their normal billing mechanisms.

For Relay Customers who are not subscribed to a carrier of choice, Hamilton defaults that caller to AT&T Corp.

Relay users making a long distance call from a payphone are able to use a calling card (debit card, regular calling card, etc.) or place a collect or third party call.

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC. (Cont'd)

1.6 Hamilton's Process for Billing the Commonwealth of Pennsylvania

Records are made for each call and this data is transmitted daily from the relay platform to the toll processing computer system. Within this system, call jurisdictions are defined again by linking the calling and called numbers to geographic data tables that contain NPA-NXX information. Calls are then identified as intralata, interlata or local/EAS. This also is done at the workstation during the actual call. (Interstate and Intrastate toll calls are sent immediately to the customer's carrier of choice for billing via the tandem while the relay call is taking place.) Local/EAS, intrastate and interstate call information is retained for calculation of billable minutes. Hamilton then takes the conversation time as recorded for each record and uses it to make its billable amount calculation to the Pennsylvania Public Utility Commission (Commission) and to the Interstate TRS Fund Administrator for interstate relay calls.

Hamilton's relay switch generates a call detail record for each relay call (call detail records include call set-up and wrap-up time) and records each call to the nearest second. For reporting purposes, minutes are rounded to the nearest hundredth of a minute. All call minutes within a calendar month are then added to determine the amount of time to be billed to the Pennsylvania TRS Fund Administrator.

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY HAMILTON RELAY, INC. (Cont'd)

1.7 Pricing

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Tariff Contact: Dixie Ziegler, Vice President  
1001 12th Street, Aurora, NE 68818 Phone: (402) 694-5101



## TELECOMMUNICATIONS RELAY SERVICES

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### 1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY HAMILTON RELAY, INC. (Cont'd)

#### 1.8 Reporting Requirements

Hamilton is responsible for maintaining all records and reports relating to the operation of the Relay Service. Such reports will include, but are not limited to, the following:

Monthly invoice showing:

- total session minutes
- intrastate and interstate minutes
- net session minutes
- applicable rate
- total monthly usage billing
- outreach services cost
- total billing

Traffic reports detailing:

- Blockage rates, defined as the number of calls reaching a busy signal when calling the relay service.
- Average number of calls waiting for system or operator answer.
- Average length of time waiting for system or operator answer.
- Area codes and state from which the calls originate.

Jurisdictional summary spreadsheet which includes, at a minimum, the following:

- Columns = session minutes, number of calls, percent of total calls
- Rows = general assistance minutes, outbound calls sub grouped by intrastate, interstate, international, two line, toll free, 900 info service, total outbound and general assistance.
- Completed calls sub grouped by intrastate, interstate, international, two line, toll free, 900 info service, total completed.
- The report must also have a weekly summary of the call count and session minutes by day and date.
- A separate spreadsheet section must show the Originating NPA in the row and column showing; answered, outbound, completed, and busy.

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TELECOMMUNICATIONS RELAY SERVICES

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1. TELECOMMUNICATIONS RELAY SERVICES IN PENNSYLVANIA PROVIDED BY  
HAMILTON RELAY, INC. (Cont'd)

1.8 Reporting Requirements (Cont'd)

- A separate section will show the month's summary of consumer service complaint logs regarding TRS in the Commonwealth, regardless of the entity fielding or resolving the complaint call, and must retain the log for the duration of the service arrangement. The log must include, at a minimum, the filed date of the complaint, the nature of the complaint, the date of resolution, and an explanation of the resolution.
- The reports are due the 15<sup>th</sup> day of the month following the month being reported and sent through the Commission Secretary to the Bureau of Technical Utility Services, Telecommunications Section – TRS.

By March 10th each year, Hamilton will supply the Commission's Bureau of Technical Utility Services, Telecommunications Section - TRS with a statement of the estimated session minutes of TRS use and the annual charges for the ensuing 12-month period from July 1st through June 30th.

Hamilton is also responsible for maintaining the accounting and financial records, in accordance with accounting procedures and generally accepted accounting principles, of expenses that are incurred in providing intrastate TRS services as stand-alone entity/entities.

OFFICIALLY FILED TARIFF

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Received & Inspected

JAN 11 2018

FCC Mailroom

Public Meeting held September 21, 2017

**Commissioners Present:**

Gladys M. Brown, Chairman  
Andrew G. Place, Vice Chairman  
David W. Sweet  
John F. Coleman, Jr.

Petition of Hamilton Relay, Inc., for Waiver of  
Equal Access and Billing Option Requirements  
for Telecommunications Relay Services

P-2017-2596198

Petition of Hamilton Telephone Co. Petition for  
Waiver of Equal Access & Billing Option  
Requirements for Captioned Telephone  
Voice-Carry-Over Relay Service

P-2017-2596108

**ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) are two petitions related to relay service in the Commonwealth. The Petition for Waiver of Equal Access and Billing Option Requirements for Telecommunications Relay Services, at Docket No. P-2017-2596198, filed by Hamilton Relay, Inc., (Hamilton Relay), relates to traditional telecommunications relay service (TRS). The Petition for Waiver of Equal Access & Billing Option Requirements for Captioned Telephone Voice-Carry-Over Relay Service, at Docket No. P-2017-2596108, filed by Hamilton Telephone Co. (Hamilton Telephone), relates to a specific subset of TRS known as captioned telephone voice carry-over relay service (CTRS).<sup>1</sup> Hamilton Relay and Hamilton Telephone each seek waivers of certain aspects of equal access and billing

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<sup>1</sup> "CTVRS" was sometimes used in earlier Commission references to CTRS.

option requirements for relay service relating to intrastate long distance service. No answers or objections to the Petitions have been filed. For the reasons detailed below, we will grant the waivers on a partial and temporary basis, consistent with this order.

### **Background**

The two Hamilton entities are affiliated subsidiaries of Nedelco Inc. in Aurora, Nebraska. Hamilton Relay was selected as the jurisdictional provider for intrastate TRS in the Commonwealth, replacing the prior certificated carrier, pursuant to the Commission's Request for Proposal (RFP) 2014-2 at Docket No. M-2014-2447601, and was certificated as such on December 4, 2014. Hamilton Telephone was selected as the contractual provider for intrastate CTRS in the Commonwealth pursuant to the Commission's RFP 2012-2, effective July 1, 2012, at BP8 2663353 in association with Docket No. A-311335.

TRS provides telephone transmission services that allow persons with a hearing, speech, or visual impairment who require appropriate technology to access telecommunications services to communicate by wire or radio in a functionally equivalent manner. CTRS displays conversations almost simultaneously with the spoken words of a telephone conversation and is designed for use by individuals who can speak but experience some degree of hearing loss.

As the Commonwealth's jurisdictional TRS provider, Hamilton Relay is obligated to comply with two legacy long distance telecommunications provider requirements: (1) specific billing obligations that require TRS providers to afford TRS consumers the same billing options (*e.g.*, collect calling, operator assisted service) that are afforded wireline voice services; and (2) equal access, which requires TRS providers to offer consumers the same access to the interexchange carrier of their choice as is provided to wireline voice consumers. The TRS billing option and equal

access requirements are set forth in Sections IV-2.m and IV-5, respectively, of RFP 2014-2:

**IV-2. TRS SPECIFICATIONS AND AVAILABILITY.** The proposal should provide details as to the methods of meeting the following minimum TRS standards:

\* \* \*

m. Provide appropriate billing information for *toll/IXC* (interexchange) calls to appropriate billing entities. Route *toll/IXC* calls to and from users via the originating party's preferred carrier of choice. Prospective vendors must detail how calls will be routed and billed if the originating caller does not have a specified preferred carrier of choice.

\* \* \*

**IV-5. GENERAL REQUIREMENTS.** The proposal should provide details as to the methods of permitting the users to select the carrier of their choice in accordance with federal and state laws as well as Commission rules and regulations.

Hamilton Relay Petition at ¶ 4.

As the Commonwealth's contractual CTRS provider, Hamilton Telephone is obligated to comply with correspondingly identical billing option and equal access requirements in Sections IV-2.p and IV-5, respectively, of RFP 2012-2:

**IV-2. CTRS SPECIFICATIONS AND AVAILABILITY.** The proposal should provide details as to the methods of meeting the following minimum CTRS standards:

\* \* \*

p. Provide appropriate billing information for *toll/IXC* (interexchange) calls to appropriate billing entities. Route *toll/IXC* calls to and from users via the originating party's

preferred carrier of choice. Prospective contractors must detail how calls will be routed and billed if the originating caller does not have a specified preferred carrier of choice.

\* \* \*

**IV-5. GENERAL REQUIREMENTS.** The proposal should provide details as to the methods of meeting the following minimum general standards:

- a. Permit the users to select the toll/IXC carrier or local exchange carrier of their choice in accordance with federal and state laws as well as Commission rules and regulations.
- b. Make arrangements for a default toll/IXC carrier in the event the user does not have one.

Hamilton Telephone Petition at ¶ 4.

Interstate TRS and CTRS providers, subject to Federal Communications Commission (FCC) jurisdiction, have similar federal obligations. On August 24, 2016, the FCC granted temporary waivers of certain aspects of these similar federal obligations at the federal level for a two-year period. Specifically, the FCC temporarily waived:

[T]he equal access requirement as applied to traditional TRS, STS,<sup>2</sup> and CT[R]S, provided that [petitioners Hamilton Relay and Sprint Corporation] do not assess separate charges on TRS users for long distance service. This temporary waiver will expire [August 24, 2018], or on the effective date of [an FCC] rulemaking or other decision as to the continuing application of the equal access requirement to traditional TRS, STS, and CT[R]S, whichever is earlier.

\* \* \*

---

<sup>2</sup> The FCC waivers apply also to Speech-to-Speech (STS) relay, which is included in the context of TRS and provided by Hamilton Relay in the Commonwealth.

[The FCC also temporarily waived the] billing options requirement as applied to traditional TRS, STS and CT[R]S, provided that [petitioners] do not assess separate charges on users of these services for long distance calls. In other words, petitioners [Hamilton Relay and Sprint Corporation] need not provide the same billing options (e.g., sent-paid long distance, operator assisted, collect, and third party billing) traditionally offered for wireline voice services if they do not assess charges for long distance calling. This temporary waiver will expire [August 24, 2018], or on the effective date of [an FCC] rulemaking or other decision as to the continuing application of the billing options requirement to traditional TRS, STS, and CT[R]S, whichever is earlier.

[The FCC] caution[ed], however, that Sprint and Hamilton must continue to handle and complete TRS calls from inmates of correctional facilities.

\*.....\*.....\*

[G]iven the widespread bundling of long distance with local calling, [the FCC found] no basis to conclude that, in today's environment, offering free long distance calling to TRS users would provide an impermissible incentive for them to make long distance calls.

Hamilton Relay Petition at ¶ 7; Hamilton Telephone Petition at ¶ 7, both citing *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Hamilton Relay, Inc., and Sprint Corporation; Petitioners for Interim Waiver of Sections 64.604(b)(3) and 64.604(a)(3)(ii)*, CG Docket No. 03-123, (DA 16-963) 31 FCC Rcd 9511 (2016), slip opinion at paragraphs 12 and 14-16.

As a condition of limited waivers from this Commission that would parallel the limited FCC waivers, Hamilton Relay has made the following commitments regarding TRS:

8. Hamilton [Relay] will provide long distance service to Pennsylvania TRS users at no cost to the users. There are only five call types in which Hamilton [Relay] will require a billing method from TRS users:

- a. calls from inmates at correctional facilities
- b. calls placed from payphones
- c. calls placed to and from international locations
- d. calls placed to Directory Assistance
- e. calls placed to pay per call services (*e.g.*, 900 numbers)

9. Hamilton [Relay] will use several methods to ensure proper billing of these types of calls which may include collect calling and calling card payment methods. For international calls, TRS users may also be able to use interexchange carrier for direct billing (bill to ANI).

10. Upon approval of this Petition, Hamilton [Relay] will make the appropriate changes and/or additions to its officially filed tariff, TRS PA P.U.C. No.1, to accommodate the waiver of the equal access and billing option requirements.

Hamilton Relay Petition at ¶¶ 8-10.

Similarly, Hamilton Telephone has made the following commitments regarding CTRS as a condition of a limited waiver from this Commission:

9. Hamilton [Telephone] will provide long distance service to Pennsylvania [CTRVs] users at no cost to the users. There are only four call types in which Hamilton [Telephone] will require a billing method from CTRS users:

- a. calls from inmates at correctional facilities
- b. calls placed to and from international locations
- c. calls placed to Directory Assistance
- d. calls placed to pay per call services (*e.g.*, 900 numbers)

10. Hamilton [Telephone] will use several methods to ensure proper billing of these types of calls which may include collect calling and calling card payment methods. For international



calls, CTRS users may also be able to use interexchange carrier for direct billing (bill to ANI).

Hamilton Telephone Petition at ¶¶ 9-10.<sup>3</sup> Hamilton Telephone further asserts that this change pursuant to the waivers is within the general scope of the contract and that the total cost of the contract will not be exceeded. Hamilton Telephone Petition at ¶ 11.

The Petitions were served on the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA) on March 29, 2017. The Commission's Bureau of Investigation and Enforcement (I&E) was advised of the Petitions on April 26, 2017. Additionally, the Commission's Bureau of Consumer Services (BCS) and the Commission's Bureau of Technical Services (TUS) reviewed the Petitions. The Commission published notice of the Petitions in the *Pennsylvania Bulletin* on May 13, 2017. On or about July 25, 2017, the TRS Board informally indicated that it had no recommendation or opposition regarding the Petitions.<sup>4</sup> The TRS Board formally adopted that position at its meeting on September 20, 2017. No answers or objections to the Petitions have been filed.

### **Discussion**

We shall address these requests in two steps, initially from the procedural aspect and then from the substantive aspect.

#### **Procedural Aspects of Waiver Petitions**

Applications or petitions for waiver of telecommunications utility obligations are filed pursuant to Sections 1.91, 5.41(b), 63.53(e), and 64.212 of our regulations, 52 Pa. Code §§ 1.91, 5.31(b), 63.53(e), and 64.212, which provide, in pertinent part, as follows:

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<sup>3</sup> CTRS calls cannot be made from pay phones.

<sup>4</sup> The TRS Board meets quarterly and had requested an opportunity to review the matter.

**§ 1.91. Applications for waiver of formal requirements.**

(a) A request for waiver of, or exception to, any provision of this chapter or Chapter 3 or 5 (relating to special provisions; and formal proceedings) or a regulation or requirement with which the document tendered is in conflict or does not conform may accompany a pleading, submittal or other document subject to rejection under § 1.4 (relating to filing generally). The request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Unacceptable filings may be returned by the Commission with an indication of the deficiencies thereof and the reasons for nonacceptance and return.

(b) Unless the Commission expressly orders, acceptance for filing will not waive a failure to comply with this title or other applicable requirements, and the failure may be cause for striking all or any part of the filings.

**§ 5.41. Petitions generally.**

\* \* \*

(b) *Service.* A copy of the petition shall be served on all persons directly affected and on other parties whom petitioner believes will be affected by the petition. Copies of the petition shall be served upon the Office of Trial Staff,<sup>5</sup> the Office of Consumer Advocate and the Office of Small Business Advocate. Service shall be evidenced with a certificate of service filed with the petition.

**§ 63.53. General provisions.**

\* \* \*

(e) If unreasonable hardship to a person or to a utility results from compliance within this subchapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this subchapter by the Commission will not preclude the altering or amending of the provisions in a manner consistent with applicable statutory procedures, nor will the adoption of this subchapter preclude the Commission from granting temporary exemptions in exceptional cases. A person or utility that files an application under this section shall provide notice to a person who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

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<sup>5</sup> Now I&E.

**§ 64.212. Applications for modification or exception.**

(a) If unreasonable hardship to a customer or to a LEC results from compliance with this chapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude the Commission from altering or amending this chapter under applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting exemptions in exceptional cases.

(b) A customer, customer designee or LEC that files an application under this section shall provide notice to persons who may be affected by the modification or waiver. Notice may be made by a bill insert or in another reasonable manner.

While Hamilton Telephone is not a certificated jurisdictional utility, we shall review its waiver request regarding its CTRS contract subject to the same standards applicable to Hamilton Relay's waiver request. Hamilton Telephone is seeking to amend an existing contract between itself and this Commission. That contract was entered into pursuant to an RFP and subsequent Commission order.

Of particular importance is the requirement of notice to persons who may be affected by modification or waiver. Neither Hamilton Relay nor Hamilton Telephone served or provided notice of these requests for waiver directly to the persons who would be affected by the requested waiver pursuant to Sections 5.41(b), 63.53, and 64.212. The Commission therefore published notice of the Petitions in the *Pennsylvania Bulletin*. The Commission further ensured that the TRS Board was provided with an opportunity to comment and that I&E, BCS, and TUS had notice of the Petitions. OCA and OSBA were served with the Petitions pursuant to Section 5.41(b).

Accordingly, we find that the due process considerations regarding service and notice, inherent in consideration of the requests for a partial temporary waiver of the

Commission's requirements under the TRS tariff and the CTRS contract relating to billing options and equal access, have been sufficiently satisfied.

### **Substantive Aspects Of This Waiver Petition**

Our imposition of the billing options and equal access requirements pursuant to the RFPs and as a condition of the subsequent certificate of public convenience issued to Hamilton Relay and of the contract with Hamilton Telephone was predicated in large measure on the corresponding underlying federal requirements. With the temporary waivers applicable to the federal requirements, we find that a significant measure of the justification for the requirements as applicable to intrastate TRS and CTRS, at least temporarily, no longer exists.

Further, we agree that the prevalence in the marketplace to bundle local and long distance intrastate calling reduces and typically eliminates the need for separate access to intrastate long distance carriers and user-selected billing options. With the marketplace moving away from separately billing for intrastate long distance, we also agree that free intrastate long distance calling via TRS or CTRS does not provide an "impermissible incentive" for persons to make their calls via either relay service.

We further find that the conditions to which Hamilton Relay and Hamilton Telephone have agreed are adequate safeguards sufficient to satisfy any remaining reasons that existed for establishing the requirements initially or for retaining them going forward on an intrastate basis while the FCC has the matter under consideration.

### **Conclusion**

Accordingly, we shall grant the waivers relative to billing options and equal access on a partial and temporary basis in those circumstances when Hamilton Relay and Hamilton Telephone do not assess charges for long distance calling. Further, the

waivers will not apply to certain specified service for which long distance charges will still apply. The partial temporary waivers relative to intrastate TRS and CTRS shall expire August 24, 2018, which is the latest date upon which the FCC's waivers will expire, or upon further action by this Commission, whichever is earlier. Extensions of these partial temporary waivers may be requested prior to their expiration and in sufficient time to ensure appropriate notice and opportunity to comment is provided to the TRS Board (which meets quarterly) and other stakeholders.

The Hamilton entities will advise this Commission and stakeholders of on-going developments at the FCC regarding the underlying federal obligations and waivers. A change at the federal level (other than the expiration on August 24, 2018, of the interstate waivers) will not automatically result in a change regarding intrastate TRS and CTRS; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition for Waiver of Equal Access and Billing Option Requirements for Telecommunications Relay Services filed by Hamilton Relay, Inc., relative to telecommunications relay services be granted consistent with this Order.
2. That the Petition for Waiver of Equal Access and Billing Option Requirements for Captioned Telecommunications Voice-Carry-Over Relay Services filed by Hamilton Telephone Co. relative to its contract to provide captioned telecommunications voice-carry-over relay services be granted consistent with this Order.
3. That the partial temporary waivers relative to intrastate telecommunications relay services and to intrastate captioned telecommunications

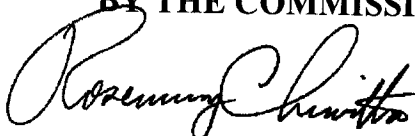
voice-carry-over relay services shall expire August 24, 2018, which is the latest date upon which the Federal Communications Commission's waivers will expire, or upon further action by this Commission, whichever is earlier. Extensions of these partial temporary waivers may be requested prior to their expiration and in sufficient time to ensure appropriate notice and opportunity to comment is provided to the Telecommunications Relay Services Board (which meets quarterly) and other stakeholders.

4. That Hamilton Relay, Inc., and Hamilton Telephone Co. keep this Commission and stakeholders at these dockets advised of developments in the Federal Communications Commission proceeding *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Hamilton Relay, Inc., and Sprint Corporation; Petitioners for Interim Waiver of Sections 64.604(b)(3) and 64.604(a)(3)(ii)*, CG Docket No. 03-123, (DA 16-963), 31 FCC Rcd 9511 (2016).

5. That this Order be also filed at *Hamilton Relay, Inc., Proposal for Telecommunications Relay Service in Response to RFP 2014-2*, Docket No. M-2014-2399871, and *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*, Docket No. A-2014-2447601.

6. That this Order be also filed at *Application of Hamilton Telephone Company, t/a Hamilton Telecommunications, for Approval to Offer, Render, Furnish or Supply Captioned Telephone Voice-Carry-Over Service to the Public in the Commonwealth of Pennsylvania*, Docket Nos. A-311355 and BP8 2263353.

BY THE COMMISSION

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: September 21, 2017

ORDER ENTERED: September 21, 2017





JAN 11 2018

FCC Mailroom

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF DOCKET NO: A-2014-2447601

Application of Hamilton Relay, Inc., for approval to offer, render, furnish or supply  
Telecommunications Relay Services throughout the Commonwealth of Pennsylvania

Effective Date: January 9, 2015

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this  
**CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION  
has caused these presents to be signed and sealed, and duly attested by its secretary  
at its office in the city of Harrisburg this 9<sup>th</sup> day of January 2015.



Secretary



**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Received & Inspected

JAN 11 2018

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Public Meeting held May 18, 2017

**Commissioners Present:**

Gladys M. Brown, Chairman  
Andrew G. Place, Vice Chairman  
John F. Coleman, Jr., Joint Statement, dissenting  
Robert F. Powelson, Joint Statement, dissenting  
David W. Sweet

Recalculation of the Pennsylvania  
Telecommunications Relay Service Surcharge

M-2017-2582552  
M-00900239

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the annual recalculation of the Pennsylvania Telecommunications Relay Service (TRS or Relay)<sup>1</sup> and surcharge funding mechanism (TRS surcharge) as it will apply to residential and business wireline access lines for July 1, 2017 through June 30, 2018. This recalculation is made in accordance with our May 29, 1990 Order at Docket No. M-00900239 (*May 1990 Order*) and subsequent

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<sup>1</sup> Additional information on TRS may be found at [http://www.puc.pa.gov/utility\\_industry/telecommunications/telecommunications\\_relay\\_service.aspx](http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service.aspx).

Commission orders and legislation.<sup>2</sup> For the reasons stated herein, the monthly residential and monthly business access line surcharge will remain at \$0.08.

### **Background**

TRS provides telephone transmission services that allow for qualified persons with a hearing or visual impairment who require appropriate technology in order to access telecommunications services to communicate by wire or radio in a functionally equivalent manner as non-disabled persons. The Commission is charged with designing and implementing the TRS program to meet, at a minimum, the requirements of the Americans with Disabilities Act of 1990 and Section 225 of the Federal Telecommunications Act of 1996, 47 U.S.C. § 225 (*TA96*). In *TA96*, Congress addressed common carrier obligations to provide service to hearing or speech impaired individuals in compliance with federal mandates governing interstate and intrastate telecommunications and state certification that their programs comply with federal mandates.

In addition to providing equipment at no charge to qualified individuals that allows them to engage in telecommunications access on a functionally equivalent basis as non-impaired individuals, the program provides public education so that consumers are more familiar with, and can use, TRS to access the Public Switched Network (PSN), a network that provides telecommunications and broadband access, and other telecommunications services. Currently the TRS surcharge funds three individual

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<sup>2</sup> See Act 34 of 1995, 35 P.S. §§ 6701.1 – 6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telecommunication Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP). PMASP is a reading service for persons with certain vision-related physical disabilities. The law is now called the “Universal Telecommunications and Print Media Access Act” (UTPMAA).

programs: Relay (TTY style, Speech-to-Speech, Spanish Relay, and Captioned Telephone Relay Service (CTRS)); TDDP; and the Wireless Equipment Initiative (WEI) two-year pilot program. Additionally, the surcharge funds the PMASP, the TRS Advisory Board activities, and Fund administration costs. Administration of the TRS program is tasked to the Executive Director of the Office of Vocational Rehabilitation (OVR) of the Department of Labor and Industry.

By statute the Commission is charged with annually calculating the TRS program surcharge based on an annual budget. The surcharge in its present form is assessed at \$0.08 per wireline residential and business access line per month, or generally \$0.96 per year for a typical residential customer. The annual TRS surcharge recalculation is dependent on data from several sources. Local Exchange Carriers (LECs)<sup>3</sup> submit annual wireline access line counts pursuant to 52 Pa. Code § 63.37. The traditional relay provider, Hamilton Relay, Inc.,<sup>4</sup> submitted the estimated minutes of use and charges for July 1, 2017, through June 30, 2018. Hamilton Telephone Company d/b/a Hamilton Telecommunications submitted the estimated minutes-of-use report for CTRS. OVR submitted the 2017-2018 TDDP budget and the 2017-2018 PMASP budget. U.S. Bank,<sup>5</sup> the Fund Administrator, provided a statement of the financial status of the Fund.<sup>6</sup>

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<sup>3</sup> LECs include both incumbent and competitive local exchange carriers.

<sup>4</sup> Hamilton Relay, Inc. (Hamilton) holds the TRS Certificate of Public Convenience to provide TRS throughout the Commonwealth of Pennsylvania. The Commission approved Hamilton's Application filed at A-2014-2447601 by order entered December 4, 2014.

<sup>5</sup> As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank (1990), CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006).

<sup>6</sup> Separate accounts are maintained for the portions of the surcharge allocated to Relay, TDDP, and PMASP. TRS Advisory Board expenses, CTRS, and outreach activities are funded from the Relay account; TRS Fund administration costs are drawn from each respective account.

## Discussion

### Surcharge for 2017 – 2018

As noted above, the WEI is a two-year pilot program. This program was initiated by an order of this Commission in *Petition of Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania, et al.*, Docket No. P-2015-2484229, *et al.* (Order entered July 8, 2015)(*July 2015 Order*), and pursuant to the UTPMAA. Because the UTPMAA includes communications service by wire or radio, we authorized this pilot to acknowledge the evolving landscape of telecommunications services from exclusively traditional landline based wireline facilities to multiple technology-based communications services, including but not limited to wireless and Voice over Internet Protocol services, and to test our need to further our obligations under federal and state law to provide services to the disabled under an increasingly changing technological construct.

Under the pilot WEI, we authorized the conduct and funding of a project designed to test the availability and use of wireless devices by a limited number of eligible Pennsylvanians with disabilities for a limited period. Specifically this test involved the participation of thirty individuals in the first test year, and sixty in the second and final test year. The related wireless devices and education are supported from and distributed to eligible end-users through the existing TDDP. The first thirty eligible individuals received their wireless devices on May 3, 2016. Accordingly, the program will not have completed its two-year pilot until May of 2018.

Further, under the WEI pilot, we built in reporting requirements meant to assess the program. No later than eighteen months after the commencement of the WEI

pilot, or by November 2017, the OVR is required to file an interim report with the Commission evaluating the pilot and making recommendations for actions to be taken at the end of the two-year pilot. Sixty days thereafter our Staff is required to submit a report to the Commission including its own recommendations and any recommendations proposed by the OVR on what, if any, action is appropriate.

The estimated and actual access lines assessed to support this TRS program, including the WEI pilot, have declined markedly from 2011 through 2016, from approximately 6.1 million as of December 31, 2011, to approximately 4.7 million 5 years later. Further, the current WEI is funded exclusively by wireline assessments with no contribution from the wireless providers who provide service to WEI consumers, an issue we recognized in authorizing the pilot but for which we then deferred, and continue to defer, action through at least the full conduct of the pilot.<sup>7</sup>

Moreover, the Federal Communications Commission (FCC) has initiated a proposed rulemaking where it contemplates the shifting of certain federal TRS program costs associated with the Internet Protocol Captioned Telephone Service ((IP CTS) – currently considered a jurisdictionally interstate service even though it also has an intrastate component) to the states. Although the FCC has not yet acted on this proposed rulemaking, as recently as May 10, 2017, the FCC issued a Public Notice seeking comments on federal TRS-related rates, including the interstate/intrastate IP CTS. As long as this matter remains open before the FCC, there is a substantial risk for

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<sup>7</sup> As we stated in our *July 2015 Order*: “Certain commenting parties have addressed issues pertaining to the future funding of TDDP wireless device availability on a permanent and statewide basis from the TRS Fund. We are fully cognizant of these issues but will not address them at this time. Rather, we will address them in due course in collaboration with OVR and Temple University [which serves as administrator of the TDDP on behalf of OVR].” *July 2015 Order* at 14.

Pennsylvania that the FCC may effectuate a jurisdictional cost shift from the federal to the state level because of the observable growth in IP CTS use.<sup>8</sup>

Given the uncertainties that exist with respect to the nature of the program going forward, the desire to evaluate the carrier assessment pool, and potential cost changes at the federal level, we prefer to take a cautious approach today in setting the TRS surcharge for next year, and for that reason we shall make no change to the current \$0.08 per line per month charge. Retention of the current surcharge pending further resolution of these uncertainties ensures that the program will have sufficient resources to support whatever decisions we may make to WEI after the WEI pilot program has been completed, and that we are able to respond to potential significant cost increases to the program should the FCC ultimately allocate certain IP CTS costs currently borne by the federal TRS program to the states.

All TRS surcharge revenues shall continue to be remitted to the Fund Administrator.<sup>9</sup> Because the 2017-18 surcharge will remain at the same monthly rate of \$0.08 that was previously approved for the 2016-17 period for each residence and business access line, it will not be necessary for telephone companies to file tariff revisions or supplements as a result of today's decision. Effective July 1, 2017, the monthly surcharge allocation for each fund account will be as follows:<sup>10</sup>

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<sup>8</sup> See *In re Misuse of Internet Protocol (IP) Captioned Telephone Service, et al.*, CG Docket No. 13-24 *et al.*, (FCC Rel. August 26, 2013), Report and Order and Further Notice of Proposed Rulemaking, *slip op.* FCC 13-118, ¶¶ 131-40, at 62-65. See also FCC Public Notice, Rolka Loube Associates Submits Payment Formulas and Funding Requirement for the Interstate Telecommunications Relay Services Fund for the 2017-18 Fund Year, CG Docket Nos. 03-123 & 10-51, DA 17-445, May 10, 2017, at 1, 4.

<sup>9</sup> U.S. Bank Institutional Trust & Custody, Attn: Dina Buccieri, 50 S. 16<sup>th</sup> Street, Suite 2000, Philadelphia, PA 19102. Remittances are payable to the "PA Relay Service Fund" and designated for Relay. Bank wire instructions can be found on the remittance form.

<sup>10</sup> The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay, TDDP, and PMASP).



TRS Component	2017-2018 Percentage of Monthly Surcharge	
	<u>Residence</u> (%)	<u>Business</u> (%)
Relay	85.0	85.0
TDDP	10.0	10.0
PMASP	<u>5.0</u>	<u>5.0</u>
Total Percentage	100.0	100.0

### **Operations for 2017 – 2018**

We shall continue our active oversight of the operations of the Pennsylvania Telecommunications Relay Service. In accordance with 35 P.S. §§ 6701.3a & 4, we shall continue to collaborate with OVR and its TDDP administrator<sup>11</sup> to ensure adequate funding for distribution of TDDP equipment to qualified Pennsylvanians. Further, we shall continue to assist OVR in its mission to ensure adequate funding for PMASP.

### **Audits**

On July 7, 2015, the Commission's Bureau of Audits (Audits) issued the audit report for TDDP and PMASP covering the twelve-month periods ended June 30, 2013, and June 30, 2012, at Docket No. D-2014-2406981.

Audits has also completed the audit of the TRS Program (collection and disbursement of the TRS funds) for the twelve-month periods ended February 29, 2016,

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<sup>11</sup> Since January 1, 2007, the TDD program has been administered by Pennsylvania's Initiative on Assistive Technology, Institute on Disabilities, Temple University.

February 28, 2015, February 28, 2014, and February 28, 2013, and the audit report is in the final stages of preparation.

### **Service of Paper Copies**

In the past, our practice has been to serve the annual TRS surcharge recalculation order on every LEC in the Commonwealth, in addition to the service providers, Office of Vocational Rehabilitation, Office of Consumer Advocate, Office of Small Business Advocate, Pennsylvania Telephone Association, and the Fund Administrator. As proposed in the TRS Surcharge Recalculation order at Docket No M 2013-2341301, entered May 23, 2013, service of paper copies of the recalculation orders on the LECs will only henceforth be served if there is a change in the TRS surcharge or other provision in the order requiring that the LECs file a tariff change or take other action. As this order does not change the set surcharge rate or require any other tariff changes in response to this order, paper copies will not be served. Additionally, we will continue to publish the recalculation orders in the *Pennsylvania Bulletin* and on the Commission's website.

### **Conclusion**

We have completed the annual recalculation of the TRS Surcharge. The surcharge to be applied beginning July 1, 2017, through June 30, 2018, will remain at \$0.08 per month for residential and business access lines. We also note that paper copies of this order will not be served on the LECs as there is no change in the set surcharge rate or to impose new requirements on the LECs requiring tariff changes in response to this Order; **THEREFORE**,

**IT IS ORDERED:**

1. That for the period of July 1, 2017, through June 30, 2018, the monthly TRS surcharge rate shall be \$0.08 for residence and business, unless we take further action to revise the TRS surcharge prior to June 30, 2018.
2. That all local exchange carriers are directed to use the attached blank form, which contains the new mailing address, to remit the monthly TRS surcharge collections to U.S. Bank, Institutional Trust & Custody. The entered Order and blank remittance form shall be posted to the PUC web site <http://www.puc.pa.gov>. All local exchange carriers are required to collect and remit the TRS surcharge revenue with the completed remittance form monthly by the 20th of each month.
3. That a copy of this Order be published in the *Pennsylvania Bulletin*.
4. That a copy of this Order be posted to the Commission's website.

**BY THE COMMISSION**



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: May 18, 2017

ORDER ENTERED: June 27, 2017

**REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS**

Effective July 1, 2017 through June 30, 2018

M-2017-2582552

All local exchange carriers are required to collect and remit the TRS surcharge revenue monthly, by the 20<sup>th</sup> of each month using the following format for the monthly remittance:

**Pennsylvania TRS Surcharge**

For the Month Ending \_\_\_\_\_

Number of **Residential** access lines \_\_\_\_\_

X \$0.08 per line \_\_\_\_\_

Allocated:

TRS Relay 85.0 percent \_\_\_\_\_

TDDP 10.0 percent \_\_\_\_\_

PMASP 5.0 percent \_\_\_\_\_

Number of **Business** access lines \_\_\_\_\_

X \$0.08 per line \_\_\_\_\_

Allocated:

TRS Relay 85.0 percent \_\_\_\_\_

TDDP 10.0 percent \_\_\_\_\_

PMASP 5.0 percent \_\_\_\_\_

**Total Remittance** \_\_\_\_\_Make check payable to: **Pennsylvania TRS Fund**

<b>Mail Report and payment to:</b>	<b>Wire Instructions:</b>
U.S. Bank Institutional Trust & Custody Attn: Dina Buccieri 50 S. 16 <sup>th</sup> Street, Suite 2000 Philadelphia, PA 19102	<b>BANK</b> U.S. Bank N.A <b>ADDRESS</b> 60 Livingston Avenue, St Paul MN 55107-2292 <b>ABA</b> 091 000 022 <b>BNF</b> ITC Depository South & East <b>ACCOUNT</b> 173 103 781 832 <b>OBI</b> PA Relay <b>ATTN:</b> Dina Buccieri

**Remittance for:**

Company Name: \_\_\_\_\_

Utility Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Voice Phone Number: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

E-mail address: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please direct any questions regarding the TRS Surcharge remittance to Mr. Eric Jeschke at (717) 783-3850 or ejeschke@pa.gov.