

§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.

The State of Maryland is currently certified to provide intrastate TRS through July 26, 2008. This application is submitted to re-certify the State of Maryland 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 the Operational Standards, Technical Standards and Functional Standards sections for a description of how the state of Maryland 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

The Maryland Public Service Commission regulates the provision of telecommunications service in the State of Maryland 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 Maryland Department of Budget and Management 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 Maryland Department of Budget and

Management 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 Maryland Department of Budget and Management to file complaints or petitions concerning the Maryland 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 Maryland Relay program exceeds the mandatory minimum standards contained in §64.604, Maryland Relay establishes that its program in no way conflicts with federal law.

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

Operator Training and Procedures

Maryland Relay not only meets, but also exceeds FCC Communications Assistant (Operator) standards in the areas of hiring and training practices, typing speed and accuracy and in-call replacement of Operators.

Ability to TYPE at 60 wpm

Maryland Relay Operators must TYPE 60 words per minute. **Maryland Relay exceeds this service level by requiring Operators to maintain a 95% accuracy level in addition to 60-wpm typing.** The Maryland Center has an average typing speed of 62.4 wpm with 96% accuracy.

Turbo Code

Maryland Relay exceeds the FCC requirement that TRS shall be capable of communicating with ASCII and Baudot formats, at any speed generally in use. Maryland Relay 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. Maryland Relay users are able to automatically connect “Turbo Code” on every relay call type. With Turbo Code, Maryland Relay users can use their Turbo Code Interrupt feature.

Intrastate Spanish

In addition to Interstate Spanish to Spanish, Maryland Relay provides Intrastate Spanish to Spanish call handling to the relay users of Maryland 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 Operators, Maryland Relay requires Spanish Operators to pass a Spanish test, attend a Spanish orientation class and take all standard Operator and Speech to Speech training prior to relaying Spanish to Spanish calls. Hamilton training materials automatically change to Spanish as needed.

SS7 Signaling

The relay platform used by Maryland Relay 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. Maryland Relay 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).

Captioned Telephone Service

Maryland Relay provides Captioned Telephone Service and 2 Line Captioned Telephone Service.

Requirements for 2-Line Captioned Telephone 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 Captioned Telephone phone in order for 2-line Captioned Telephone service to be enabled. It will not automatically switch to 2-Line mode.

Dialing 911 in an Emergency – Two-Line Captioned Telephone

When calling 911 in emergency situations using 2-Line Captioned Telephone, 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 Captioned Telephone

When calling 911 in emergency situations, the single line Captioned Telephone 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 Captioned Telephone calls are because the call is not routed through the Captioned Telephone Captioning Service.
- Emergency 911 calls are treated as VCO calls during which the 911 call-taker can hear everything the Captioned Telephone user says, and then types their response (on a TTY) that appears on the Captioned Telephone display screen.
- The Captioned Telephone user speaks directly into the handset, as with any other Captioned Telephone call. The 911 call-taker will hear everything the Captioned Telephone user says. The Captioned Telephone user will not be able to hear the call taker, but the dispatcher can type instructions on a TTY, which will appear on the Captioned Telephone 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 Captioned Telephone call is placed.

Spanish Captioned Telephone

Intrastate and Interstate Spanish Language Captioned Telephone services are available to Maryland Captioned Telephone users. Spanish Captioned Telephone hours are from 7:00 a.m. to 11:00 p.m. Central Time.

True Caller ID via Captioned Telephone

FCC compliant Caller ID services is provided to Captioned Telephone users of Maryland.

Carrier of Choice

Maryland Relay ensures that Maryland Captioned Telephone 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 Captioned Telephone 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).

Maryland Relay will continue to inform Captioned Telephone users of the need to designate a long distance carrier for long distance Captioned Telephone 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* Relay Center is equipped with redundant systems for power. The *CapTel* Center utilizes a combination of battery backup, commercial UPS supply, and/or auxiliary generator to supply uninterruptible power to the Captioned Telephone Center for extended periods of time to the Captioned Telephone 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 Captioned Telephone call center provides the redundancy for *CapTel* and ensures that Captioned Telephone Relay users have continuous, uninterrupted *CapTel* service.

Blockage

Maryland Relay 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 Captioned Telephone operation and is reported to the Department of Budget and Management on a monthly basis.

Answer Performance

Maryland Relay ensures that 85% of all Maryland Captioned Telephone calls will be answered within 10 seconds on a daily basis including abandons. Maryland Relay reports daily answer time to the Department of Budget and Management on a monthly basis.

Change of *CapTel* Operator

Maryland Relay ensures compliance with the FCC rule which requires that the Operator shall stay with a relay call for a minimum of ten minutes.

The situations in which an Operator 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) Operator 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 Operator is handled through a supervisor who approves the change, finds an available Operator to exchange, and issues the Call Take Over. When a change occurs, the new Operator is identified to the Captioned Telephone user. Just prior to the change in Operator a message is sent to the Captioned Telephone user

indicating there will be a change in Operator. After the change, a new message is sent with the new Operator 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 Operator 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.

Captioned Telephone Confidentiality Agreement

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

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

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 Captioned Telephone Inc.
- I will not share any information about *CapTel* calls with anyone except a member of the Captioned Telephone 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 Captioned Telephone 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 Captioned Telephone Inc. management staff.
- I will not share with anyone any technical aspect of my position at Captioned Telephone Inc. unless asked by a member of the Captioned Telephone 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 Captioned Telephone 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 Captioned Telephone: 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 (Captioned Telephone 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. Maryland Relay's Captioned Telephone 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 Captioned Telephone 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. Operators waivers:
 - TRS mandatory minimum standard requiring Operators to be competent in interpretation of typewritten ASL as applied to captioned telephone Operators.
 - Operator oral-to-type test requirement and permit the use of an oral-to-text test instead for Captioned Telephone Operators.
 - Requirement that Operators not refuse single or sequential calls as applied to Captioned Telephone Operators handling outbound captioned telephone calls.
 - Gender preference.
 - 60 wpm mandatory typing speed for Operators.
3. Interrupt Functionality.
4. Call Release.
5. ASCII and Baudot Format.

Captioned Telephone Service Operators adhere to the following minimum standards:

- The Captioned Telephone Operator shall be trained to caption the words spoken by the hearing party as accurately as reasonably possible without intervening in the communications. The Operator is permitted to provide background noise identification;
- The Captioned Telephone Operator shall not maintain any records of conversation content and shall keep the existence and content of all calls confidential;

- The Captioned Telephone Operator shall be required to meet the FCC standards for TRS minimum transcription speed;
- The Captioned Telephone Operator 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;
- Captioned Telephone shall pass along a Captioned Telephone caller's ANI to the appropriate PSAP if the caller disconnects before being connected to emergency services;

(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 Maryland is currently certified to provide intrastate TRS. The State of Maryland 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 the Method of Funding section of this document for a complete description of the State of Maryland'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 Maryland 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.

Maryland Relay 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 Maryland Department of Budget and Management intends that the operation of the Maryland 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 FCC that would cause or could cause the Maryland Relay to be out of compliance, the Maryland Department of Budget and Management agrees to take such action as may be reasonably required to bring the Maryland Relay into compliance.