



STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

*Bill Walker, Governor*  
*Chris Hladick, Commissioner*  
*Stephen A. McAlpine, Chairman*

Regulatory Commission of Alaska

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**Telecommunications Relay Service State Recertification Application**  
**Submitted by the**  
**Regulatory Commission of Alaska**

The Regulatory Commission of Alaska hereby applies for recertification of Alaska's Telecommunications Relay Service program pursuant to 47 C.F.R. § 64.606 and in response to **Public Notice DA 17-697, CG Docket No. 03-123.**

**I. Background**

**Legal Authority**

In June 1998, the Federal Communications Commission (FCC) granted our application for certification of the Telecommunications Relay Service (TRS) program in Alaska.<sup>1</sup> Our TRS program was certified again in 2003,<sup>2</sup> 2008,<sup>3</sup> and 2013.<sup>4</sup>

Alaska's TRS program also operates under state statutory authority. AS 42.05.296 requires the Commission to:

[a]dopt regulations to require telephone utilities to provide service to deaf, hard of hearing, and speech impaired subscribers that permits the subscriber to communicate by telephone with persons of normal hearing and that makes available reasonable access of all phases of public

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<sup>1</sup>FCC File No.: TRS-97-36

<sup>2</sup>FCC File No.: TRS-19-02. DA 03-1729 Released: May 19, 2003.

<sup>3</sup>FCC file No.: TRS-19-07. DA 08-1673: Released: July 16, 2008.

<sup>4</sup>FCC file No.: TRS-19-12. DA 13-1530: Released: July 8, 2013.

telephone service to deaf, hard of hearing, and speech impaired telephone subscribers.

### RCA TRS Regulations

The RCA adopted regulations governing the provision of TRS in Alaska.<sup>1</sup> The regulations adopt the federal TRS standards and require a TRS applicant to demonstrate the ability to meet or exceed federal requirements concerning all operational, technical, and functional minimum standards for TRS specified in 47 C.F.R. § 64.604. An Alaska TRS provider is certificated for a minimum of five years. After the initial five-year period, the RCA may select a new provider through a competitive application process or retaining the existing provider for another period of at least five years.

### Alaska's TRS Provider

In 2013, we selected Sprint Communications Company L.P. (Sprint) as Alaska's TRS provider for at least five years, effective July 1, 2013.<sup>2</sup> In 2018, we will consider whether Sprint's authority to provide TRS service in Alaska should be retained for another five years or select a new TRS provider.

## **II. Federal Certification Requirements (47 C.F.R. §64.605(b))**

### Compliance with operational, technical, and functional standards.

47 C.F.R. §64.606(b)(1) requires states seeking certification to document "that the state meets or exceeds all operational, technical, and functional minimum standards contained in Section 64.604." The RCA's regulations specifically require the state's TRS provider to "meet or exceed federal requirements concerning all operational, technical, and functional minimum standards for TRS specified in 47 C.F.R. §64.604."<sup>3</sup> A detailed

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<sup>1</sup>Those regulations became effective on February 23, 2001.

<sup>2</sup>Order U-12-088(7) dated June 11, 2013.

<sup>3</sup>3 AAC 51.020(e)(1).

narrative describing Sprint's compliance with each of the standards in 47 C.F.R. §64.604 is included with this filing as Attachment A.

*Adequate procedures and remedies for enforcement.*

47 C.F.R. §64.606(b)(1)(ii) requires states seeking certification to document that “the state program makes available adequate procedures and remedies for enforcing the requirements of the state program, including that it makes available to TRS users informational materials on state and Commission complaint procedures sufficient for users to know the proper procedures for filing complaints.” Our rules and Alaska statutes provide a number of ways to enforce compliance with the state's TRS program requirements. First, as noted above, our selection process requires a TRS applicant to demonstrate that it has the ability to comply with all federal operational, technical, and functional standards.<sup>4</sup> Second, a TRS provider must file a tariff which is subject to our review and approval. The tariff incorporates the terms and conditions specified in its application. “The TRS provider shall serve in conformance with its tariff until service expires under the terms of the certificate or until the commission decides otherwise.”<sup>5</sup> Third, our rules include monthly data filing requirements to ensure compliance with state and federal service quality requirements.<sup>6</sup> Fourth, we can impose civil penalties for violations of the statutes, regulations, orders, or written requirements.<sup>7</sup> Fifth, we note that our TRS provider selection process will take place every five years. We can and will replace the existing provider if another applicant proves to be better qualified.<sup>8</sup> Sixth, we

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<sup>4</sup>3 AAC 51.020(e)(1).

<sup>5</sup>3 AAC 51.030(a).

<sup>6</sup>3 AAC 51.030(a).

<sup>7</sup>AS 42.05.571.

<sup>8</sup>3 AAC 51.020(d).

can modify, suspend, or revoke the certificate of a TRS provider for good cause.<sup>9</sup> Finally, we have established procedures to handle any complaints regarding intrastate TRS service, including informal complaints,<sup>10</sup> alternative dispute resolution for appeals of informal complaints,<sup>11</sup> and formal complaints.<sup>12</sup> These RCA procedures are in addition to the complaint resolution procedures outlined in section 4.4 of Sprint's intrastate TRS tariff.

In 47 C.F.R. 64.606(b)(1)(ii), the FCC specifically requires states to document that the state program "makes available to TRS users informational materials on state and Commission complaint procedures sufficient for users to know the proper procedures for filing complaints." We have a web page that generally describes our complaint procedures. The web page includes a tab for TRS complaints with links to the TRS provider and to the FCC.<sup>13</sup> Brochures containing the same information are available to the public upon request. Sprint provides outreach and promotional materials describing intrastate and interstate complaint procedures.

*Conflicts with federal law.*

47 C.F.R. §64.606(b)(1)(iii) states that where a state program exceeds the FCC's mandatory minimum standards, the state must establish that its program in no way conflicts with federal law. As described above, we have adopted, by reference, the FCC's own minimum operational, technical, and functional standards. As a result, there is no conflict between state and federal standards.

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<sup>9</sup>AS 42.05.271.

<sup>10</sup>3 AAC 48.120.

<sup>11</sup>3 AAC 48.121.

<sup>12</sup>3 AAC 48.130.

<sup>13</sup><http://rca.alaska.gov/RCAWeb/ForConsumers/InformalComplaints.aspx>.

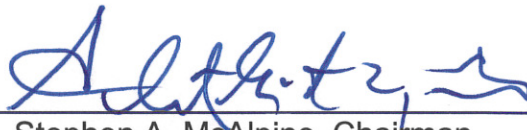
47 C.F.R. §64.606(d) states, in part, that a state's funding mechanism "shall be labeled in a manner that promote[s] national understanding of TRS and do[es] not offend the public." The FCC has previously approved funding for TRS service in Alaska through a surcharge on basic local exchange customers' bills, labeled the "Universal Access Surcharge." We are aware of no potential conflicts with federal law.

### **III. Attachment**

The following appendix is attached to this application:

**Attachment A** *Sprint Compliance with Operational, Technical, and Functional Minimum Standards for TRS.*

Respectfully submitted this 28<sup>th</sup> day of September 2017.



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Stephen A. McAlpine, Chairman  
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