

STATE OF FLORIDA

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Public Service Commission

June 28, 2000

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VIA AIRBORNE EXPRESS

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW - TW-A325
Washington, DC 20554

Re: CC Docket No. 98-67, Telecommunications Relay Services and Speech-to-Speech
Services for Individuals with Hearing and Speech Disabilities

Dear Ms. Salas:

Enclosed are the original and five (5) copies of the Florida Public Service Commission Reply
Comments in the Further Notice of Proposed Rulemaking in the above-noted docket. Please date
stamp and return one copy in the enclosed self-addressed envelope.

Sincerely,

Cynthia B. Miller
Cynthia B. Miller, Esq. *by H*

Bureau of Intergovernmental Liaison

CBM:tf

cc: Catherine Bedell, General Counsel
Brad Ramsay, National Association of Regulatory Utility Commissioners
Arlene Alexander, Consumer Information Bureau (with diskette)
International Transcription Service

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of)
)
Telecommunications Relay Services) CC Docket No. 98-67
and Speech-to-Speech Services for)
Individuals with Hearing and Speech)
Disabilities)
_____)

REPLY COMMENTS OF THE FLORIDA PUBLIC SERVICE COMMISSION

On March 6, 2000, the Federal Communications Commission (FCC) released its Order FCC 00-56 which included a Further Notice of Proposed Rulemaking (FNPRM) in regard to further rules for Telecommunications Relay Service (TRS). The Florida Public Service Commission (FPSC) respectfully submits its reply comments on the FCC's FNPRM.

EFFECTIVE DATE OF ANY NEW RULES

As we expressed in our Petition for Reconsideration and Clarification of Order No. 00-56, the FPSC again requests that the effective date of any new rules not void existing multi-year state contracts. Instead, any new rules should have their effective date tied to the release of future requests for proposal (RFPs). In order to avoid too long a period before a new feature is made available, an absolute date in the future could be tied to the effective date requirement. For example, the effective date could be ". . . for all RFPs released after (60 days after the effective

date of the rules), but no later than three years from, the effective date of the rules."

We disagree strongly with the comments of United Cerebral Palsy that a state could be able to anticipate what the FCC is going to ultimately adopt in a rulemaking proceeding. When a rulemaking proceeding is opened, all interested persons are given an opportunity to comment on a proposed rule, and often the agency proposing the rules may decide not to adopt a rule at all or may significantly change the rule.

Florida, as well as most other states, selects its relay service provider through a competitive bid process. Florida issues an RFP that is developed with input from the industry and the FPSC's relay Advisory Committee as well as with consideration of the FCC's rules on relay service. After bidders submit their proposals, an evaluation team scores the bids and the FPSC selects a provider for a multi-year contract based on both the technical aspects of the proposals and the price bid on the proposal.

A substantial amount of time is required to develop and issue the RFP, for bidders to develop and submit their proposals, scoring to be conducted by an evaluation team, a winning bidder to be selected, and then for that new provider to build and implement a relay service system.

Bidders offering to provide relay service project their costs and make their bids based on the requirements contained in the RFP. The bid is for a multi-year period and includes recovery of capital costs over the multi-year life of the contract. If states do not know what changes in the rules might be adopted during the life of the contract and do not include in their competitive bid process standards that comply with those unknown rule changes, any subsequent relay rule adoptions place the relay provider, the states, and the FCC in a difficult situation. If the state contract is voided by new federal requirements during the multi-year contract period and a new contract is entered into with another provider, the relay service provider is unable to recover all of its capital costs that were invested to provide service under the terms of its original contract.

In order to avoid the cancellation of multi-year contracts because of the adoption of new federal standards during the life of the contract, the FPSC requests that the FCC make any new rules effective with the release of new RFPs.

In the alternative, the FCC should expressly provide in its rules for an automatic temporary waiver for a state certifying that its current relay contract does not expire until a later date.

This would prevent the FCC rules from abrogating existing state contracts.

OUTREACH

The FPSC is in agreement with the comments of GTE Service Corporation (Comments, P.9) and SBC Communications (Comments, P. 9) that there should be a national awareness campaign for TRS in order to educate the general public on the availability of TRS. We also agree that a national outreach program would not obviate the need for individual state outreach programs but should complement them.

We agree with Self Help for Hard of Hearing People (SHHH) (Comments, P. 14) that low awareness about relay leads hearing parties to often believe that a relay call is a telemarketer calling, and they hang up. Frequently, a relay user with a disability attempts to place a call to a business, but that business is unfamiliar with relay and may mistake the relay assistant for a telephone solicitor and hang up. Education of the business population would be helpful to both the businesses who may now be losing business by not answering those calls and to the caller.

Also, with an aging population, the country has a large population of citizens that may have lost their ability to use a

telephone as they age. These people may not have the benefit of networking with the deaf community and may be unaware of relay services. Additional outreach might make them aware of services such as voice carry-over (VCO) which would benefit them without requiring them to type on a TDD.

Individual state outreach budgets may not be able to finance video production or even print ad production but might be able to pay for running those ads once produced. Nationally produced relay ads could be run by the relay providers and paid for through the federal relay fund. The FCC should undertake a national outreach effort supported by the interstate TRS Fund.

On a state-by-state basis, video productions, once produced, could be run by the states as public service announcements and, to the extent state outreach funds are available, they could be run on a more frequent basis or at prime time. Likewise, a well-designed print ad, once produced on a centralized basis, could be run by a state after being customized for that state.

In regard to the FNPRM's request for comments on mandating that states budget for outreach efforts, the FPSC does not believe that the states should be required to budget for outreach. Instead, on a national basis, relay ads could be run to make the population aware of the availability and uses of relay. Then, to

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the extent that states wish to supplement those national ads, they could do so.

SUMMARY

In summary, the FPSC urges that the effective date of any new rules not void existing multi-year state contracts. One way is to make the effective date tied to a date certain or the release of new RFPs. Another way is to expressly provide a waiver process.

The FPSC also agrees with those commenters who urge a national awareness campaign on Telecommunications Relay Service.

Respectfully submitted,



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DATED: June 28, 2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
Petition and Comments of the Florida Public Service Commission is
being furnished to the parties on the attached list.



CYNTHIA B. MILLER, Esq.
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DATED: June 28, 2000

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