Tab 6
Exceeding FCC Minimum Standards

Kentucky Relay

§64.605 STATE CERTIFICATION.

(a) State documentation—(1) Certified state program. Any state, through its office of the governor or other delegated executive office empowered to provide TRS, desiring to establish a state program under this section shall submit, not later than October 1, 1992, documentation to the Commission addressed to the Federal Communications Commission, Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program, Washington, DC 20554, and captioned "TRS State Certification Application." All documentation shall be submitted in narrative form, shall clearly describe the state program for implementing intrastate TRS, and the procedures and remedies for enforcing any requirements imposed by the state program. The Commission shall give public notice of states filing for certification including notification in the Federal Register.

Please refer to Tabs 3, 4 and 5 for a paragraph by paragraph response describing Kentucky's program for implementing and managing intrastate TRS service. The State of Kentucky is currently certified to provide intrastate TRS through July 26, 2008. This application is submitted to re-certify the State of Kentucky for an additional five years.

(b) (1) Requirements for state certification. After review of state documentation, the Commission shall certify, by letter, or order, the state program if the Commission determines that the state certification documentation:

(i) Establishes that the state program meets or exceeds all operational, technical, and functional minimum standards contained in §64.604;

Please refer to Tabs 3, 4 and 5 of this application for a description of how the state of Kentucky meets or exceeds all operational, technical and functional minimum standards contained in §64.604.

(ii) Establishes 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; and

Please refer to Tab 1 for a copy of the State of Kentucky's rules and regulations governing telecommunications relay service. The PSC regulates the provision of telecommunications service in the State of Kentucky and has established rules and procedures for service standards as well as complaint resolution and other necessary enforcement remedies. The contract entered into between the PSC and Hamilton Telephone Company provides that all state and federal laws shall be complied with. Failure to do so by Hamilton would be a breach-of-contract for which the PSC could terminate the agreement with Hamilton and seek such other remedies as may be available by law. Consumers also have the opportunity pursuant to the established rules of the PSC to file complaints or petitions concerning the Kentucky Relay requesting modifications in the provision of this service or otherwise resolving issues or concerns of the public.

(iii) Where a state program exceeds the mandatory minimum standards contained in §64.604, the state establishes that its program in no way conflicts with federal law.

(2)(iii) Where the TRS service differs from the mandatory minimum standards contained in §64.604, the VRS and/or IP Relay provider establishes that its service does not violate applicable mandatory minimum standards.

As demonstrated in the following section, where the KRS program exceeds the mandatory minimum standards contained in §64.604, KRS establishes that its program in no way conflicts with federal law.

The Kentucky Relay does exceed some of the mandatory minimum standards contained in Section 64.604 in terms of the following items:

CA Training and Procedures
KRS not only meets, but also exceeds FCC Communication Assistant standards. KRS is dedicated to providing high quality relay service - from its hiring and training practices to typing speed and accuracy to in-call replacement of CAs. KRS trains its Communication Assistants to relay calls in a manner that not only exceeds FCC standards, but also prepares them to relay calls in a fashion that meets each need of the relay users in Kentucky.

Ability to TYPE at 60 wpm
Kentucky Relay Communication Assistants must TYPE 60 words per minute. **KRS exceeds this service level by requiring CAs to maintain a 95% accuracy level in addition to 60-wpm typing.** The Kentucky Center has an average typing speed of 68.48 wpm with 96.91% accuracy.

Turbo Code
KRS exceeds the FCC requirement that TRS shall be capable of communicating with ASCII and Baudot formats, at any speed generally in use. KRS provides Turbo Code, a proprietary alternate protocol developed by Ultratec, as an enhanced protocol and has secured a license from Ultratec to use this protocol in its relay modems. Kentucky Relay users are able to automatically connect "Turbo Code" on every relay call type. With Turbo Code, KRS relay users can use their Turbo Code Interrupt feature.

Intrastate Spanish
In addition to Interstate Spanish to Spanish, KRS provides Intrastate Spanish to Spanish call handling to the relay users of Kentucky and processes all the same call types on its Spanish lines as it does on its English voice and TTY lines.

When recruiting and training bilingual CAs, KRS requires Spanish CAs to pass a Spanish test, attend a Spanish orientation class and take all standard CA and Speech to Speech training prior to relaying Spanish to Spanish calls. Hamilton macros automatically change to Spanish as needed.

SS7 Signaling
The relay platform used by KRS has made use of SS7 signaling since February 2002. The

Relay platforms have been retrofitted to deliver Caller ID in the same manner that these services are delivered today in the public switched network (i.e. KRS 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).

Internet Relay

The provider of KRS offers Internet Protocol Relay to end-users. The FCC has allowed the recovery of the costs of Internet Protocol Relay from the Interstate TRS Fund. Hamilton Internet Relay meets all FCC internet relay standards. A description of Hamilton's Internet Relay offering follows:

Hamilton Relay Internet is a 24-hour service that allows computers and other web-based devices to connect to Hamilton Relay via the Internet to call any standard telephone user, VCO user or HCO user. The relay user with a computer or other similar device and access to the Internet goes to Hamilton's relay website at www.hamiltonrelay.com to place a relay call. An Internet connection server is available on the worldwide web to handle Internet relay connection requests. When an Internet connection request is received, it places an entry in the main relay switch queue and is assigned to the first available workstation. The workstation makes an Internet connection to the requesting user and the call is processed just like all other inbound test relay calls. Since there is no way to determine where the Internet call originated from, all Internet relay calls are placed free of charge to the originating user.

Video Relay

The provider of KRS offers Video Relay to end-users. The FCC has allowed the recovery of the costs of Video Relay from the Interstate TRS Fund. Hamilton Relay VRS provides maximum user flexibility and ease of operation. Hamilton Relay VRS meets all FCC video relay standards. A description of Hamilton's Video Relay offering follows:

Hamilton Relay VRS gives relay users access to sign language interpreters at the relay center via locations (i.e. homes, offices, etc.) equipped with video conference equipment. Instead of using a telephone and/or TTY, a relay user calls the relay and uses video equipment (i.e. a computer equipped with desktop conferencing software and a camera or a television and appropriate video equipment). An interpreter at the relay center answers the call, and begins to communicate in sign language with the caller. The interpreter asks for the number to be called, or receives it as text from the user, and places the call. The interpreter then begins to relay the call by translating the calling party's sign language into voice for the called party. The relay call is then translated from voice to sign language.

The user reaches the video relay system via the Internet (a web page or IP address) and the equipment at the operator workstation and the video user's equipment will automatically set up for the highest speed at which the two units can mutually operate.

Captioned Telephone Service (*CapTel*)

KRS provides *CapTel* Service and 2 Line *CapTel* Service.

What is Captioned Telephone Service (*CapTel*) Service?
The following information was taken from Captioned Telephone, Inc.'s literature.

Ideal for people with some degree of hearing loss, the captioned telephone (CapTel) works like any other telephone with one important addition: it displays every word the caller says throughout the conversation. CapTel users can listen to the caller, and can also read the written captions in the CapTel's bright display window.

CapTel users place a call in the same way as dialing a traditional phone. As they dial, the CapTel automatically connects to a captioning service. When the other party answers, the CapTel user hears everything that they say, just like a traditional call.

Behind the scenes, a specially-trained operator at the captioning service transcribes everything the other party says into written text, using the very latest in voice-recognition technology. The written text appears on a bright, easy-to-read display window built into the CapTel. The captions appear almost simultaneously with the spoken word, allowing CapTel users to understand everything that is said - either by hearing it or by reading it.

2-Line *CapTel* Service

KRS' provision of *CapTel* includes 2-Line *CapTel* Service.

2-Line *CapTel* Service truly enhances the functional equivalency and quality of *CapTel* Service. 2-Line *CapTel* benefits users because calls are direct between parties. 2-Line *CapTel* also supports enhancements that users have purchased from their local telephone company, including call waiting and Automatic Call Back (*69). Another advantage is that captions can be turned on or off at any time during the call. This means that multiple users in the same location can enjoy a conversation via another extension in the home or office. Users also benefit because captioning is available on emergency 911 calls and there is no separate telephone number for voice callers to remember.

By using two telephone lines, the *CapTel* users listen to their conversation on one line while receiving typed text from the captioning service on the other line. **When a *CapTel* user receives a call, the standard phone user simply dial the user's phone line directly instead of dialing an 800 number and accessing the captioning service.** When calling 911 in emergency situations, the 2-Line *CapTel* users' call is routed through the captioning center allowing the user to receive captions on one line and hear the conversation on the other line.

Requirements for 2-Line *CapTel* Service

- A *CapTel* telephone (Model 200)
- Two analog telephone lines with separate telephone numbers are required. The second line cannot merely be an extension line.
- Individuals must configure the *CapTel* phone in order for 2-line *CapTel* service to be enabled. It will not automatically switch to 2-Line mode.

Dialing 911 in an Emergency – Two-Line *CapTel*

When calling 911 in emergency situations using 2-Line *CapTel*, one line is routed directly to the appropriate 911 center and the second line is routed through the captioning center. This allows the user to receive captions on one line and hear the conversation on the other line

Dialing 911 in an Emergency – Single Line *CapTel*

When calling 911 in emergency situations, the single line *CapTel* users' call will be automatically routed to the appropriate 911 center because the call was placed from the users home line. 911 calls will **not** be routed through the captioning service. This means:

- There are no delays in accessing emergency personnel, as calls are directly connected to a 911 call center.
- Emergency 911 calls are **not** captioned in the same manner that regular *CapTel* calls are because the call is not routed through the *CapTel* Captioning Service.
- Emergency 911 calls are treated as VCO calls during which the 911 call-taker can hear everything the *CapTel* user says, and then types their response (on a TTY) that appears on the *CapTel* display screen.
- The *CapTel* user speaks directly into the handset, as with any other *CapTel* call. The 911 call-taker will hear everything the *CapTel* user says. The *CapTel* user will not be able to hear the call taker, but the dispatcher can type instructions on a TTY, which will appear on the *CapTel* display screen.
- Emergency 911 Services will know the ANI caller and be able to locate the individual and send appropriate help, based on the location from which the *CapTel* call is placed.

Spanish *CapTel*

Intrastate and Interstate Spanish Language *CapTel* services are available to Kentucky *CapTel* users. Spanish *CapTel* hours are from 7:00 a.m. to 11:00 p.m. Central Time.

True Caller ID via *CapTel*

FCC compliant Caller ID services is provided to *CapTel* users of Kentucky.

Carrier of Choice

KRS ensures that Kentucky *CapTel* users will continue to have the ability to access their chosen carrier of choice for intrastate or interstate interexchange carrier calls without regard to what *CapTel* phone they may call from to the same extent such access can typically be made by a TRS user (such as using 10-10-XXXX to access carrier of choice).

KRS will continue to inform *CapTel* users of the need to designate a long distance carrier for long distance *CapTel* calls and the consequences of not making such a designation through a variety of outreach methods including newsletters, outreach events, the website, etc.

Redundancy/Switching System

The *CapTel* Service Relay Center is equipped with redundant systems for power. The *CapTel* Service Relay Center utilizes a combination of battery backup, commercial UPS supply, and/or auxiliary generator to supply uninterruptible power to the *CapTel* Center for extended periods of

time to the *CapTel* Center. Redundant systems for power include ACD/telecom switching equipment, call processing servers, data network servers, and LAN gear. Most equipment failures can be corrected without complete loss of service.

The *CapTel* switching system includes a redundant Central Processing Unit (CPU) on "hot stand-by" to ensure that no calls are dropped due to processor failure, a full Maintenance and Administrative Terminal with keyboard, screen and printer capabilities, on-line monitoring, real time programming capabilities which will not take the system off-line, the ability to perform preventative maintenance without taking the system off-line, and an inventory of spare critical components which are maintained on site to ensure the required levels of service are met.

CTI recently has set up an additional *CapTel* Center. Adding a second CTRS call center provides the redundancy for *CapTel* and ensures that *CapTel* Relay users have continuous, uninterrupted *CapTel* service.

Blockage
KRS ensures compliance with the P.01 customary TRS industry standard for blockage. No more than one call in 100 will receive a busy signal when calling the Captioning Center at the busiest hour. This is measured by sampling the number of calls being blocked at a minimum of every 60 minutes during *CapTel* operation and is reported to the PSC on a monthly basis.

Answer Performance
KRS ensures that 85% of all Kentucky *CapTel* calls will be answered within 10 seconds on a daily basis including abandons. KRS reports daily answer time to the PSC on a monthly basis.

Change of *CapTel* CA
KRS ensures compliance with the FCC rule which requires that the CA shall stay with a relay call for a minimum of ten minutes.

The situations in which a CA would change during a call would include:
1) More than 10 minutes past scheduled break or lunch time
2) More than 10 minutes past the end of a shift
3) CA is observed having extreme difficulty processing the call
4) Call has been in progress more than 30 minutes with difficult call content or speed, or 60 minutes or more of an average call

The change of CA is handled through a supervisor who approves the change, finds an available CA to exchange, and issues the Call Take Over. When a change occurs, the new CA is identified to the *CapTel* user. Just prior to the change in CA a message is sent to the *CapTel* user indicating there will be a change in CA. After the change, a new message is sent with the new CA number indicating they have taken over the call. This way the client can choose to stop the standard phone user from talking for a moment until the new CA is fully in place. The change attempts to take place while the client is speaking so that the least amount of information to caption is lost.

CapTel Confidentiality Agreement

KRS ensures that all CAs adhere to strict policies of confidentiality, which comply with all FCC confidentiality requirements. KRS collects only that personal information necessary to provide and bill for the *CapTel* Relay service being rendered. Following is a Confidentiality Agreement that all CAs are required to sign prior to taking any live calls.

Information obtained during a *CapTel* call should not be shared with any person except a member of the *CapTel* management staff who has asked for specific information. This information may be needed to clarify technical, policy, emergency, venting, consumer or customer service issues. General call information is not be shared unless it is used to clarify, vent, or teach. Information about call content is discussed in a private area only.

A Captionist may feel the need to "vent" about a call due to problems, complaints or stress from handling the call. The Captionist may ask to speak to a Supervisor or other member of management (as long as it wasn't **their** call) in a private area. Clarify before the conversation you wish to "vent" about a call.

The success of *CapTel* depends on quality and complete confidentiality. Consumers will be less likely to use the service if they feel their personal and professional calls are not kept in the strictest confidence. It is very important all Captionists understand and abide by the confidentiality policy.

I HAVE READ THE FORGOING AND AGREE AS FOLLOWS:

- I will not disclose to any individual (outside of a member of the *CapTel* management staff) the identity of any caller or information I may learn about a caller (including names, phone numbers, locations, etc.) on any *CapTel* call.

- I will not act upon any information received while processing a *CapTel* call.

- I will not disclose to anyone the names, schedules, or personal information of any fellow worker at *CapTel* Inc.

- I will not share any information about *CapTel* calls with anyone except a member of the *CapTel* Inc. management staff in order to investigate complaints, technical issues, etc.

- I will continue to hold in confidence all information related to the work and calls I have performed while at *CapTel* Inc. after my employment ends.

- I will NOT reveal my Captionist ID number in conjunction with my name unless asked by a member of the *CapTel* Inc. management staff.

- I will not share with anyone any technical aspect of my position at *CapTel* Inc. unless asked by a member of the *CapTel* Inc. management staff.

- I will not talk about consumers or call content with any fellow Captionists.

- I will not listen to or get involved in calls taken by fellow Captionists.

I understand a breach of any part of this agreement may result in disciplinary action up to and including termination of employment at *CapTel* Inc. I recognize the serious and confidential nature of my position.

Employee Name _____

Date_____

FCC CapTel Regulations and Waivers

The FCC has issued a separate Ruling specifically for *CapTel*: Declaratory Ruling on August 1, 2003 CC Docket No. 98-67, FCC 03-190 document. In this Ruling the FCC found that captioned telephone VCO service (*CapTel* Service is a form of this) is a type of TRS. In addition the FCC waived certain TRS mandatory minimum standards that do apply to captioned telephone VCO service, and waived other TRS mandatory minimum standards for captioned telephone VCO (see list below). On July 14, 2005 the FCC clarified that Two-Line Captioned Telephone Service is a type of telecommunications relay service eligible for compensation from the Interstate TRS Fund. KRS' *CapTel* Service offering meets all FCC minimum standards including answering 85% of all calls within 10 seconds.

The Declaratory Ruling referenced above will serve as the primary source in meeting the existing minimum standards including waivers of the six TRS requirements for *CapTel* Relay Services. The FCC issued an order on August 14, 2006 (CG Docket No. 03-123, DA 06-1627 document) making these temporary waivers permanent.

CapTel waivers include:

1. Speech to Speech (STS) and Hearing Carryover (HCO)
2. Communication Assistants waivers:
    - TRS mandatory minimum standard requiring CAs to be competent in interpretation of typewritten ASL as applied to captioned telephone CAs.
    - CA oral-to-type test requirement and permit the use of an oral-to-text test instead for CapTel CAs.
    - Requirement that CAs not refuse single or sequential calls as applied to CapTel CAs handling outbound captioned telephone calls.
    - Gender preference.
    - 60 wpm mandatory typing speed for CAs.
3. Interrupt Functionality.
4. Call Release.
5. ASCII and Baudot Format.

***CapTel* Service CAs adhere to the following minimum standards:**

- The *CapTel* CA shall be trained to caption the words spoken by the hearing party as accurately as reasonably possible without intervening in the communications. The CA is permitted to provide background noise identification;
- The *CapTel* CA shall not maintain any records of conversation content and shall keep the existence and content of all calls confidential;
- The *CapTel* CA shall be required to meet the FCC standards for TRS minimum transcription speed;
- The *CapTel* CA shall not limit the length of a call and shall stay with the call for a minimum of ten minutes when answering and placing a call;
- *CapTel* shall pass along a *CapTel* caller's ANI to the appropriate PSAP if the caller disconnects before being connected to emergency services;

- *CapTel* personnel have the requisite experience, expertise, skills, education, knowledge and training to perform *CapTel* Services in a professional manner.

(c)(1) State certification period. State certification shall remain in effect for five years. One year prior to expiration of certification, a state may apply for renewal of its certification by filing documentation as prescribed by paragraphs (a) and (b) of this section.

The State of Kentucky is currently certified to provide intrastate TRS. The State of Kentucky is requesting certification beginning July 26, 2008, continuing for a five-year period.

(d) Method of funding. Except as provided in §64.604, the Commission 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.

Please refer to Tab 7 for a complete description of the State of Kentucky's funding mechanism.

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

The Kentucky program has 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.

KRS understands and will notify the Commission of substantive changes in its TRS programs within 60 days of when they occur, and will certify that the state TRS program continues to meet federal minimum standards after implementing the substantive change.

By this application the PSC intends that the operation of the Kentucky Relay will continue to be in compliance with the Federal Communication Commission rules and orders regarding telecommunications relay service. If there is any technical or substantial variation discovered by the Federal Communication Commission that would cause or could cause the Kentucky Relay to be out of compliance, the PSC agrees to take such action as may be reasonably required to bring the Kentucky Relay into compliance.