

NOV 23 2012

FCC Mail Room

**§ 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.*

Louisiana Relay tracks all TRS complaints and all other customer service activity. Louisiana Relay 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 Relay Advisory Board (RAB) 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.

The RAB'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.*

Louisiana Relay's provider reports complaint activity to the RAB on a monthly basis. The RAB submits the necessary information to the FCC as required in § 64.601 Mandatory Minimum Standards on an annual basis. The RAB has submitted copies of its 2008 through 2012 complaint logs to the FCC. The provider for Louisiana Relay issues each complaint a Record ID number to enable the RAB 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.*

The Louisiana RAB 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 the RAB for those purposes:

Bonnie Eades, President  
Relay Administration Board  
365 Canal Street, Suite 3000  
New Orleans, LA 70130  
Tel: (504) 528-2090

The Hamilton Telephone Company d/b/a Hamilton Telecommunications, the provider of Louisiana Relay, 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](mailto:dixie.ziegler@hamiltonrelay.com)  
Website: [www.hamiltonrelay.com](http://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**

Louisiana Relay provides community and business outreach and promotes a public awareness campaign to educate all Louisiana citizens about the relay service. These efforts educate and heighten public awareness of 7-1-1 and TRS throughout Louisiana through marketing, advertising and community involvement. In compliance with FCC requirements, which call for outreach to all telephone users, Louisiana Relay'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, Louisiana Relay reaches out to all relay user communities and always adjusts its programs to meet the specific needs of every audience.

Louisiana Relay'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. Louisiana Relay performs a variety of activities to inform the public about relay and regularly participates in activities held by Louisiana 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. Louisiana Relay'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 Louisiana Relay 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.*

Louisiana Relay'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. Louisiana Relay'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.*

Louisiana Relay's provider 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 Louisiana Relay 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 Louisiana'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.*

The Louisiana RAB 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.*

The Louisiana RAB 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.*

The Louisiana RAB 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.*

The Louisiana RAB 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.*

The Louisiana RAB will assist as necessary in this process.

**Supplemental Information:**

Intrastate Louisiana Relay complaints are processed in the following manner for the RAB by its TRS provider:

Trained personnel located within the State of Louisiana answer all Louisiana Relay Customer Service calls. Louisiana Relay 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 Louisiana TRS inquiries and complaints. Customers may also contact Louisiana Relay via e-mail and through the Louisiana Relay 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. Louisiana Relay 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 Louisiana Relay 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 Louisiana Relay, 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. Louisiana Relay's detailed call records show each key command (not actual text) the CA makes. Louisiana Relay can easily investigate Louisiana Relay 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 the Louisiana RAB when needed. All complaints are resolved within 10 calendar days depending on the complexity of the problem. Louisiana Relay describes the above procedures and FCC complaint processes, including contact information for both Louisiana RAB 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 Louisiana Relay or with any action taken, Louisiana Relay's monthly report to the RAB will so state. The user then has the opportunity and is given written notice of that opportunity by Louisiana Relay to have the complaint and action of Louisiana Relay reviewed by the RAB for such action as it may deem appropriate in accordance with its rules and regulation. The Louisiana RAB will act on such complaint no later than 180 days from the filing of the complaint.

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

**§ 64.606 Internet-based TRS provider and TRS program certification.**

*(a) 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 Louisiana is currently certified to provide intrastate TRS through July 26, 2013. This application is submitted to re-certify the State of Louisiana 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 of this application for a description of how the State of Louisiana 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 Louisiana's rules and regulations governing telecommunications relay service. The Louisiana Relay Administration Board (RAB) regulates the provision of telecommunications service in the State of Louisiana 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 RAB 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 RAB 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 RAB, to file complaints or petitions concerning the Louisiana Relay Service 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].*

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

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

### **CA Training and Procedures**

Louisiana Relay not only meets, but also exceeds FCC Communication Assistant standards in the areas of hiring and training practices, typing speed to accuracy and in-call replacement of CAs.

### **Ability to TYPE at 60 wpm**

Louisiana Relay Communication Assistants must TYPE 60 words per minute. **Louisiana Relay exceeds this service level by requiring CAs to maintain a high accuracy level in addition to 60-wpm typing.**

### **Turbo Code**

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

### **Intrastate Spanish**

In addition to Interstate Spanish to Spanish, Louisiana Relay provides Intrastate Spanish to Spanish, Spanish to English and English to Spanish call handling to the relay users of Louisiana 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, Louisiana Relay requires Spanish CAs 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.

### **SS7 Signaling**

The relay platform used by Louisiana 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. Louisiana 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 (CapTel)**

Louisiana Relay provides Captioned Telephone service 24 hours a day, 7 days a week, 365 days a year in a manner that is functionally equivalent to traditional voice calls. Captioned Telephone users place a call in the same way as dialing a traditional phone. As they dial, the CapTel phone automatically connects to a captioning service. When the other party answers, the CapTel phone user hears everything that is said, just like a traditional telephone call.

### **FCC Captioned Telephone 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 not 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.

Louisiana's Captioned Telephone Service offering meets all FCC minimum standards.

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

### **Captioned Telephone 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 Captioned Telephone CAs.
  - Requirement that CAs not refuse single or sequential calls as applied to Captioned Telephone 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

### **Captioned Telephone Training**

All Captioned Telephone CAs are required to satisfactorily complete a series of skills assessments to achieve the expertise and knowledge to adequately and accurately caption in a professional manner the words spoken by the hearing party without intervening in the communication between the parties. The evaluation process includes the quality of voice, clarity of speech and correct use of words and sentence structure.

A detailed CA training plan is in place to ensure that all standards as applied by the FCC to the provision of Captioned Telephone are met by each Captioned Telephone CA. At any time if a prospective CA does not demonstrate the ability to achieve the expected standards, they may be removed from the training group.

After initial training, Captioned Telephone trainees are tested through the administration of timing scripts in a test environment. Each CA is required to successfully pass two rounds of timings consecutively prior to handling live calls. In addition, trainees are required to meet specified monitor scores when being evaluated on live call processing. Captioned Telephone Captionists are monitored daily and if a Captionist fails a monitoring, they are not allowed to process live calls until they are able to pass monitoring.

### **Captioned Telephone Ongoing Training**

All Captioned Telephone CAs receive all necessary ongoing training. CAs are monitored on each shift and if they are found to need additional training or re-training, they are taken off line and given the necessary training. In addition, CAs are retrained on new features and capabilities of CTI's Captioned Telephone service platform including any new or improved voice recognition systems used in the platform.

CAs are tested monthly through the administration of Timing Scripts in a test environment. In addition, CAs are periodically monitored while processing live calls. Only the scores of each CA are maintained in a database. No other information regarding conversations is kept at any time.

### **Captioned Telephone Quality Assurance**

One way that quality is measured is through the CA testing program which requires a proficiency level for Captioned Telephone CAs of 130 WPM speed of transcription with a 2% or less Error Rate and 98% accuracy requirement in a testing environment.

### **Captioned Telephone Service CAs adhere to the following minimum standards:**

- The Captioned Telephone CA is 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 Captioned Telephone CA shall not maintain any records of conversation content and shall keep the existence and content of all calls confidential;
- The Captioned Telephone CA shall be required to meet the FCC standards for TRS

minimum transcription speed;

- The Captioned Telephone 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;
- The Captioned Telephone CA shall pass along a Captioned Telephone caller's ANI to the appropriate PSAP if the caller disconnects before being connected to emergency services;
- Captioned Telephone personnel have the requisite experience, expertise, skills, education, knowledge and training to perform Captioned Telephone Services in a professional manner.

### **Captioned Telephone Confidentiality Agreement**

All Captioned Telephone CAs adhere to strict policies of confidentiality, which comply with all FCC confidentiality requirements. Louisiana's Captioned Telephone provider collects only that personal information necessary to provide and bill for the Captioned Telephone service being rendered. Captioned Telephone CAs are also prohibited from intentionally altering a relayed conversation. Following is a Confidentiality Agreement that all CAs are required to sign prior to taking any live calls.

The success of Captioned Telephone depends on quality and complete confidentiality. All Captionists understand and abide by the confidentiality policy.

CAs do not discuss the contents of captioned calls, any caller identifying factors, calling points, or other information about captioned calls other than what is necessary to train other CAs. The CapTel call center is isolated to assure confidentiality standards are upheld. The equipment and structural accommodations made to the CA workspace ensure the confidentiality of Captioned Telephone User's calls, and prevent the Captioned Telephone Users on one call from overhearing a CA processing another call.

**Confidentiality Policy**

- 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 Captioned Telephone call.
- I will not act upon any information received while processing a Captioned Telephone 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 Captioned Telephone 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 have read the above Confidentiality Policy and understand a breach of confidentiality will result in disciplinary action up to and including termination of employment at CapTel, Inc. I recognize the serious and confidential nature of my position and therefore promise to abide by these guidelines.

Employee Name \_\_\_\_\_

Date \_\_\_\_\_

## **Types of Calls**

Captioned Telephone CAs are prohibited from limiting the length of a call and are required to stay with a call for a minimum of ten minutes when answering and placing a call. Captioned Telephone transmits conversations between callers in real time. Louisiana Captioned Telephone is capable of handling any type of call normally provided by telecommunications carriers, except for those types of calls and call functionality that specifically been waived for Captioned Telephone Services.

## **Change of Captioned Telephone CA**

Louisiana Captioned Telephone is in 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 Captioned Telephone user. Just prior to the change in CA a message is sent to the Captioned Telephone 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.

## **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. The 911 center receives the caller's ANI information directly from the network in the same way as a non-Captioned Telephone call.

## **Dialing 911 in an Emergency – Single Line Captioned Telephone**

When calling 911 in emergency situations, the single line Captioned Telephone users' call is automatically routed to the appropriate 911 center because the call was placed from the user's home line. 911 calls are **not** 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 CapTel Captioning Service.

- 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 is 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 of the caller and be able to locate the individual and send appropriate help, based on the location from which the Captioned Telephone call is placed.

### **Captioned Telephone Answer Performance**

Louisiana's Captioned Telephone answers 85% of calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in queue or on hold.

Louisiana's Captioned Telephone provider ensures that adequate staffing is supplied to provider Captioned Telephone users with an average answer speed of 85% of all calls answered within 10 seconds on a daily basis including abandons. As an experienced Captioned Telephone provider, Louisiana's Captioned Telephone provider communicates with CTI frequently to project future demand so all standards can be met.

Louisiana ensures that services standards relating to answer speed are met including during those times of increases or spikes in call volume. CTI tracks the number of CapTel phones distributed to users. Combing this with an average length of each call allows CTI to predict the number of Captioning Assistants that are needed. CTI provides adequate trunking capacity, CA workstations, personnel staffing, and equipment capacity to meet the current standard of 85% of all calls answered within 10 seconds on a daily basis. Abandoned calls are included in the speed of answer calculation. CTI also has reporting mechanisms and alarm systems to detect and record failures.

Louisiana ensures compliance with the P.01 customary TRS industry standard for blockage. Louisiana's Captioned Telephone provider commits to ensuring that no more than one call in 100 will receive a busy signal when calling the Captioning Center at the busiest hour.

### **Captioned Telephone Facilities**

Captioned Telephone Services are provided from several locations. CTI's CapTel Service Relay Centers located in Madison, WI and Milwaukee, WI. Louisiana's Captioned Telephone provider, Hamilton Relay, also processes Captioned Telephone calls from its own Call Centers located in Aurora, Nebraska; Baton Rouge, Louisiana; and Frostburg, Maryland.

Louisiana ensures that Captioned Telephone Service is available 24 hours per day, 7 days per week, and 365 days per year. CTI has the needed redundancy in switching mechanisms and telecommunications facilities to ensure operation 24 hours a day.

Each CapTel Center is equipped with redundant systems for power. The CapTel Centers utilize 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. 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 does not take 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

It is also important to ensure that equipment and technology is tested and upgraded frequently. Hamilton and CTI communicate frequently and review plans to ensure redundancy, including: replacing servers with ones that have lower power requirements, allowing for longer power if back-up power is needed; deploying new servers which allow for more robust monitoring to see any signs of trouble before it would affect call processing; and deploying all servers and core switching gear are on a SONET fiber ring at each location.

#### **True Caller ID via Captioned Telephone**

Louisiana’s Captioned Telephone provider offers FCC compliant Caller ID services. The FCC has required that when a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party. Louisiana’s Captioned Telephone provider has been providing True Caller ID which passes along the 10-digit number of the person calling since August 1, 2005.

The actual identity of the Calling Party is presented to the Called Party’s Caller ID box (True Caller ID). With True Caller ID, the Called Party may not know that they received a call via the Captioned Telephone service. Also if the Calling Party blocks their Caller ID, the Called Party does not receive any Caller ID information, functionally equivalent to a normal telephone call. Caller ID information of the Called Party is shown on the CapTel display screen.

#### **Three-way Calling via Captioned Telephone**

Louisiana’s Captioned Telephone provider offers FCC compliant Three-way calling. A standard telephone user can initiate a three-way call to a Captioned Telephone user. For example, two standard phone users are on a call. The party with three-way calling feature on his/her phone line would hook flash to put the other person on hold, and would then dial the national Captioned Telephone voice number and give the CA the Captioned Telephone user’s telephone number or dial the Captioned Telephone user direct if a 2-Line Captioned Telephone user. All three parties would then be joined and the Captioned Telephone user would receive captions on the call.

With 2-Line Captioned Telephone, the Captioned Telephone user can initiate a Three-way call in the same manner that a standard phone user would. The first line works exactly as a regular phone line (able to add another caller) and the second line supports the captions.

### **Call-Waiting via Captioned Telephone**

Call-waiting is supported by 2-line Captioned Telephone. When the Captioned Telephone user hears (or reads in the captions) the “beep” telling him/her a second call is coming in, the party would simply press the FLASH button on their CapTel phone. The Captioned Telephone user’s second caller will be on-line, and the Captioned Telephone user will receive captions of the conversation. The Captioned Telephone user will still receive captions of their first conversation, if/when they return to the first caller by pressing the FLASH button again.

No charges will be assessed to Captioned Telephone users for these local exchange non-basic services beyond what the user pays their LEC for these services.

### **Speed Dialing via Captioned Telephone**

Louisiana’s Captioned Telephone provider offers speed dialing, which is built into the CapTel phone’s Dialing Directory. To use this feature, the Captioned Telephone user saves the desired phone numbers in the CapTel memory. To speed dial a number in memory, the user simply presses the button next to the “Memory Dial/Redial” arrow. A list of saved numbers and the last number dialed is then displayed. The user then presses the button next to the number they wish to dial again and Captioned Telephone dials the number automatically.

### **711 via Captioned Telephone**

Louisiana’s Captioned Telephone provider has implemented a procedure for voice to Captioned Telephone that allows voice consumers to call a Captioned Telephone user by dialing 711 rather than the Captioned Telephone 800 number. Voice users can use this on a per-call basis or as an option on the Customer Profile.

### **Spanish Captioned Telephone**

Louisiana’s Captioned Telephone provider offers Intrastate and Interstate Spanish Language Captioned Telephone services. Spanish Captioned Telephone hours are from 7:00 a.m. to 11:00 p.m. Central Time. To use Spanish Captioned Telephone, the user selects the Spanish option under the menu settings. Once this setting is selected, calls will automatically route to a Spanish captioning CA. Voice users will dial the Spanish toll-free access number to call a Spanish Captioned Telephone user and have the call captioned in the Spanish language.

### **Using Automated (Touchtone) Systems via Captioned Telephone**

With Captioned Telephone, customers can easily receive and/or leave messages on answering machines or voice mail systems with automated menus.

The Captioned Telephone user can press the Captioned Telephone number buttons at any

time during a call to make selections. This makes navigating automated systems easy.

The Captioned Telephone user can press a button as soon as they are ready to make a selection. The captioning service continuously transcribes what is heard regardless of what the Captioned Telephone user is saying or which buttons they press.

Some automated systems have very short response times which may disconnect the call. If this happens, the Captioned Telephone user will simply hang up and try the call again.

### **Leaving Messages on Answering Machines via Captioned Telephone**

The Captioned Telephone user may begin leaving their message as soon as they see “BEEP” on the display screen or hear the recorded greeting end.

If no further information is received, the Captioned Telephone user may assume their message was recorded. If the answering machine is capable of confirming that a message was left, the Captioned Telephone user will see the confirmation message on the Captioned Telephone display.

### **Retrieving Voice Mail Messages via Captioned Telephone**

The Captioned Telephone user simply calls into their voice mail/answering machine system as a remote caller, and follows the voice mail/answering machine prompts to retrieve the messages.

The Captioned Telephone user can press the number buttons at any time.

### **Captioning External Answering Machine Messages via Captioned Telephone**

Captioned Telephone users can receive captions of voice messages left on an answering machine that is near the CapTel phone by playing the messages aloud by following these instructions:

1. With the handset hung up, press the menu button until “Caption External Answering Machine Messages” is displayed.
2. Press the button next to “OK”.
3. Pick up the CapTel handset and place the handset mouth piece next to the answering machine speaker. Make sure the handset mouthpiece is close enough to “hear” the messages as they are played aloud.
4. In this mode, Captioned Telephone will automatically dial the captioning service. Watch the display to see when a connection is established.
5. Start playing the voice messages aloud on your external answering machine. Watch the CapTel display to see captions of the voice messages.
6. Save or delete voice messages directly on the answering machine. When you are finished, hang up the CapTel handset. The “Caption External answering Machine Messages” feature will go off automatically.

### **Captioned Telephone End User Billing**

Captioned Telephone users can utilize alternate billing arrangements; for example, collect, third number, person to person, calling card, credit card, and 900 number

services.

Captioned Telephone users are not charged for use of the service. All local calls are provided free of charge to the consumer. All billing is performed by the customer's long distance carrier of choice. All billing information is routed to the customer's carrier during the outbound call setup. The carrier provides accurate billing to the customer using the same process used for regular non-Captioned Telephone calls.

All interstate calls, including out of state long distance and international calls are billed to the Interstate TRS Fund. Jurisdiction information is captured while the call is in progress and recorded in the CDR. This information is passed to the Captioned Telephone user's carrier of choice during the outbound call set-up for accurate billing to the Captioned Telephone user.

### **Captioned Telephone Carrier of Choice**

Louisiana's Captioned Telephone provider ensures that Captioned Telephone users will 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).

Louisiana's Captioned Telephone provider informs 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 methods including customer service, newsletters, the website, etc.

If a customer needs to make long distance calls with Captioned Telephone, they must register their existing long distance service or calling plan with Captioned Telephone Customer Service to ensure that any long distance charges are billed under their current long distance provider.

If they do not register a preferred long distance provider with Captioned Telephone, any long distance captioned calls they make will be automatically billed by Louisiana's TRS long distance carrier, at their long distance rate (which varies by state). There is no charge to customers for using the CapTel captioning service.

Customers can complete a Captioned Telephone Database Profile Request in order to specify their long distance carrier of choice. Customers can also designate their carrier of choice via the Captioned Telephone website or by calling Customer Service. Customers simply indicate which carrier they want to use.

Louisiana's Captioned Telephone provider has the ability to accurately determine call jurisdiction information in order to ensure that callers have access to extended community calling plans, optional calling plans and other special situations to the same extent provided by traditional relay service by delivering the call to the user's chosen IXC.

### **Directory Assistance via Captioned Telephone**

Louisiana's Captioned Telephone provider offers access to directory assistance to the same extent directory assistance is offered to Traditional TRS users. The Captioned Telephone user's carrier of choice bills for interlata and intralata directory assistance calls at their tariffed rate. All billing is performed by the customer's carrier. The call is then processed like all other Captioned Telephone calls.

(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 Louisiana is currently certified to provide intrastate TRS. The State of Louisiana is requesting certification beginning July 26, 2013, 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 Method of Funding** for a complete description of the State of Louisiana'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 Louisiana Relay 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.*

Louisiana 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 Louisiana Relay Administration Board intends that the operation of the Louisiana 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 Louisiana Relay to be out of compliance, the RAB agrees to take such action as may be reasonably required to bring the Louisiana Relay into compliance.

**BEFORE THE  
LOUISIANA PUBLIC SERVICE COMMISSION**

**ORDER NO. U-17656 – C**

**LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE.**

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*In re: Investment of Accumulated Funds for Future Provision of Relay Services and Consideration of Reduction or Suspension of Collection of the \$0.11 Per Month Access Charge.*

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(Decided at the January 16, 2002 Open Session)

**Background**

By Act 660 of 1988, the Louisiana Legislature established a \$0.05 per month surcharge on all telephone access lines beginning September 1, 1988 and dedicated to the creation and implementation of telecommunications relay services (“TRS”), and charged the Louisiana Commission for the Deaf (“LCD”) with the responsibility for the TRS program. The LCD formed the Telephone Access Program Board (“TAPB”) to implement LCD’s directives under Act 660. The TAPB determined that the \$0.05 per month surcharge would be insufficient to fund all aspects of TRS. When the TAPB requested help in obtaining additional funding, the LPSC undertook to ascertain additional funding sources and created the Deaf Task Force (the “DTF”) to make recommendations on that issue.

In July 1990, the Americans with Disabilities Act (the “ADA”) was signed into law. The ADA provided that, within three years after July 26, 1990, each common carrier providing telephone voice transmission services shall provide TRS. The ADA provided that if a State had a certified program for implementing intrastate TRS, each common carrier in that State would be considered in compliance with the implementing regulations if the common carrier was in compliance with the certified State program;

In its Order No. U-17656-A, this Commission accepted responsibility for the development and review of options to effect compliance with the telecommunications provisions of the ADA, particularly the requirements as to the provision of intrastate TRS. The Commission created and authorized the Louisiana Relay Administration Board (“RAB”) as a charitable organization to oversee TRS operations, in particular, the establishment, administration and promotion of a statewide program to provide access to all telecommunications services by persons who are deaf, deaf/blind, and others such as severely hearing disabled or severely speech disabled which includes but is not limited to the creation of a telecommunications relay service to function as a communications bridge between members of the deaf and hearing citizenry;

The Commission in Order U-17656-B accepted RAB’s recommendation as to the choice of the initial contract provider of TRS and authorized the collection of an \$0.11 per month access line charge by telecommunications providers as an additional funding source for TRS, that is, to the extent that such funds were required in addition to the \$0.05 per month existing charge to provide intrastate TRS in compliance with the ADA. RAB initially received \$1,000,000 annually, and has in recent years received \$500,000.00 per year for TRS from the fund arising from the \$0.05 per month surcharge imposed by the Louisiana Legislature and controlled by the Louisiana Department of Social Services (the “LDSS”);

Due to RAB's wise and effective management of the funds it has received, to-wit: the \$500,000.00 payment from the LDSS (the primary source of intrastate TRS funding) and the \$0.11 per month access line charge collected by telecommunications providers pursuant to LPSC authority (the secondary source of intrastate TRS funding), RAB has accumulated approximately \$28,000,000.00 (the "Accumulated Fund") over and above RAB's current needs for the payment of the current contract provider of TRS and other appropriate or necessary RAB expenses and costs. At the request of members of the Commission, RAB was requested by members of the LPSC to study the use and appropriate investment of the Accumulated Fund as a future source of funding of intrastate TRS in lieu of the \$0.11 per month access line charge currently imposed on ratepayers in the State of Louisiana. In connection with this study, RAB obtained pertinent advice from the law firm of Liskow & Lewis and the investment firm of Merrill Lynch.

RAB has advised this Commission that it is critical for RAB to maintain its tax status as a non-profit entity to avoid the unnecessary payment of federal and state taxes on the earnings it obtains from the Accumulated Fund and other restrictions which would be imposed on RAB if its status changed from that of a charitable organization to a private foundation under the Internal Revenue Code. Also, it is essential for the maintenance of RAB as a non-profit entity under the Internal Revenue Code that RAB continue to obtain public funding through its receipt of \$500,000.00 per year under the control of the LDSS; and

Merrill Lynch has provided economic projections to RAB and the members of this Commission, including a Probability Analysis, showing that it is highly probable that, through the prudent investment of the Accumulated Fund and RAB's continued receipt of the \$500,000.00 per year, adequate TRS can be provided to the citizens of the State of Louisiana without the need of additional funding sources for at least fifteen (15) more years.

### **Conclusion**

RAB provided its resolution dated January 3, 2002 to the Commission calling for, among other things, adoption of a proposal to invest the Accumulated Fund and to substantially reduce or suspend the collection of the \$0.11 per month access line charge by telecommunications providers. After careful consideration of the RAB resolution, the Merrill Lynch projections and comments by Paul Guarisco on behalf of RAB and RAB counsel, the Commission decided to adopt all of the recommendations of RAB made in its resolution, except as described in this Order.

On motion of Vice Chairman Owen, seconded by Commissioner Dixon, and unanimously adopted, the Commission voted to adopt the recommendations of RAB with an amendment to eliminate the \$0.11 per month access line charge instead of substantially reducing or suspending the fee.

### **ACCORDINGLY, FOR THE REASONS ABOVE, IT IS ORDERED THAT:**

1. RAB is empowered and authorized to take all steps necessary or appropriate to create and organize a supporting organization ("SO") in the form of a Louisiana non-profit corporation, limited liability corporation or trust, as may be recommended by RAB's counsel and in a manner that will permit RAB to maintain its charitable organization status under the Internal Revenue Code. RAB shall obtain an appropriate IRS ruling or determination that the SO will be a tax-exempt organization.

2. RAB shall establish mechanisms for the governance of the SO to closely parallel the governance of RAB, and so that the members of RAB also will be, to the fullest extent possible, the governing members, officers, directors or trustees of the SO, with the overall condition that members of the SO, through RAB, are and remain subject and accountable to this Commission.

3. RAB is authorized to transfer to the SO the Accumulated Fund, less and except such amounts that RAB may determine are necessary as a reserve to cover existing and future expenses of RAB, whether anticipated or unanticipated.

4. RAB is authorized to amend or supplement its articles of incorporation, bylaws or any other governing documents so as to enable RAB to fully implement or effect any of the activities or transactions authorized by this Order.

5. The LPSC strongly encourages all appropriate parties, including without limitation the Louisiana Legislature, the LDSS and the Louisiana Commission for the Deaf, to support the continued payment of \$500,000.00 per year under the auspices of the LDSS to RAB so that RAB and the SO organization both may be able to maintain their charitable, non-profit status under the Internal Revenue Code.

6. RAB, through the SO, is authorized and directed to use funds generated by the SO, particularly from the investment income and corpus of the Accumulated Fund, to perform and provide all aspects of the charitable or non-profit functions of RAB, including the payment of the contract provider of TRS and the provision of TRS as may be otherwise required, as well as the other reasonable and appropriate expenses incurred by either the SO or RAB in connection with the oversight and provision of TRS.

7. RAB is authorized to seek and effect appropriate changes in its existing contract with the current contract provider of TRS, and in any Request for Proposals for future contract providers of TRS, so as to permit the payment of the contract provider's TRS charges by the SO and for any other appropriate purposes that are necessitated by the creation of the SO and its receipt of the Accumulated Fund.

8. RAB is authorized and directed to transfer from time to time to the SO any funds in the future possession of RAB and which RAB in its reasonable discretion determines are not needed for the payment of RAB's reasonable and appropriate expenses, so that such future funds are added to the Accumulated Fund for the benefit of the TRS program.

9. RAB is authorized and directed to cause, through the SO, and upon the advice of RAB's investment advisor, the investment of the Accumulated Fund and any additional funds received by the SO in the future, such that it is highly probable that adequate and efficient TRS can be provided to the citizens of the State of Louisiana for at least fifteen (15) more years without the necessity of any additional funding sources other than the \$500,000.00 per year received by RAB under the auspices of the LDSS.

10. Telecommunications providers shall eliminate, effective on or before billing periods beginning April 1, 2002, the collection of the \$0.11 per month access line charge from end users.

11. Telecommunications providers shall give notice of the elimination of the \$0.11 per month access line charge to end users via bill inserts.

12. RAB is authorized to take any other appropriate actions to cause or effect the full implementation of the activities and transactions described herein.

13. Upon request by any member of the Commission or Commission Staff, RAB shall report on the status of its progress in the implementation of the activities and transactions authorized or required by this Order. Once RAB has fully implemented all of those activities and transactions relating to the creation of the SO and the transfer of the Accumulated Fund from RAB to the SO, RAB shall make a final report to the members of this Commission and Commission Staff.

14. This Order shall not (i) diminish or restrict in any way the Commission's existing oversight of RAB or (ii) cause prior Order Nos. U-17656-A and U-17656-B or their effects to be superseded or modified except in the manner described in, or permitted by, this Order. In all respects, the Commission retains full authority over RAB and the SO and the composition and powers of those entities. The Commission may freely request information from RAB and the SO, and may add to, modify or define the duties and responsibilities of RAB and the SO. Members of RAB and the SO shall serve at the pleasure of the Commission until removed by it.

15. This Order is effective immediately.

**BY ORDER OF THE COMMISSION**  
**BATON ROUGE, LOUISIANA**  
February 26, 2002

/S/ JACK "JAY" A. BLOSSMAN  
DISTRICT I  
CHAIRMAN JACK "JAY" A. BLOSSMAN

/S/ DON OWEN  
DISTRICT V  
VICE-CHAIRMAN DON OWEN

/S/ IRMA MUSE DIXON  
DISTRICT III  
COMMISSIONER IRMA MUSE DIXON

/S/ C. DALE SITTIG  
DISTRICT IV  
COMMISSIONER C. DALE SITTIG

LAWRENCE C. ST. BLANC  
SECRETARY

/S/ JAMES M. FIELD  
DISTRICT II  
COMMISSIONER JAMES M. FIELD

**BY ORDER OF THE COMMISSION  
BATON ROUGE, LOUISIANA**

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CHAIRMAN JACK "JAY" A. BLOSSMAN

---

DISTRICT V  
VICE-CHAIRMAN DON OWEN

---

DISTRICT III  
COMMISSIONER IRMA MUSE DIXON

---

DISTRICT IV  
COMMISSIONER C. DALE SITTING

---

LAWRENCE C. ST. BLANC  
SECRETARY

---

DISTRICT II  
COMMISSIONER JAMES M. FIELD

**TELECOMMUNICATIONS RELAY SERVICE  
APPLICATION FOR RENEWAL OF CURRENT STATE CERTIFICATION**

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