

§ 64.604 Mandatory minimum standards.

c) Functional standards —

(1) Consumer complaint logs.

(i) States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

Kansas Relay Center tracks all TRS complaints and all other customer service activity. Kansas Relay Center maintains a log of consumer complaints alleging a violation of federal minimum standards as it relates to the provisioning of Telecommunications Relay Service and retains the log for the State until the FCC grants the next application for certification.

All complaints made through the toll-free Customer Service number, the customer inquiry form or on-line feedback form, whether in writing or in person, are documented in the Customer Service database. All resolutions are also documented in this database. **All information is kept on file and available to the Kansas Relay Service, Inc. (KRSI) and FCC.** Each database record includes the name and/or address of the complainant, the date and time received, the Communication Assistant identification number, the nature of the complaint, the specific relief or satisfaction sought, the result of the investigation, the resolution of the complaint and date of the resolution. The customer service representative responsible for handling the complaint is also indicated.

KRSI's complaint log consists of the following database categories:

- Miscellaneous External Complaints
- LEC External Busy
- 911 External Calls
- No Notice of How to Complain to FCC
- CA Accuracy/Spelling/Verbatim
- CA Gave Wrong Information
- CA Did Not Keep User Informed
- CA Hung Up on Caller
- CA Misdialed Number
- CA Typing Speed
- Didn't Follow Voice Mail/Recording Procedure
- CA Typing
- Improper Use of Speed Dialing
- Poor Vocal Clarity/Enunciation
- Improperly Handled ASL or Related Culture Issues
- Improper Use of Call Release

- Improper Handling of Three Way Calling
- Caller ID Not Working Properly
- Improper Use of Customer Data
- Fraudulent/Harassment Call
- Replaced CA Improperly in Middle of Call
- Didn't Follow Emergency Call Handling Procedure
- CA Didn't Follow Policy/Procedure
- Confidentiality Breach
- Spanish to Spanish Call Handling Problems
- Miscellaneous Service Complaints
- Ringing/No Answer
- Speech to Speech Call Handling Problems
- Connect Time (TTY-Voice)
- Busy Signal/Blockage
- ASCII/Baudot Break-down
- STS Break-Down
- HCO Break-Down
- Relay Not Available 24 Hours a Day
- 711 Problems
- VCO Break-Down
- Miscellaneous Technical Complaints
- Line Disconnected
- Carrier of Choice not Available/Other Equal Access
- CapTel Complaints

(ii) Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001.

Kansas Relay Center's provider reports complaint activity to KRSI on a monthly basis. KRSI submits the necessary information to the FCC as required in § 64.601 Mandatory Minimum Standards on an annual basis. KRSI has submitted copies of its 2008 through 2012 complaint logs to the FCC. The provider for Kansas Relay Center issues each complaint a Record ID number to enable KRSI and the FCC to quickly and easily identify the details of those particular complaints and contact information of the complainants.

(2) Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:

(i) The name and address of the office that receives complaints, grievances,

inquiries, and suggestions;

(ii) Voice and TTY telephone numbers, fax number, e-mail address, and web address; and

(iii) The physical address to which correspondence should be sent.

KRSI submitted to the Commission a contact person for TRS consumer information and complaints about Intrastate TRS. The submission includes the name and address of the State office that receives complaints, grievances, inquiries and suggestions, voice and TTY telephone numbers, fax number, e-mail address, web address, and physical address to which correspondence should be sent. Following is the name of the contact at KRSI for those purposes:

Joyce Hightower
Kansas Relay Service, Inc.
4848 SW 21st Street, Suite 201, Topeka, KS 66604-4415
Tel numbers: Voice 785-234-0200; TTY 785-234-0207; Fax 785-234-2304
E-mail: jhightower@kstelecom.com

Kansas Relay Center Customer Service:
9107 Bluebonnet Centre Blvd.
Baton Rouge, LA 70809
Voice/TTY: 866.735.2957
Fax: 225.293.3583
E-mail: ksrelay@hamiltonrelay.com

The Hamilton Telephone Company d/b/a Hamilton Telecommunications, the provider of Kansas Relay Center, has submitted to the Commission a contact person for TRS consumer information and complaints about Hamilton's service. The submission includes the name and address of the state office that receives complaints, grievances, inquiries and suggestions, voice and TTY telephone numbers, fax number, e-mail address, and physical address to which correspondence should be sent. Following is the name of the contact at The Hamilton Telephone Company for those purposes:

Dixie Ziegler
Vice President of Relay
Hamilton Relay, Inc.
1006 12th Street
Aurora, NE 68818
Voice/TTY 402-694-3656
Fax: 402-694-5037
E-mail: dixie.ziegler@hamiltonrelay.com
Website: www.hamiltonrelay.com

(3) Public access to information. Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through

directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.

Community Outreach, Public Relations and Educational Programs

Kansas Relay Center provides community and business outreach and promotes a public awareness campaign to educate all Kansas citizens about the relay service. These efforts educate and heighten public awareness of 7-1-1 and TRS throughout Kansas through marketing, advertising and community involvement. In compliance with FCC requirements, which call for outreach to all telephone users, Kansas Relay Center's outreach initiatives focus on the need to educate the hearing community. As it has been in the past, the primary outreach concern is the number of hearing people who hang up on relay calls. Through participation in promotional events, presentations, workshops and instructional seminars, Kansas Relay Center reaches out to all relay user communities and always adjusts its programs to meet the specific needs of every audience.

Kansas Relay Center's outreach and awareness efforts specifically target individuals who are deaf, hard of hearing, late deafened, deaf-blind or have difficulty speaking, as well as their family, friends and caregivers. Kansas Relay Center performs a variety of activities to inform the public about relay and regularly participates in activities held by Kansas organizations that serve relay users.

The outreach team offers informative presentations on the features of relay services to organizations, relay user groups, businesses, educators and students, health care providers, 9-1-1 call centers, emergency, fire and law enforcement personnel, libraries, senior centers, and public and private entities. Kansas Relay Center's statewide outreach and awareness efforts include:

- Presentations
- Exhibits
- 911 Education
- Strategies for reaching Hard to Reach Relay Users
 - Hard of Hearing and Elderly Strategies
 - Speech to Speech
 - Deaf Blind
- Outreach to Businesses and Educational Institutions
- Outreach to Spanish
- Equipment Distribution Programs
- Involvement of Deaf and State Agencies
- Customized Outreach materials
- Promotional Materials

- Variety of Brochures
- Description of Complaint Procedures in Printed Materials
- Bill Inserts and Directory Pages
- Newsletters
- TRS and CapTel Web sites
- Social Media
- Press Release and Public Relations
- Print Advertising
- Media Advertising

Please refer to Attachment B for sample outreach materials and a list of the outreach activities Kansas Relay Center has accomplished.

(4) Rates. TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

Kansas Relay Center's provider performs no billing. All billing is performed by the relay users' carrier of choice for both intralata and interlata toll calls. Thus the relay users' carrier of choice bills all intralata and interlata toll calls at their applicable discounted rate for relay users. Kansas Relay Center's provider forwards the appropriate information digits identifying the call as a relay call to the carrier so that it can be identified as a relay call, rated and billed accordingly by the carrier. Each carrier providing long distance service to relay users is responsible to ensure that TRS users shall pay no greater than the rates paid for functionally equivalent voice communication services.

(5) Jurisdictional separation of costs —

(i) General. Where appropriate, costs of providing TRS shall be separated in accordance with the jurisdictional separation procedures and standards set forth in the Commission's regulations adopted pursuant to section 410 of the Communications Act of 1934, as amended.

KRSI presents the Interstate TRS Fund with a billing statement for all interstate minutes of relay in accordance with the requirements of the Interstate TRS Fund and consistent with FCC rulings. All intrastate minutes of use are compensated from the Kansas Relay Center Fund.

(ii) Cost recovery. Costs caused by interstate TRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism. Except as noted in this paragraph, with respect to VRS, costs caused by intrastate TRS shall be recovered from the intrastate jurisdiction. In a state that has a certified program under §64.606, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section. Costs caused by the provision of interstate and intrastate VRS shall be

recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism.

Please refer to Tab 7, Method of Funding for a complete description of the State of Kansas's funding mechanism.

(6) Complaints —

(i) Referral of complaint. If a complaint to the Commission alleges a violation of this subpart with respect to intrastate TRS within a state and certification of the program of such state under §64.606 is in effect, the Commission shall refer such complaint to such state expeditiously.

(ii) Intrastate complaints shall be resolved by the state within 180 days after the complaint is first filed with a state entity, regardless of whether it is filed with the state relay administrator, a state PUC, the relay provider, or with any other state entity.

KRSI will resolve all intrastate complaints within 180 days after the complaint is first filed with the State, regardless of whether the complaint is filed with the state relay administrator, a state PUC, the relay provider or with any other state entity.

(iii) Jurisdiction of Commission. After referring a complaint to a state entity under paragraph (c)(6)(i) of this section, or if a complaint is filed directly with a state entity, the Commission shall exercise jurisdiction over such complaint only if:

(A) Final action under such state program has not been taken within:

(1) 180 days after the complaint is filed with such state entity; or

(2) A shorter period as prescribed by the regulations of such state; or

(B) The Commission determines that such state program is no longer qualified for certification under §64.606.

KRSI understands that if it does not provide a resolution to a complaint that the FCC may exercise jurisdiction.

(iv) The Commission shall resolve within 180 days after the complaint is filed with the Commission any interstate TRS complaint alleging a violation of section 225 of the Act or any complaint involving intrastate relay services in states without a certified program. The Commission shall resolve intrastate complaints over which it exercises jurisdiction under paragraph (c)(6)(iii) of this section within 180 days.

KRSI understands that the Commission will resolve intrastate complaints over which it exercises jurisdiction under paragraph (c)(6)(iii) of this section within 180 days.

(v) Complaint procedures. Complaints against TRS providers for alleged violations of this subpart may be either informal or formal.

(A) Informal complaints —

(1) Form. An informal complaint may be transmitted to the Consumer & Governmental Affairs Bureau by any reasonable means, such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other method that would best accommodate a complainant's hearing or speech disability.

(2) Content. An informal complaint shall include the name and address of the complainant; the name and address of the TRS provider against whom the complaint is made; a statement of facts supporting the complainant's allegation that the TRS provided it has violated or is violating section 225 of the Act and/or requirements under the Commission's rules; the specific relief or satisfaction sought by the complainant; and the complainant's preferred format or method of response to the complaint by the Commission and the defendant TRS provider (such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other method that would best accommodate the complainant's hearing or speech disability).

(3) Service; designation of agents. The Commission shall promptly forward any complaint meeting the requirements of this subsection to the TRS provider named in the complaint. Such TRS provider shall be called upon to satisfy or answer the complaint within the time specified by the Commission. Every TRS provider shall file with the Commission a statement designating an agent or agents whose principal responsibility will be to receive all complaints, inquiries, orders, decisions, and notices and other pronouncements forwarded by the Commission. Such designation shall include a name or department designation, business address, telephone number (voice and TTY), facsimile number and, if available, internet e-mail address.

(B) Review and disposition of informal complaints.

(1) Where it appears from the TRS provider's answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission may, in its discretion, consider

the matter closed without response to the complainant or defendant. In all other cases, the Commission shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information shall be transmitted to the complainant and defendant in the manner requested by the complainant (e.g., letter, facsimile transmission, telephone (voice/TRS/TTY) or Internet e-mail.

(2) A complainant unsatisfied with the defendant's response to the informal complaint and the staff's decision to terminate action on the informal complaint may file a formal complaint with the Commission pursuant to paragraph (c)(6)(v)(C) of this section.

KRSI will assist as necessary in this process.

(C) Formal complaints. A formal complaint shall be in writing, addressed to the Federal Communications Commission, Enforcement Bureau, Telecommunications Consumer Division, Washington, DC 20554 and shall contain:

(1) The name and address of the complainant,

(2) The name and address of the defendant against whom the complaint is made,

(3) A complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of this subpart, and

(4) The relief sought.

(D) Amended complaints. An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.

(E) Number of copies. An original and two copies of all pleadings shall be filed.

(F) Service.

(1) Except where a complaint is referred to a state pursuant to §64.604(c)(6)(i), or where a complaint is filed directly with a state entity, the Commission will serve on the named party a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the

time specified in said notice of complaint.

(2) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of §1.47 of this chapter. Proof of such service shall also be made in accordance with the requirements of said section.

(G) Answers to complaints and amended complaints. Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

(H) Replies to answers or amended answers. Within 10 days after service of an answer or an amended answer, a complainant may file and serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matter. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.

(I) Defective pleadings. Any pleading filed in a complaint proceeding that is not in substantial conformity with the requirements of the applicable rules in this subpart may be dismissed.

KRSI will assist as necessary in this process.

Supplemental Information:

Intrastate Kansas Relay Center complaints are processed in the following manner for KRSI by its TRS provider:

Trained personnel answer all Kansas Relay Center Customer Service calls. Kansas Relay Center provides a 24 hour a day, 7 days a week customer service via a toll-free telephone number, accessible from anywhere in the U.S., to assist TTY and voice callers with Kansas TRS inquiries and complaints. Customers may also contact Kansas Relay Center via e-mail and through the Kansas Relay Center web-site; in person; as well as in writing. Any caller to the relay center having a complaint can reach a supervisor or customer service representative while still on line during a relay call. Kansas Relay Center processes any complaints, which originate via e-mail, fax, telephone, regular mail, outreach events, at the workstations, etc.

Ultimately responsible for processing all inquiries, comments and complaints is Kansas Relay Center Customer Service department. The National Customer Service Manager, Center Manager and Vice President of Relay Service for Hamilton also view all complaint information. In the event of a complaint regarding the Kansas Relay Center, trained staff will follow an established procedure of complaint resolution. This process varies depending on the gravity of the situation.

- A Complaint involving a Communication Assistant is directed to the Communication Assistant's Supervisor and the Lead Supervisor. Constructive feedback will be shared with the Communication Assistant and appropriate coaching, re-training and counseling steps will be taken by the primary Supervisor to resolve the situation. Kansas Relay Center's detailed call records show each key command (not actual text) the CA makes. Kansas Relay Center can easily investigate Kansas Relay Center CA complaints and take disciplinary action when needed.
- Complaints regarding service/procedure issues are directed to the appropriate internal personnel. Technical issues are given to the technical support staff and addressed immediately. Procedural issues are discussed at internal quality meetings.

All complaints are reviewed by the National Customer Service Manager to ensure that any complaints have been resolved to the customer's satisfaction. The Customer Service Team resolves most customer service complaints. If further action is needed, the complaint is escalated to the Vice President of Relay Service for Hamilton, and then to KRSI when needed. All complaints are resolved within 10 calendar days depending on the complexity of the problem. Kansas Relay Center describes the above procedures and FCC complaint processes, including contact information for both KRSI and the FCC, in appropriate printed outreach material that is distributed to the general public.

If the user is not satisfied with the resolution of the complaint by Kansas Relay Center or with any action taken, Kansas Relay Center's monthly report to the KRSI will so state. The user then has the opportunity and is given written notice of that opportunity by Kansas Relay Center to have the complaint and action of Kansas Relay Center reviewed by KRSI for such action as it may deem appropriate in accordance with its rules and regulation. KRSI will act on such complaint no later than 180 days from the filing of the complaint.

KRSI will process all complaints referred by the Federal Communication's Commission for intrastate Telecommunications Relay Service for the State of Kansas. KRSI will cooperate in the investigation or resolution of any and all complaints concerning the Kansas Relay Center with the Federal Communication's Commission.

(7) Treatment of TRS customer information. Beginning on July 21, 2000, all future contracts between the TRS administrator and the TRS vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the

provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order.

The contract between KRSI and The Hamilton Telephone company d/b/a Hamilton Telecommunications provide for the transfer of TRS customer profile data from Hamilton to the incoming TRS vendor. Hamilton will provide the above mentioned data to the new vendor at least 60 days prior to the conclusion or termination of the contract.

Hamilton does not and will not use this data for any purpose other than connecting the Kansas Relay Center user to his/her called party. Hamilton has not and will never make any relay information available for sale or distribution. Hamilton will not sell, distribute, share or reveal in any way the information referenced above.