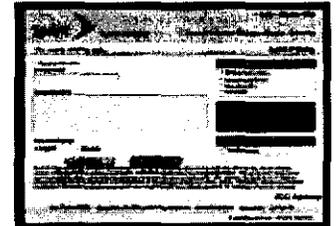


Sprint also has complied with all applicable FCC requirements, as clearly stated on its website (at right).



*Sprint Relay's
IP Relay website*

4G Network and Wireless Devices

4G Network

Sprint was the first communications company to offer the 4G network, which can deliver download speeds that are up to 10 times faster than 3G networks. The 4G network offers:

- 4G service in 4G markets and 3G service everywhere, including 4G markets
- High-speed and high-capacity video, data and voice

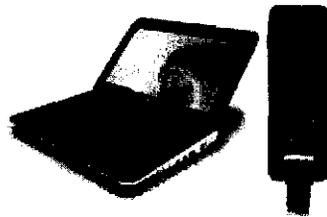
For information about the 4G service and coverage areas, visit www.sprintrelaystore.com/4g.htm.

Wireless Devices

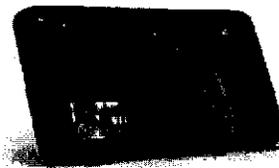
The BlackBerry product line is just one of several that Sprint Relay offers with a data-only plan for a \$29.99 monthly fee for deaf and hard of hearing people; this fee was offered until December 2010. With the new BlackBerry and 4G Android product lines, the data-only plan was offered for \$39.99 per month.



*BlackBerry 3G
Curve 9330*



*Dell® Mini 1012 Netbook
with U301 3G/4G Modem*



*HTC EVO
4G Android*



*Samsung
Epic 4G*

Video Customer Service

Sprint continues to offer Sprint Relay Video Customer Service (VCS) at no charge, where customers can contact Sprint representatives who use American Sign Language. VCS provides technical assistance, handles billing questions, and works with other customer service issues. To set up an appointment with a VCS representative:

- A customer first e-mails vcs@sprintrelaystore.com with his or her names and short description of the issue or question.
- An automatic e-mail is sent from VCS to arrange the videophone call appointment.
- The customer is also provided with a tracking number for his or her ticket for resolution.

Other Products and Services

To learn about the multitude of Sprint Relay products and services, visit www.sprintrelay.com.

West Virginia

Sprint Relay Team

William P. White
Vice President,
Federal Programs

Mike Ellis
National TRS Director

Relay Program Management

John Moore
Branch Manager

Angie Officer
Senior RPM

Karl Ewan
Relay Program Manager

Marketing and Product Development

Damara Paris
Branch Manager

Corporate Sales
Maggie Schoolar
Branch Manager

Andrew Brenneman
Corporate Sales Manager

Billing
Kris Owara
Analyst

Wireless Sales
Art Moore
Account Executive

Customer Service
Brian Adamson
Supervisor

Appendices

West Virginia

TRS and CapTel Statistics

	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	TOTAL
TOTAL NUMBER OF CALLS ORIGINATED BY CALLERS (MINUS CARRIER CALLS)													AVERAGE
TTY	916	961	882	826	785	953	1,095	878	713	841	772	710	861
Turbo code	619	633	816	574	555	568	513	518	443	639	450	335	555
ASCII	0	0	0	0	0	0	0	0	0	0	0	0	-
Voice	359	432	442	424	453	408	418	479	478	500	499	376	439
VCO	1,073	1,062	1,217	1,101	1,169	835	851	874	830	865	830	694	950
HCO	10	4	10	4	1	7	-	-	-	-	0	-	3
D/B ASCII/BAUDOT	0	0	0	0	0	3	-	0	0	2	0	0	0
TOTAL	2,977	3,092	3,367	2,929	2,963	2,774	2,877	2,749	2,464	2,847	2,551	2,115	2,809
PERCENTAGE CALLS													AVERAGE
TTY	30.77%	31.08%	26.20%	28.20%	26.49%	34.35%	36.78%	28.40%	21.18%	28.71%	26.05%	25.59%	28.65%
Turbo code	20.79%	20.47%	24.24%	19.60%	18.73%	20.48%	17.23%	16.75%	13.16%	21.82%	15.19%	12.08%	18.38%
ASCII	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Voice	12.06%	13.97%	13.13%	14.48%	15.29%	14.71%	14.04%	15.49%	14.20%	17.07%	16.84%	13.55%	14.57%
VCO	36.04%	34.35%	36.14%	37.59%	39.45%	30.10%	28.59%	28.27%	24.65%	29.53%	28.01%	25.02%	31.48%
HCO	0.34%	0.13%	0.30%	0.14%	0.03%	0.25%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.10%
D/B ASCII/BAUDOT	0.00%	0.00%	0.00%	0.00%	0.00%	0.11%	0.00%	0.00%	0.00%	0.07%	0.00%	0.00%	0.01%
TOTAL MINUTES													AVERAGE
Local	2,396	2,250	2,644	2,276	2,272	2,126	2,146	2,083	1,941	2,296	1,890	1,660	25,980
Intrastate	179	184	141	164	126	166	141	115	93	146	187	204	1,846
Interstate	208	358	328	270	268	228	286	336	168	164	206	107	2,927
Toll Free	192	300	249	212	287	253	297	212	257	237	217	142	2,855
Directory Assistance	2	-	5	6	6	1	6	2	1	2	1	2	34
900 Service	0	0	0	0	0	0	0	0	0	0	0	0	-
International	0	0	0	1	4	0	1	1	4	2	0	0	13
Marine	0	0	0	0	0	0	0	0	0	0	0	0	-
Other	0	0	0	0	0	0	0	0	0	0	0	0	-
TOTAL	2,977	3,092	3,367	2,929	2,963	2,774	2,877	2,749	2,464	2,847	2,501	2,115	33,655
General Assistance	2,156	2,058	2,047	1,811	2,067	2,226	1,993	2,527	2,622	2,345	2,409	2,108	26,369
Busy Ring/No Answer	513	654	647	555	500	584	452	557	510	540	442	414	6,368
Total Number of Relayed Calls	5,646	5,804	6,061	5,295	5,530	5,584	5,322	5,833	5,596	5,732	5,352	4,637	66,392
MINUTES OF SERVICE													AVERAGE
Total Conversation Minutes	10,516	10,740	11,346	10,167	10,827	8,787	9,861	8,807	10,055	10,361	9,791	8,323	119,580
Total Session Minutes	15,434	15,545	16,813	15,039	15,752	13,642	14,893	13,893	14,840	15,313	14,443	12,167	177,774
Interstate	1,750	2,316	2,849	2,152	2,087	1,283	1,517	1,936	1,820	1,511	1,729	1,255	22,204
Intrastate	12,745	12,110	13,004	12,020	12,176	11,268	11,877	11,301	11,854	12,597	11,737	10,275	142,963
Speech to Speech	0	0	0	0	0	0	0	0	0	0	0	0	-
Billable Minutes	12,745	12,110	13,004	12,020	12,176	11,268	11,877	11,301	11,854	12,597	11,737	10,275	142,963

March 2010–February 2011 Annual Report

	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	TOTAL
NUMBER OF CALLS BY TYPE													
Offered	4,840	4,527	4,761	4,447	4,422	4,409	4,248	4,789	4,687	4,717	4,594	3,890	54,331
Answered	4,705	4,403	4,641	4,306	4,287	4,276	4,148	4,654	4,500	4,543	4,470	3,719	52,652
In Queue	4,840	4,527	4,761	4,447	4,422	4,409	4,248	4,789	4,500	4,717	4,594	3,890	54,144
Abandoned in Queue	135	124	120	141	135	133	100	135	187	174	124	171	1,679
Weekend	129	117	131	138	130	118	120	116	113	117	122	117	1,468
Weekday	179	192	196	165	176	179	178	196	190	185	176	164	2,176
Inbound WV	4,482	4,321	4,644	3,988	4,293	4,282	4,154	4,664	4,540	4,564	4,459	3,746	52,137
Outbound WV	5,134	5,150	5,414	4,740	5,030	5,000	4,870	5,276	5,086	5,192	4,910	4,223	60,025
Blockage	0	0	0	0	0	0	0	0	0	0	0	0	-
AVERAGE LENGTH OF CALL BY DEVICE													
TTY	4.01	3.82	3.74	3.78	4.62	3.13	3.37	3.13	4.31	3.89	4.75	4.08	3.89
Turbo code	2.95	2.16	2.47	3.09	3.48	2.93	3.49	2.72	3.58	2.91	3.2	3.58	3.05
ASCII	0	0	0	0	0	0	0	0	0	0	0	0	0.00
VOICE	0	2.94	2.58	3.13	2.7	2.98	3.15	2.6	2.77	2.72	2.78	3.46	2.65
VCO	3.63	4.15	3.89	3.56	3.46	3.45	3.59	3.89	4.91	4.47	4.26	4.22	3.96
HCO	6.31	5.39	15.17	6.95	0	5.03	0	0	0	0.00	0.00	0	3.24
D/B ASCII/BAUDOT	0	0	0	0	0	3.57	0	0	0	0.29	0	0	0.32
Relay WV (IN)	2.21	2.29	2.26	2.33	2.31	2.03	2.22	1.53	2.13	2.16	2.12	2.13	2.14
End Users (OUT)	3.32	3.28	3.22	3.28	3.39	3.10	3.26	3.12	4.05	3.38	3.55	3.56	3.38
AVERAGE													
Service Level	95.0%	95.0%	95.0%	95.0%	92.0%	95.0%	96.0%	95.0%	93.0%	93.0%	96.0%	93.0%	94.4%
Monthly Avg.	1.10	1.10	1.60	1.20	1.20	0.80	1.00	1.30	1.60	1.60	0.90	1.70	1.26
AVERAGE													
Outbound Calls	0	0	0	0	0	0	0	0	0	0	0	0	0
Completed Calls	0	0	0	0	0	0	0	0	0	0	0	0	0
Billable Minutes	0	0	0	0	0	0	0	0	0	0	0	0	0
CUMULATIVE TOTALS													
Conversation Minutes	17,647	17,870	21,115	20,030	20,590	21,905	22,191	22,822	22,247	28,567	30,810	24,314	270,108
Session Minutes	19,722	19,941	21,115	22,177	22,995	24,274	24,282	25,010	24,174	31,104	33,312	26,436	294,541
Call Count	6,077	5,695	5,601	5,684	6,151	6,307	6,004	6,256	6,029	7,632	7,143	6,202	74,781
Call Type DATA	5,120	4,053	4,065	4,183	4,334	4,546	4,271	4,334	4,125	5,295	4,997	4,470	53,793
Call Type Voice	957	1,642	1,536	1,501	1,817	1,761	1,733	1,922	1,904	2,337	2,146	1,732	20,988

Appendix J:

West Virginia Relay Brochures and Website Screenshots



Greetings, West Virginia!

The Sprint Relay team is thrilled to be serving the communication needs of the citizens of and visitors to the State of West Virginia, effective September 16, 2009. Our long tradition in the relay communication business demonstrates our strong commitment. Our never-ending drive for innovation has been the key to expanding accessible communication options.

We are pleased to announce that West Virginia Relay has a new logo! The West Virginia Public Service Commission requested that the new logo be selected by relay users from this state and we are very proud to present the final selection.



We are pleased to keep all existing relay phone numbers the same with the exception of the 900 number. We're also offering new toll-free numbers to benefit people with specific communication needs.

- 711
- TTY/HCO/ASCII: 1-800-982-8771
- Voice: 1-800-982-8772
- Speech-to-Speech: 1-866-519-0570
- Spanish to Spanish: 1-866-519-0569
- CapTel Voice-in: 1-877-243-2823
- Spanish to English: 1-877-298-3348 (New)
- TeleBraille: 1-877-298-3349 (New)
- VCO Direct: 1-877-298-3330 (New)
- 900 (not toll-free): 1-900-230-7272 (New)

West Virginia Relay Customer Service (TTY/ASCII/HCO/Voice/VCO):

- 1-800-676-3777 or 1-866-430-1274 (English)
- 1-800-676-4290 (Español)

Sprint's TTY Operator Service:

- 1-800-855-4000



CapTel Customer Care:

For equipment/service support and profile registration, users can reach CapTel Customer Care Monday–Friday between 8 a.m. and 5 p.m., Central Standard Time.

- 1-888-269-7477 (Voice/CapTel/TTY)
- 1-866-217-3362 (Spanish)
- Email: CapTel@CapTel.com

For more information and to learn about all of our services, please check the new website at www.westvirginiarelay.com.

If you have questions, concerns or service suggestions, please contact West Virginia Relay Customer Service at 1-800-676-3777/1-866-430-1274 (Español: 1-800-676-4290) or by email at Sprint.TRSCustServ@sprint.com.

We look forward to working closely with the West Virginia Public Service Commission, the West Virginia Commission for the Deaf and Hard of Hearing, the West Virginia Association of the Deaf, Relay users of the state, and the community at large.

Sincerely,

Danny Barrett
Danny.d.barrett@sprint.com
West Virginia Relay Outreach Manager

Are you a Hearing Person? Have you heard about West Virginia Relay?



westvirginiarelay.com

Just dial 7-1-1!

If you are a hearing person and you want to call a deaf, hard-of-hearing, deaf-blind, speech-disabled, or late-deafened person, all you have to do is dial 7-1-1. It is that easy! (If the phone from which you are calling does not accept 7-1-1, just call 1-800-982-8771 for the same great results).

Follow these simple steps:

1. Dial 7-1-1 (or 1-800-982-8771).
2. A specially trained West Virginia Relay Operator will answer and identify themselves by their Operator number.
3. Give the Operator the phone number of the person you are calling.
4. The Operator will connect you with the person you are calling and will assist you with communication.

It really is that easy!

Remember, calls can be made to anywhere in the world, 24 hours a day, 365 days a year. All calls are strictly confidential and no records of any conversation are maintained. Long distance calls are billed at a discounted rate.



Sprint
Relay

www.sprintrelay.com

West Virginia Relay... making a telephone connection for hearing, deaf, hard-of-hearing, deaf-blind, speech-disabled, and late-deafened individuals! Just dial 7-1-1!



CapTel™ for Hearing Callers

How to reach a CapTel® user:



www.westvirginiarelay.com/capitel



- Dial English: 1-877-243-2823
(24 hours a day, 7 days a week)

- Dial Español: 1-877-243-2823
(8 AM to 11 PM Eastern Time, 7 days a week)

- Listen for the short message.

- Enter the area code and phone number of the CapTel user and then press pound (#).

- Speak when the call is answered.

If you know your CapTel® party uses 2-Line CapTel®:

- Dial only the CapTel user's phone number.

- When the CapTel user answers, begin your conversation.

NOTE: When you have finished your turn speaking, it might take the CapTel user a moment to respond while they read the captions of your conversation.

For more information: www.westvirginiarelay.com/capitel

CapTel[®] for the Holidays!



www.westvirginiarelay.com

“ This is the best gift ever!
It makes my phone
conversations more
enjoyable! ”

If you have a loved one or
friend with a hearing loss
and they have difficulty
understanding when they
use the phone, CapTel[®]
could be the perfect gift!

For more information on
how to receive a CapTel[®] free
to those who qualify, contact:

WCI

926 Colorado Avenue

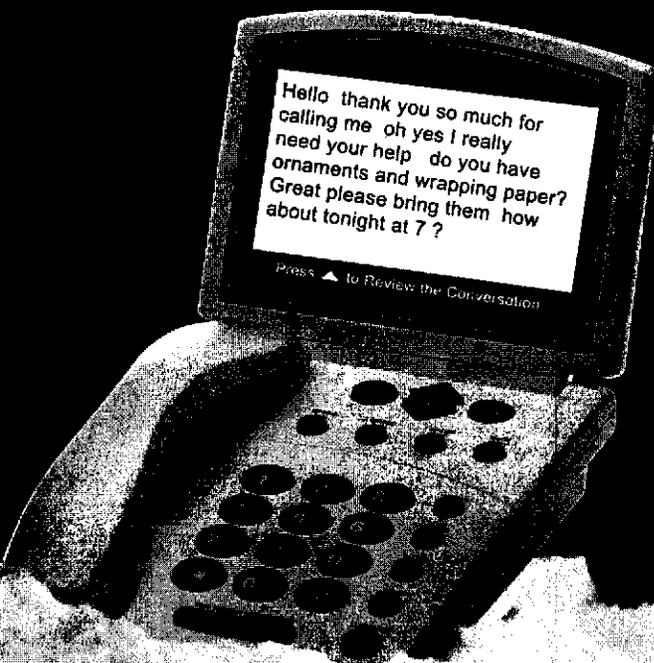
Santa Monica, CA 90401-2717

sales@weitbrecht.com

1-877-217-7006 (Toll Free)

1-310-450-9918 (Fax)

www.captel.com/availability/WV.php



**NEW SERVICE -
Speech-to-Speech
Email Set Up**



Click here
to learn more

West Virginia Relay is a free service for
deaf, hard-of-hearing, deaf-blind, and speech-
disabled using text telephones (TTYs) or PCs
via the Internet.

7-1-1 and other
telephone numbers
provided by West
Virginia Relay

Video: WVA Relay Captioned Telephone Service



click here to view the
Introduction to the Relay Service video

At a Quick Glance



West Virginia
Relay Flyer



Information for
Hearing Callers



Information for
Hard-of-Hearing



Please
Don't Hang Up



WVA Relay
Customer Profile



Service
Feedback



FAQs



WEST VIRGINIA
RELAY 711

Charleston Skyline

Speech-to-Speech (STS)

Dial 7-1-1 or
1-866-519-0570

Individuals with a speech disability may make STS calls, where a specially trained relay operator listens in to a call and serve as the STS user's voice and repeat his/her responses to the called party if needed. There may be instances where the STS user will be asked to repeat his/her message to ensure that it is conveyed correctly. The STS user hears the called party's voice.



At a Quick Glance



WVA Relay
Flyer



WVA Relay
Customer Profile



Please
Don't Hang Up



Service
Feedback



FAQs

7-1-1
TTY Public Payphones
Directory Assistance
Answering Machine
Emergency Call

New Feature: STS Email Set Up

This new feature makes call set-up a piece of cake for STS users.



[Click here to My Email Set Up](#)

This **Email Set Up** feature allows STS users to send an email with call instructions or information to West Virginia Relay STS at least two hours before the call.



[Click here to learn more about Enhanced STS.](#)

About West Virginia Relay

What is West Virginia Relay?

West Virginia Relay is a free service that provides full telephone accessibility to people who are deaf, hard-of-hearing, deaf-blind, and speech-disabled. You can use West Virginia Relay to make calls to anyone who has a telephone in the United States and around the world.



Always available:

West Virginia Relay is available 24 hours a day, seven days a week, 356 days a year.

Accurate & Transparent:

The communication assistant voices everything you type and types everything you say.

Private & Confidential:

All West Virginia Relay calls are strictly private.

No records of any conversations are maintained.

Free Services:

The service is free for anyone to use.

Loaned TTY or CapTel® is available upon request to eligible parties. [Click here for more information.](#)

This service is funded by a surcharge on all telephone bills.

At a Quick Glance



WVA Relay
Flyer



WVA Relay
Customer Profile



Please
Don't Hang Up



Service
Feedback



FAQs

Appendix K:
Legislation or Other
Establishing TRS in the State

**RULES
GOVERNING
CERTIFICATION and
OPERATION of
TELECOMMUNICATION
RELAY SERVICE
(TRS)**



Effective January 16, 1993
PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

James D. Williams.....Chairman
Charlotte R. Lane.....Commissioner
Martha Y. Walker.....Commissioner

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 21
RULES GOVERNING CERTIFICATION AND OPERATION OF
TELECOMMUNICATION RELAY SERVICE (TRS)

§150-21-1. General.

1.1. Scope. -- This legislative rule applies to the certification and operation of telecommunication relay service in West Virginia.

1.2. Authority. -- W. Va. Code §4-1-1, §4-1-7, §4-2-7 and §4-2-11.

1.3. Filing Date. -- November 17, 1992.

1.4. Effective Date. -- January 16, 1993.

1.5. Definitions and abbreviations.

a. ADA -- Americans with Disabilities Act of 1990

b. ASL -- American Sign Language

c. CA -- Communications Assistant

d. FCC -- Federal Communications Commission

e. PSC or Commission -- Public Service Commission of West Virginia.

f. TRS -- Telecommunication Relay Service

g. TT -- Text Telephone

h. WVCHI -- West Virginia Commission for the Hearing Impaired

i. Utility -- The term "utility" or "public utility" means any person, firm or corporation subject to the jurisdiction of the Commission under WV Code §24-2-1.

§150-21-2. Commission requests for certificate applications.

2.1.1. a. The Commission shall receive and consider contemporaneous applications for certificates pursuant to a notice requesting certificate applications that will be initiated by the Commission.

b. The closing deadline for submitting applications shall be specified in the order of the Commission requesting certificate applications.

c. No application will be accepted after the closing deadline unless the deadline is

specifically extended by the Commission.

d. To be considered as filed in accordance with this rule, applications must be received in the office of the Executive Secretary of the Commission no later than 5:00 p.m. on the date established by the Commission as the closing deadline.

e. Applications for a certificate that are received prior to the closing deadline will be treated as confidential material, not subject to disclosure prior to the closing deadline.

f. All applications for a certificate must include PSC WVA Form 5.1 and all attachments and supporting exhibits required by that form.

§150-21-3. Telecommunication relay service certificates.

3.1.1. Any certificate granted hereunder shall incorporate the entire State of West Virginia as the certificated territory. No applications shall be considered unless they contemplate full TRS service to all residents within the State. The Commission shall receive applications for and issue either a limited-term certificate or a permanent certificate. Limited-term certificates shall be the only certificate available to a TRS provider proposing to offer TRS from a remote location outside of the State of West Virginia, or, to a TRS provider proposing to provide TRS from facilities located within the state but which specifically requests a limited-term certificate. A permanent certificate shall be available only to a successful applicant proposing to offer TRS from facilities located and manned within the State of West Virginia and who requests a permanent certificate. Any TRS certificate holder shall be under the jurisdiction of the Public Service Commission of West Virginia and shall have a public service obligation to provide TRS as utility service during the term of the certificate.

3.1.2. The Commission shall issue only one active certificate at any time for providing TRS in West Virginia. During the term of the certificate, the TRS provider shall have the same obligation to serve on a statewide basis as any public utility's obligation and shall be subject to all statutes and Commission Rules and Regulations generally applicable to public utilities unless specifically contradicted by special statutes or Rules and Regulations applicable to TRS providers. A limited-term certificate shall be valid for the term of the certificate as authorized by the Commission at the time of granting such certificate, or for any extension of that term as herein provided. The Commission may consider new applications under these rules for a limited-term or permanent certificate in advance of the expiration of a limited-term certificate to assure continued, uninterrupted TRS in the state. The Commission may issue a notice requesting certificate applications at any time that the Commission determines that such request is necessary to assure continued, uninterrupted TRS in the state.

§150-21-4. Term of certificates.

4.1.1. A limited-term certificate shall have an initial term of eighteen (18) months, unless otherwise ordered by the Commission. A limited-term certificate may be automatically extended by the Commission for six (6) months (automatic extension), either upon the Commission's own motion or upon application. All applications for a limited-term certificate should be based on the presumption of an eighteen (18) month initial term and the possibility of an eighteen month initial term and the possibility of an unrequested six (6) month extension, regardless of any request for a different term. If the Commission finds that an additional extension is necessary to assure continued and uninterrupted TRS to the state, it may extend a limited-term certificate for such

period(s) as the Commission determines is necessary (additional extension). Notice of either the automatic or additional extension shall be given by the Commission to the TRS provider sixty (60) days prior to the scheduled expiration of the certificate. No other notice and no hearing with regard to such extensions shall be required. In the case of an additional extension of a limited-term certificate, the TRS provider may request a rate increase.

§150-21-5. TRS rates -

5.1.1. Applications for either limited-term or permanent TRS certificates must include a schedule of proposed rates and charges for providing the service. In granting a certificate the Commission may accept the proposed rates, or condition the certificate upon agreement of the applicant to accept rates as modified by the Commission. Any rates approved by the Commission at the time of issuance of a certificate shall be effective for a period of eighteen (18) months, or until the certificate is cancelled, whichever comes first (initial rate period). No request for increased rates will be considered by the Commission during this initial rate period.

a. Requests for rate decreases will be considered by the Commission at any time.

b. Rates for a holder of a permanent certificate may be changed at the end of the initial rate period pursuant to §24-2-3 or §24-2-4a and the Commissions Rules and Regulations for the Government and Filing of Tariffs.

5.1.2. In accordance with federal statutory requirements, the Commission shall establish an appropriate monthly rate increment per local exchange access line to be paid by West Virginia telephone subscribers. The Commission shall authorize the amount of the monthly rate increment as well as the mechanism by which the monthly rate increment is to be collected and disbursed.

§150-21-6. Irrevocability of applications and penalties for failure to provide service in accordance with the certificate granted.

6.1.1. Because of the critical need for telecommunication relay service in West Virginia on a continuing and uninterrupted basis, and considering the requirement of the ADA to provide this service, any application for a TRS certificate shall impose a binding and irrevocable obligation upon the applicant to proceed with the application. Furthermore, holders of limited-term certificates must agree to the contractual nature of their limited term certificate to provide the service if the application is granted.

6.1.2. No application for a TRS certificate will be received by the Commission unless it clearly states that the applicant understands and agrees that it will not attempt to withdraw the application within the first ninety (90) days after the filing deadline.

6.1.3. No application for a limited-term TRS certificate will be received by the Commission unless it clearly states that the applicant understands and agrees that if the certificate is granted as filed, failure to provide the service in accordance with the rules, regulations and orders of the Commission shall be considered as a breach of contract and shall subject the TRS provider, in addition to penalties applicable to public utilities, to such civil penalties as would be appropriate for breach of contract.

6.1.4. In consideration of the critical need for TRS, the Commission shall expedite its consideration of certificate applications and will make every reasonable effort to act upon a TRS

certificate filing within ninety (90) days of the filing deadline as herein discussed. If the Commission fails to grant a requested certificate within said ninety (90) days, the irrevocability provision herein shall no longer be in effect; however, the contractual nature of the certificate, and any breach thereof by the TRS provider, shall continue in effect during the term of the certificate, regardless of the time required for the granting of the certificate, or regardless of any modifications required by the Commission and accepted by the TRS provider. Commencement of operations pursuant to a certificate granted by the Commission shall be deemed as evidence of full acceptance by the TRS provider of any conditions or modifications imposed by the Commission.

§150-21-7. Proprietary/confidential information.

7.1.1. The Commission discourages attempts to keep any portion of an application confidential. If an applicant marks material filed in support of an application as proprietary or/and confidential, and such material is accompanied by a document thoroughly explaining the reasons for the confidentiality request, the Commission shall provisionally accept the confidential nature of the material and it shall not be released unless otherwise ordered by the Commission. The Commission will consider disclosure of material marked confidential only upon petition by any member of the public. Such petition shall be served upon the applicant seeking confidentiality of material and the applicant shall have the burden of proof that the material should be kept confidential.

§150-21-8. Contracting or subcontracting.

8.1.1. No certified TRS provider shall contract for the lease of property or equipment or for services necessary to provide TRS without specific approval of the Commission. If initiation of service under a requested certificate requires such contracts, that information must be included in the application for a certificate. Under any circumstances, including Commission approval of contracts, a certificated TRS provider is responsible for full compliance with all requirements of the certificate.

§150-21-9. Service and operational standards.

9.1.1. TRS shall be designed to provide a means whereby a deaf, hard of hearing and/or speech impaired person using a text telephone (TT) can communicate with a non-TT user over the existing telecommunication network. All applications for a TRS certificate must demonstrate an understanding of and ability to comply with all operational, technical and functional standards prescribed by the Commission. These standards are set forth on Form 5.1. All applicants for a TRS certificate must submit a fully completed Form 5.1, addressing all standards as required.

FORM No. 5.1
APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE
TELECOMMUNICATION RELAY SERVICE (TRS)
State of West Virginia
Public Service Commission
Charleston

Case No. _____

Application of _____ for a (limited-term) (permanent) certificate of convenience and necessity to provide telecommunication relay service for customers within the entire State of West Virginia. Applicant proposes to provide TRS from facilities located and manned (within) (outside) the State of West Virginia.

Basic information required to be submitted:

1. Applicant's full name and address:

2. Applicant's Telephone number: _____

3. Applicant's Tax ID numbers: Federal: _____ West Virginia: _____

4. If applicant is owned or controlled by a parent company, provide the information required in paragraphs 1 through 3 above for the parent.

Name and Address: _____

Telephone number: _____

Tax ID numbers: Federal: _____ West Virginia: _____

Application of _____

5. Specific location of TRS facility:

6. Provide the date proposed by the applicant for initiation of service under the certificate:

Form 5.1, page 2.

7. If the Applicant, or an affiliate, presently operates any TRS facility, this Application must include attachments listing the location of such facility(ies) and the names, titles, addresses and telephone numbers of contact persons for each facility at the State's equivalent to the PSC and the WVCHL.
8. Provide an organizational chart showing the staffing and lines of authority for key personnel to be used, including subcontractors. Also provide a complete description of the personnel, including supervisory personnel, necessary for increasing levels of call volumes and a discussion as to how such personnel will be screened, selected and trained.
9. Provide the following financial information for the applicant, its parent company (if applicable) and any contractor or subcontractor which is expected to receive ten percent (10%) or more of the total revenues from the service (if applicable):
 1. Audited Financial Statements for the most recent two (2) years.
 2. Letter of reference and/or financial commitment from primary banking source.
 3. Any rating agency reports or investment advisories issued during the past (2) two years.
10. Provide a statement detailing Applicant's managerial expertise in the telecommunications industry and in dealing with the deaf, hearing impaired and speech impaired communities.

Application of _____

11. Provide a statement detailing Applicant's technical expertise in the telecommunications industry and in dealing with telecommunications as related to the deaf, hearing impaired and speech impaired communities.
12. Provide on attachments hereto a complete description of the TRS facilities to be used, the general staffing and operations of the facilities and any problems and solutions to said problems the applicant perceives in providing full TRS in compliance with all requirements of the Public Service Commission.
13. Appendix A to this form provides a full and complete description of operational, technical and functional standards required by the Public Service Commission. Applicant must address, on attachments hereto, the standards set by the Commission and clearly describe how the Applicant will meet or exceed these standards. Mandatory standards must be met under all circumstances. Required standards must be met unless specifically waived by the Commission in granting the certificate. Enhancements will be considered by the Commission in determining the desirability of each applicant's proposal for TRS.
14. Provide on attachments hereto a complete description of the rates and charges proposed by the Applicant. Rates must be structured on a per minute basis for the time (measured in fractional minutes) necessary to complete a call. This time shall include call set-up, call wrap-up and actual conversation time. Proposed rates must be structured as follows:

Form 5.1, page 3.

Calls Per Month	Price Per Minute
0 to 3,999	
4,000 to 5,999	
6,000 to 7,999	
8,000 to 9,999	
10,000 to 11,999	
Over 12,000	

Enhanced functions should be priced separately and include a description of how these enhancements will be furnished.

(Add a verification page signed by an officer of Applicant. Verification must indicate an understanding and full agreement to comply with the provisions of paragraph 6 of the Commission's Rules and Regulations Governing Certification and Operation of Telecommunication Relay Service.)

VERIFICATION

State of West Virginia

County of Kanawha, ss.

-----, the Applicant of
_____, the Applicant named in the foregoing application, being duly
sworn says that the facts and allegations therein contained are true except so far as they are therein stated to
be on information, and that, so far as they are therein stated to be on information, he/she believes them to be
true.

Affiant

Taken, sworn to and subscribed before me this the _____ day of _____,
19____.

Notary Public in and for said County

My commission expires on the _____ day of _____, 19____.

150CSR21

PSC FORM 5.1

APPENDIX A

§150-21-10. Operational standards

10.1. Communications assistant -

10.1.1. Communications Assistant qualifications.

a. Mandatory -- Applicants shall specify how they plan to meet the necessary proficiency requirements for CAs. This discussion will include, but not be limited to, the level of proficiency to be required for skills in typing, grammar, and spelling.

b. Required -- The applicant shall require that all prospective CAs take and pass a quantifiable, performance-based Proficiency Examination. This examination shall cover spelling, typing, dictation, procedures, including the handling of emergency calls, characteristics of ASL as it may be reflected in the written language of TT users, deaf culture, ethics and confidentiality, and professional judgment. This test shall have as its minimum requirements the proficiency skills for CAs mandated by this RFP. The relay center shall make sure that material from these tests is not available to the CAs before testing time and must change portions of the tests from time to time.

Any CA who cannot pass this examination within a three-month training period shall not be utilized as a CA. CAs shall be retested at least annually.

Trainees shall be identified to both parties at the onset of each conversation to mitigate potential for criticism of CA quality.

10.1.2. Training --

a. Mandatory -- The applicant shall describe how its staff will be trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities. Each applicant shall demonstrate how initial and ongoing training will be provided by including with its proposal an outline of a proposed training plan including, but not limited to, a list of required courses, course descriptions, and time frames, and required curriculum for certification. Furthermore, applicants shall indicate at what level they consider CAs to be fully trained in this capacity.

b. Required -- All relay center staff, including management, shall receive training to include, but not be limited to, American Sign Language (ASL) "gloss" and grammar, deaf culture, acquired deafness, needs of speech impaired users, operation of relay telecommunications equipment, and ethics and confidentiality.

c. Training shall include both simulated and live on-line call handling.

d. Appropriate portions of in-service training shall be provided by experts from the deaf, hard of hearing and speech impaired communities in the field of language interpreting, ASL and deaf culture and speech impairment. The WVCHI has the authority to certify such in the State of West Virginia. Alternatively, the bidder must demonstrate that such expertise exists on staff. The proposal should state the number of staff members who are certified ASL and or oral interpreters.

10.2.3. Required -- Procedures for relaying communication.

a. CAs must simultaneously convey the full content, context and intent of the communication they translate. The key word is intent. Unless requested otherwise by a user, the CA shall relay all calls

according to the following procedures.

A. Those users who have limited written English language skills will need their calls translated into English so that hearing persons can understand the call and communication occurs. The hearing person's English must be translated back into written English at a level that the deaf person can understand. TT users may instruct the CA to voice in standard English or word for word that which the TT user types.

B. CAs shall, to the best of their abilities, let the TT user know the non-TT user's tone of voice.

C. CAs shall also keep the user informed on the status of the call, such as dialing, ringing, busy, disconnected or on hold.

D. The TT user shall have the option of telling the CA what aspects of the call that he/she will handle. For example, the TT user may request to introduce relay services to the called party, rather than have the CA do it.

E. When the CA needs to explain relay to a hearing user, the CA shall also type "explaining relay" for the benefit of the TT user. Conversely, when the CA needs to explain relay to a TT user, the CA will inform the hearing user that the CA is explaining relay. Upon request by the user, the CA shall not announce a call as a relay call, permitting the caller to provide explanation, if any. The CA shall not reveal the caller's disability unless the caller requests that information to be relayed.

F. When speaking for the TT user, the CA shall adopt a conversational tone of voice appropriate to the type of call being made.

G. CAs shall indicate to the TT user if another person (hearing) comes on the line.

H. When a line is busy, a CA shall ~~redial~~ ^{redial} at least two times, with a fifteen (15) second delay between redialing at the request of the customer.

I. All comments directed to either party by the CA shall be relayed. These comments shall be typed in parentheses, for example, "(Will you accept a collect call?)" All comments directed to the CA by either party shall also be relayed, for example, "Yes, I'll accept the collect call."

J. If either party communicates in the third person, the CA shall relay in the third person.

K. To correct a typing error, CAs shall not backspace, but continue in a forward direction by typing "xx" (common TT convention for error) and then typing the word correctly.

L. When necessary, CAs shall verify spelling of proper nouns, numbers and addresses that are spoken. This shall be relayed as discussed in (i) above.

M. The CA will stay on the line until both parties have terminated the call. If necessary to process a complaint or compliment, the call will be transferred to a supervisor.

N. CAs shall not counsel, advise or interject personal opinions or additional information into any relay call. Furthermore, the CAs shall not hold personal conversations with anyone calling the TRS even when prompted by callers.

O. Callers shall not be required to give their full names or the full name of the party they are calling. This information shall not be recorded in any form without the permission and knowledge of the caller (except for long distance billing purposes). It is understood that for some calls, having the full name would help facilitate the call. The CA may ask for that information and explain how it may facilitate their call. However, the CA shall not refuse to make a call if the caller does not wish to give full names.

P. CAs will uniformly recognize an "s" typed at the TT user's option, at the beginning of a call, to indicate that the user is speech impaired. Bidders shall propose procedures for fulfilling this requirement. This convention shall be included in all informational material produced and distributed to explain relay usage.

Q. CAs will leave messages on answering machines or other voice processing systems if the voice or TT caller activates one while actually making the call. Bidders shall propose procedures for fulfilling this requirement, and the procedures shall include the following steps:

- (a) The CA will inform the caller when an answering machine has been reached.
- (b) The CA will ask the caller if she/he wishes to leave a message.
- (c) The CA will leave the caller's message, either by voice or by TT.
- (d) The CA will confirm to the caller that the message has been left.
- (e) The caller will only be charged for one call regardless of the number of redials required to leave the message.

R. CAs will retrieve messages from voice processing systems and relay a TT message to a voice user or a voice message to a TT user. Bidders shall propose procedures for handling this requirement, and the procedures shall include methods for obtaining any necessary system access codes from the user and statements regarding the confidentiality of that information.

10.1.2. Confidentiality and conversation content.

a. Mandatory – Applicants shall outline the policies the applicant will use to preserve confidentiality. Proposals shall also include plans to maintain security and privacy of the work environment at the proposed site. Specific policies shall be developed in the start-up period after the contract is awarded. Such policies include protocols employees are encouraged to use to prevent unintentional disclosure of relayed conversations.

b. Required --

A. A copy of the Confidentiality Policy shall be provided upon request and made available during workshops, seminars, outreach and community awareness programs, and posted at the operations center.

B. The contractor shall not permit the CAs to make any value judgement regarding legality or obscenity of the content of the message and shall ensure that the CAs relay all messages received.

C. The contractor shall be restricted to collecting only that personal information necessary to provide and bill for the relay service being rendered except when necessary to respond to customer

complaints. This information shall not be used for any other purpose.

D. CAs, supervisors, and trainers must be required to sign a pledge of confidentiality promising not to disclose the identity of any callers or fellow CAs or any information learned during the course of relaying calls, either during the period of employment or after termination of employment.

E. When training new CAs by the method of sharing past experience, trainers shall not reveal any of the following information:

- (a) names, genders, or ages of the parties of the call
- (b) originating or terminating points of the call
- (c) specifics of the information conveyed

F. CAs shall not discuss, even among themselves or their supervisors, any names or specifics of any relay call, except as required in the course of resolving complaints. CAs may discuss the general situation that they need assistance with in order to clarify how to process a particular type of relay call. CAs should be trained to ask questions about procedures without revealing names or specific information that will identify the caller. If a user is in an emergency or life-threatening situation or causes an emergency situation to exist by threatening the CA or relay center, names and specific information may be disclosed by the CA to a supervisor to expeditiously address the situation.

G. Watching or listening to actual calls by anyone other than the CA is prohibited except for on-the-job training and monitoring quality of service. The proposal shall outline the procedures and controls that assure such exceptions are limited to absolutely necessary circumstances.

H. A CA or supervisor who, after investigation, is found to have violated the confidentiality rules and regulations shall either be terminated immediately or be given a warning and automatically terminated the second time it occurs. Proposals shall specify the policy for reviewing alleged violations of confidentiality.

I. Obscenity Directed to the Communications Assistant -- CAs do not have to tolerate obscenity directed at them. A proposal should specify how the contractor will handle these situations. It is acceptable to transfer callers using obscenities directed at the CA to a supervisor to determine why the caller is using obscenities and to explain that this is inappropriate.

J. Communications Assistant Identification.

(a) The method to be used in the TRS is for the CA to identify by identification number (not name) at the beginning and before completion of each call. A method must be established which will allow identification of the CA in the event a complaint is filed or a user wants to compliment the work of the CA.

(b) CAs must maintain confidentiality as to the identity of fellow CAs' employee identification (ID) number as delineated above.

K. Caller-Provided Information --

A service provider may require that a caller provide NPA/NXX type information to identify

the caller's local calling area if that information is necessary to distinguish local calls from toll calls and to allow for faster call set-up times. The applicant must specify how such information would result in faster call set-up times and provide justification that no other equipment is available which would avoid the necessity for callers to provide their phone number.

L. Conflict of interest --

To avoid the appearance of a conflict of interest, applicants shall demonstrate in their proposals that they will operate this as an independent relay service. A service provider shall not use any information obtained from relay calls for any other services they may provide to users of the relay system and shall not make any such information available for sale.

10.1.3. Types of calls -

a. Mandatory.

A. The application must state and justify any type of call normally provided by common carriers which the applicant does not propose to complete as a basic service.

B. The application should outline the procedure for receiving, transmitting and tracking emergency calls. A plan for handling emergency calls must be made available to the PSC prior to commencement of operations.

C. The Relay Center must process West Virginia intrastate calls, interstate calls originating in West Virginia, interstate calls terminating in West Virginia and interstate calls made between two other states that are made by a West Virginia customer. The service shall be designed such that all calls made through the center will be billed from the originating telephone number to the terminating telephone number as if the call were made directly. The applicant must explain how these objectives will be accomplished.

b. Required.

A. Billing: The service provider must establish methods which shall be used to ensure that calls are timely and accurately billed. The proposal must include a description of how the service provider will meet the following requirements:

B. The billing for each billable call made using the TRS shall be rendered by the same telephone company which would have rendered such billing had the call been made without utilization of the TRS.

C. The TRS shall promptly, reliably, and accurately transmit all necessary billing information to the telephone companies needing such information for their billing purposes.

D. The TRS shall perform all billing activity necessary to assure that TRS users are accurately and timely billed, when billing is warranted, for the following types of calls, at a minimum:

- (a) Direct dial
- (b) Operator assisted, whether "operator" is live or mechanized
- (c) Sent-paid coin

- (d) Credit card
- (e) Directory assistance
- (f) Third-number billed
- (g) "Collect" (Charge reversal)
- (h) Person-to-Person
- (i) Hotel/Motel/Hospital

E. The TRS shall, under no circumstances, cause billing to be rendered to a TRS user for an uncompleted call.

F. Billing time for charges applicable to TRS users shall commence when the line called for the TRS user, by the CA, answers. Billing time shall cease when the line called by the CA, for the TRS user, goes on hook or whenever the CA terminates the connection to that line, whichever comes first.

G. TRS user billing time shall be measured in whole second increments.

H. For purposes of calculating the mileage bands applicable for the billing of calls made by TRS users, the TRS shall treat all calls as if they were made directly between the points of origination and termination.

c. Transfer Capability: The Relay Center must be equipped to allow for the transfer of calls when necessary to meet user needs.

d. Operator Assistance: Service providers are required to provide access to operator assistance for the deaf, hard of hearing and speech impaired. This service would provide standard operator services normally provided to all telephone users upon commencement of operations.

10.1.4. Enhancement.

Access to 900 Services: The application should describe how access to 976 and other 900 number services can be provided and a methodology for billing the user directly for any charges incurred.

10.1.5. Policy and procedures manual.

Required. Applicants shall provide with the application a comprehensive outline of a proposed CA Policy and Procedures manual which shall include, but not be limited to, confidentiality, handling of emergency and crisis calls, consequences of non-compliance to policies, and functions and roles of a CA.

§150-21-11. Technical Standards.

11.1. ASCII and BAUDOT --

11.1.1. Mandatory. The TRS must be capable of automatically identifying incoming TT signals as either Baudot or ASCII. The application should describe the methods of accessing and being accessed by computers and state any limitation as to speed.

11.2. Speed of Answer.

11.2.1. Mandatory. The application shall show plans to develop staffing patterns as related to call volumes and usage patterns.

a. Required.

A. No restrictions shall be placed on the length or number of calls placed by customers through the Relay Center. The system shall be designed and staffed to handle traffic during peak and off-peak periods.

B. Blockage Rate: Average daily blockage rate for all calls into the Relay Center shall be no greater than one (1) in one hundred (100) calls. This shall be measured by sampling the number of calls being blocked at a minimum of every 30 minutes for each 24 hour period.

C. Traffic Reports: The service provider shall provide to the PSC and WVCHI the following written reports on a monthly basis. (More frequent or more detailed reports shall also be available upon request.)

D. Reported by NPA, total daily and monthly

- (a) number of incoming calls
- (b) number of outgoing calls (including busy, no answer, disconnected)
- (c) number of completed calls
- (d) number of abandoned calls.

E. Daily monthly blockage data.

F. Average daily and monthly answer time; range of answer times for the month.

G. Average daily and monthly number of calls in queue (caller is receiving a ringing, waiting to be answered by a CA); average length of time in queue.

H. Average daily and monthly length of call, broken down into call set-up, call duration and call wrap-up.

I. Total daily and monthly number of calls of the following lengths:

- 0 - 10 minutes
- 11 - 20 minutes
- 21 - 30 minutes
- 31 - 40 minutes
- 41 - 50 minutes
- 51 - 60 minutes
- 61+ minutes

J. Usage patterns (number of calls and length of calls) by hour of day and day of week.

K. Number of CAs on duty by hour of day and day of week.

L. Number of local, intrastate toll, and interstate calls and completed call minutes for the month.

M. All of the above shall be reported to the PSC and WVCHI no later than 21 calendar days after the close of each month.

b. For the purposes of improving the productivity of the relay service, automatic electronic production of the above information is recommended.

c. The applicant will submit the reporting format that will be used to provide all of the above information.

d. The applicant must include information on its capability to provide ad hoc reports including new information in the system's database or new formats for existing information.

e. On an annual basis, the service provider must provide forecasted usage figures and costs to the PSC for the upcoming year for use in annual program budgets.

d. Any data not specified above required by regulatory bodies.

11.3. Equal Access To Interexchange Carriers.

a. Mandatory. The application must state and justify any limitation to be placed on access to interexchange carriers.

b. Required. The applicant shall provide details of the dialing plan, including number of dialed digits, which will be utilized by users of the service. Details must be provided which outline whether more than one access number will be used and explain why more than one access number will be required.

11.4. TRS facilities.

a. Mandatory -

A. Applicants must provide a network design diagram and accompanying explanation indicating how the TRS will satisfy the operational and technical standards. The proposal should include the quantities and types of inbound and outbound circuits necessary to complete the projected number of calls within each jurisdiction.

B. The applicant shall explain the type of equipment and software necessary to meet the service standards and handle the types of calls and projected call volumes. Bidders must state how calls from TT users to voice users will be handled differently from calls from voice users to TT users, if there are differences.

C. Applications must outline plans to ensure that no calls are dropped due to processor failure. Applicants must explain the built-in redundancies needed to maintain required levels of service in the event of preventive maintenance, power outage, or other causes that would shut down the processor.

b. Required

a. The proposal shall include the location of the Relay Center. Regardless of the location selected, the TRS should be accessible by telephone on a toll-free basis.

A. If the Relay Center is not located in West Virginia, the proposal shall demonstrate how the provider will respond specifically to the deaf, hard of hearing and speech impaired communities in West Virginia, as if the provider were located in West Virginia. The description shall include the applicant's method for reporting West Virginia specific quality of service information, required in paragraph B of this Section, among the multiple states served by a regional center. The applicant shall include a copy of the contract documents already governing the operation of the TRS at the proposed location.

B. The transmission circuits shall meet or exceed FCC interexchange performance standards for circuit loss, noise, and crosstalk.

C. A back-up power system must be able to provide emergency power in the event of commercial power outage for a minimum of 8 continuous hours. The Back-Up Power System must support the switch system and its peripherals, switch room environmental, air conditioning, fire suppression system, emergency lights and system alarms, operator consoles/terminals, operator work site emergency lights, and Call Detail Record recording.

D. The back-up power system shall be automatically switched to carry the Relay Center's power needs, as listed above, whenever a commercial power outage of more than very short duration occurs. The back-up power system shall be tested at least monthly. At least quarterly, the relay center shall simulate a commercial power outage of sufficient duration to cause automatic switchover to back-up power.

E. The switching system shall include a redundant CPU on "hot stand-by" and an inventory of spare critical components (to be outlined in the proposal) which will be maintained on site to ensure that required levels of service are met.

F. The TRS shall have an automatic alarm system on-line and in operation at all times which will immediately alert appropriate personnel of any significant problem with, or failure of, any system critical to satisfactory TRS operation. Appropriate personnel shall immediately respond to such alarms with appropriate remedial activity.

G. The applicant will also show the capability of expanding services in response to increasing demand. Bidder shall develop and illustrate in its proposal a detailed plan of how this expansion will be accomplished. The plan shall include, but not be limited to, trunking capacity, operator work stations, personnel staffing and equipment capacity. The plan shall also indicate the time lag required to meet any increase in call volume. The above plans shall be able to maintain all standards listed in the RFP. Furthermore, the service delivery procedures shall permit the most cost-effective use of available resources.

11.5. Technology - Mandatory

a. The applicant shall demonstrate its capability to adapt to improvements in communications equipment technology and to implement state of the art technology for provision of relay service.

b. The user communities and the PSC should be allowed to benefit from advancing technology. Applicant will describe the methodology and process it will use to keep abreast of technological changes in the provision of relay service, to inform the PSC that new enhancements are available and at what cost.

§150-21-12. Functional Standards.

12.1. Enforcement/Complaint Process.

12.1.1. Mandatory.

a. Service providers shall establish procedures regarding complaints, inquiries and comments regarding TRS services and personnel. The applicant shall provide an outline of the major points to be included in the complaint, comment and inquiry procedures.

b. Required.

A. The TRS shall take complaints by mail and telephone during normal business hours. Complainants shall not be required to put complaints in writing.

B. The provider shall insure that any caller to the relay center having a complaint will be able to reach a supervisor or administrator while still on line during a relay call during normal business hours.

C. All complaints received by supervisors or in writing shall be documented, including their resolution, and kept on file for a period of 12 months. Such records shall be made available to the PSC upon request. All complaint forms shall be easily understood, with full instructions for completing and filing the form, and large print copies available for visually impaired.

D. The TRS shall investigate and resolve all complaints promptly. The TRS shall inform the complainant in a timely manner regarding the resolution of his/her complaint.

E. In the event the TRS is not able to resolve a complaint to the complainant's satisfaction, the TRS shall report such promptly to the PSC's Customer Relations Division.

F. The TRS shall cooperate fully with PSC Staff regarding complaint investigations as well as quality of service, compliance, and performance audits.

G. The provider shall provide monthly summary reports to the PSC and WVCHI regarding numbers of complaints received and topic areas of the complaints.

12.1.2. Public access to information.

a. Mandatory. The applicant must provide an outline of the initial and ongoing program features it proposes to satisfy this standard.

A. The TRS shall be capable of having calls rerouted to one or more other relay centers such that TRS users shall not notice more than minimal service changes during such traffic rerouting. Such traffic rerouting shall occur whenever the Relay Center is unable, for whatever reasons, to provide satisfactory service and shall continue until the ability of the Relay Center to provide satisfactory service is restored.

B. Recorded announcements as appropriate shall be provided if a system failure occurs within the relay switch or on outbound circuits. Both voice and TT messages shall be provided. Intercept messages on inbound circuits may or may not be under the control of the service provider.

C. Disaster Recovery Plan. The provider shall create a complete Disaster Recovery Plan (not

just an outline) for dealing with all types of natural and man-made problems. A primary requirement is to notify the PSC immediately if a major problem occurs. In addition, the plan should detail the levels of escalation which will be employed to deal with the problem and restore service.

As an augmentation to the above requirements for a disaster recovery plan, applicants should provide details which address how it plans to cope with specific disasters. Details may include: alternate switching of calls including network diagrams identifying where traffic will be rerouted if vulnerable circuits become inoperable; the provision of up to 50 percent redundant circuits to geographic areas where users are concentrated; a contingency plan for how disasters will be handled which are not part of the network but which may affect the network (e.g., a fire in the Central Office which serves the TRS); and/or other areas which the bidder considers important to include in a disaster recovery plan.

Included in this description should be the suggested language, to be approved by the Commission, describing the West Virginia TRS for inclusion in all telephone directories.

b. Required.

A. Consumer Input: The telephone users shall have input on the quality of the delivery of service. Bidders shall develop a plan to include the users of the system in any evaluation of the TRS. An outline of this plan shall be included in the proposal. The plan should explain methods for consumer input and how the recommendations from these evaluations will be incorporated into the policies of the relay center. The evaluations shall not come from those directly or indirectly involved in operating the relay center or its corporate associates. This does not preclude the provider from conducting additional internal evaluations which use relay staff.

The provider shall report quarterly to the PSC and the WVCHI the results of the user evaluations.

c. Enhancement

A. Community Outreach: The WVCHI will be seeking legislative approval for funding one full-time employee and related travel expenses to implement a community and business outreach program to educate all people about the relay service.

Each proposal shall describe how the applicant will work with the employee and what additional assistance, such as informational pamphlets, bill inserts, wallet cards, etc. will be made available.

The applicant should provide a separate price proposal assuming legislative approval is not forthcoming and the function would be provided entirely by the TRS provider.

§12-21-3. Rates.

1. Mandatory

a. All calls to access the Relay Service Center shall be at no cost to the person making the call.

b. Local measured-rate calls and interstate and intrastate toll calls placed using the TRS shall be billed at rates no higher than the same rates that would apply if the calls without the use of the TRS.

2. Required.

150CSR21

a. Intrastate and Interstate toll call billing rates shall include any applicable discounts offered to TRS users by the TRS user's long distance carrier or by the local exchange company for a toll call.

b. Each call made through the TRS center shall be given the following discounts off the otherwise applicable rates.

A. Calls made during the "Day" rate period shall be rated at "Evening" rates.

B. Calls made during the "Evening" rate period shall be rated at "Night/Weekend" rates.

Appendix L:

TRS RFP

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 27th day of October 2011.

GENERAL ORDER NO. 187.40

In the matter of inviting applications for a certificate of convenience and necessity to provide telecommunication relay service in West Virginia.

COMMISSION ORDER

The Commission issues a request for proposals to provide Telecommunications Relay Services (TRS) and refers the matter to the Division of Administrative Law Judges (ALJ).

BACKGROUND

Development of TRS

In July 1990, the federal government enacted the Americans with Disabilities Act (ADA), requiring all common carriers offering voice transmission services to provide TRS to persons with hearing and speech impairments. The statute is designed to eliminate discrimination against individuals with speech or hearing disabilities by providing them with telephone services that are functionally equivalent to services provided to individuals without hearing or speech impairments. On a typical relay call, an individual with a speech or hearing impairment uses a teletype telephone to send a message to a relay operator, who in turn, reads the message to the other party. The relay operator then types any response, so that it can be read on the text telephone of the individual with the hearing or speech impairment. The process repeats throughout the relay call.

The Federal Communications Commission (FCC) promulgated interstate TRS regulations, and state commissions may establish programs to implement intrastate TRS, provided that the state programs meet or exceed the FCC requirements, including adequate enforcement procedures and remedies. If a state declines to establish a TRS program, the state commission cedes its intrastate TRS jurisdiction to the FCC.

On March 25, 1991, the Commission opened an investigation to adopt a state program to provide TRS in accordance with the ADA. See, Case No. 91-175-T-GI.

Thereafter, the Commission promulgated emergency rules for intrastate TRS and invited applications for a certificate of convenience and necessity (Certificate) to provide TRS in West Virginia. See, General Order No. 205-T (Issued February 24, 1992).

On July 24, 1992, the Commission awarded AT&T an eighteen-month Certificate requiring it to have its TRS system operational within fourteen days and to locate a full-time outreach manager within the state. The Commission subsequently awarded AT&T a permanent Certificate.

On November 20, 1998, the Commission allowed AT&T to close its Martinsburg TRS center in exchange for agreeing to accept ten cents a month per access line, through March 31, 2001, and converted its authority again to a temporary Certificate. See, General Order No. 187.17. The Commission extended the temporary TRS Certificate until September 30, 2002, continuing the same prices, terms and conditions AT&T previously provided. See, AT&T, Case No. 00-1730-T-PC.

On May 4, 2006, Commission Staff petitioned the Commission to open a case to invite TRS Certificate applications. Staff advised that the AT&T TRS Certificate had no expiration date and AT&T had requested that the Commission terminate its TRS service in early 2007. See, General Order No. 187.31.

On November 27, 2006, the Commission granted Hamilton Telephone Company, dba Hamilton Telecommunications (Hamilton), a limited-term Certificate to provide TRS in West Virginia for eighteen months. Id. The initial eighteen-month Certificate term ended on July 31, 2008. The Commission extended the Certificate until January 31, 2009. See, Hamilton Telephone Company, Case No. 08-0704-T-PC (Commission Order May 29, 2008).

On November 26, 2008, Hamilton requested an additional six month Certificate extension, stating that it continues to provide excellent relay service to West Virginia customers. Hamilton also requested a five percent rate increase for its CapTel service. See, Case No. 08-2026-T-PC. The Commission subsequently granted the extension to facilitate this proceeding.

On January 20, 2009, the Commission extended the Hamilton TRS certificate for six months until July 31, 2009.

Current TRS Contract

On November 25, 2008, Sprint Communications Company, L.P. (Sprint) petitioned the Commission to open a case to accept TRS certificate applications. See, Case No. 08-2024-T-GI. On January 20, 2009, the Commission issued a request for

proposals to provide TRS service. *Id.* On July 16, 2009, the Commission granted Sprint a limited-term certificate to provide TRS in West Virginia and ordered the cut-over from Hamilton to Sprint to occur no later than September 30, 2009. The transfer of services from Hamilton to Sprint actually occurred on September 15, 2009. Since that time, Sprint has received two extensions of its certificate. When granting the second extension, the Commission stated that it may not be inclined to grant further extensions and anticipated requesting certificate applications in the near future. Sprint Communications Company, LP, Case No. 11-0897-T-PC (Order entered July 27, 2011) at 2. The Sprint certificate expires on February 28, 2012.

DISCUSSION

In 2009, after awarding Hamilton a limited-term TRS certificate for eighteen months and two six month extensions, the Commission determined that, considering the rapid advances in telecommunication technology, it should issue a new request for proposals for statewide TRS. Sprint Communications Co., L.P., Case No. 08-2024-T-GI (Order entered January 20, 2009). The Commission then proceeded to award a limited-term TRS certificate to Sprint for eighteen months with two six month extensions. See, Sprint Communications Co., L.P., Case No. 08-2024-T-GI (Commission Order entered July 16, 2009); Case No. 11-0064-T-PC (Commission Order entered February 28, 2011); and Case No. 11-0897-T-PC (Commission Order entered July 27, 2011). When awarding the second extension to Sprint, the Commission indicated that it may not be inclined to grant further extensions Case No. 11-087-T-PC (Order entered July 27, 2011 at 2.). The Commission again finds that it should issue a new request for proposals for statewide TRS to ensure that state residents who use TRS service are utilizing state-of-the-art technology for the least cost.

The Commission may issue only one Certificate at a time and the TRS carrier must serve the entire state. See, Rules 3.1.1 and 3.1.2 of the Rules Governing Certification and Operation of Telecommunication Relay Service, (TRS Rules) 150 C.R.S. Series 21. A carrier who operates from West Virginia facilities may request a permanent Certificate or a limited term Certificate, but a carrier who operates from outside the state may only request a limited term Certificate. *Id.* The initial term of a limited-term Certificate is eighteen months, unless the Commission directs otherwise. See, TRS Rule 4.1.1. Applications must include proposed rates. See, TRS Rule 5.1.1. All applications for a TRS Certificate must submit a fully completed Form 5.1, addressing all required standards. See, TRS Rule 9.1.1. Any application for a TRS Certificate imposes a binding and irrevocable obligation on the applicant to proceed with the application. See, TRS Rule 6.1.1. A TRS provider should note that it cannot contract for the lease of property or equipment, or for the provision of services, without Commission approval. See, TRS Rule 8.1.1. Even if the Commission approves a

contract, the TRS provider remains responsible for full compliance with the Certificate obligations. See, TRS Rule 6.1.4.

Recognizing the critical need for TRS service, the Commission processes TRS applications within ninety days of their filing deadline and the Commission deems providing service as acceptance by the TRS Certificate holder of any Commission conditions. Thus, the Commission expects that applications will be thorough and complete, and that any motions or objections which may arise will be filed, responded to and resolved as quickly as possible. *Id.*

The Commission will refer this matter to the ALJ for consideration of TRS Certificate applications. The Commission encourages the ALJ and the parties to employ expedited service methods and timelines. *Id.*

FINDINGS OF FACT

1. Sprint currently holds the limited-term TRS certificate. The certificate expires on February 28, 2012.

2. The Commission originally granted the limited-term TRS certificate to Sprint on July 16, 2009. Case No. 08-2024-T-GI.

CONCLUSIONS OF LAW

1. The Commission should open a general investigation to invite new competing TRS Certificate proposals in this case and will process any competing applications in a single proceeding.

2. For further processing, the Commission should refer this matter to the Division of Administrative Law Judges.

3. The Commission should publish notice of the invitation for TRS Certificate applications, provide notice to the West Virginia Commission for the Deaf and Hard of Hearing and notify TRS providers around the nation.

4. The Commission should only require that subsequent pleadings be served on parties to the case after providing initial notice with this Order.

ORDER

IT IS THEREFORE ORDERED that the Commission shall open a general investigation to issue a request for proposals to provide TRS in West Virginia.

IT IS FURTHER ORDERED that anyone wishing to provide TRS in West Virginia shall file an application for a Certificate on or before November 30, 2011, with Sandra Squire, Executive Secretary, Public Service Commission, P.O. Box 812, Charleston, West Virginia 25323.

IT IS FURTHER ORDERED that Staff shall investigate this matter and file a final report on or before December 30, 2011.

IT IS FURTHER ORDERED that this matter shall be referred to the ALJ for the processing of the TRS applications. The ALJ shall render a Recommended Decision on or before January 30, 2012.

IT IS FURTHER ORDERED that if the participants desire an extension of the foregoing decision due date, they may seek an extension only on formal application to the Commission.

IT IS FURTHER ORDERED that any TRS Certificate applications received shall be processed under this case number. Separate Certificate applications shall not be assigned individual case numbers.

IT IS FURTHER ORDERED that the Commission Executive Secretary shall cause the attached notice to be published one time as soon as possible in a qualified newspaper circulated throughout the state.

IT IS FURTHER ORDERED that the Executive Secretary shall cause the attached notice to be delivered to the following entities.

All telecommunications carriers operating in West Virginia	West Virginia Commission for the Deaf and Hard of Hearing Capitol Complex Building 6, Room 863 Charleston, WV 25305
American Network Sharad Shah 142 East 39 th Street New York, NY 10016	AT&T Toni Acton, Director 1120 20 th Street, Suite 1000 Washington, DC 20036

<p>Communication Access Center for the Deaf and Hard of Hearing Diana McKittrick 1505 W. Court St. Flint, MI 48503</p>	<p>CSDVRS Jeff Rosen 600 Cleveland Street, Suite 1000 Clearwater, FL 33755</p>
<p>Hamilton Relay, Inc. Dixie Ziegler, VP of Relay 1001 12th Street Aurora, NE 68818</p>	<p>Hands On VRS Service Kelby Brick, Esq., VP, Regulatory and Strategic Policy Purple Communications, Inc. 2118 Stonewall Road Catonsville, MD 21228</p>
<p>Hawk Relay, LLC Samuel Hawk 1900 JFK Blvd., Suite 1801 Philadelphia, PA 19103</p>	<p>Healinc Telecom, LLC Dr. Ira Kalfus 3333 Henry Hudson Parkway, Suite 1A Riverdale, NY 10463</p>
<p>Snap Telecommunications, Inc. Nancy Bloch, Chief Regulatory Liaison and Advisor 2 Blue Hill Plaza, 3rd Floor P.O. Box 1626 Pearl River, NY 10965</p>	<p>Sorenson Communications, Inc. Michael D. Maddix, Regulatory Affairs Manager 4192 South Riverboat Road Salt Lake City, UT 84123</p>
<p>Sprint Michael B. Fingerhut Director, Government Affairs 2001 Edmund Halley Drive Reston, VA 20191</p>	<p>Stellar Relay LLC 255 Cremazie, Suite 400 Montreal, Quebec Canada H2M 1M2</p>

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Staff by hand delivery.

A True Copy, Testes

Sandra Espino
Sandra Espino
Executive Secretary

SMS/slc
GO 187.40.doc

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 08-2024-T-GI

SPRINT COMMUNICATIONS COMPANY, L.P.,

General investigation to receive applications for a certificate of public convenience and necessity to provide telecommunication relay service in West Virginia.

**PUBLIC NOTICE OF INVITATION
TO APPLY FOR TRS CERTIFICATE**

The Americans with Disabilities Act requires that an individual who has a hearing or speech impairment be able to engage in telephone communications with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment. To achieve that goal, the Public Service Commission of West Virginia has implemented rules regarding telecommunications relay service (TRS). On a typical TRS call, a hearing or speech impaired person uses a teletype telephone to send a message to a relay operator, who in turn reads the message to the person receiving the call. The relay operator then types any response so that it can be read on the text telephone of the hearing or speech impaired person. This process is repeated throughout the call.

The Commission is inviting applications for a certificate of convenience and necessity to provide telecommunications relay service in West Virginia and will award the certificate to the provider who can demonstrate the best qualifications to offer the service. A copy of the Rules Governing Certification and Operation of Telecommunication Relay Service, 150 C.R.S. Series 21, and certificate applications to provide TRS can be obtained from the Commission Executive Secretary.

Anyone wishing to provide relay service in West Virginia should file an application for a certificate of convenience and necessity by November 30, 2011, with Sandra Squire, Executive Secretary, Public Service Commission, P.O. Box 812, Charleston, West Virginia 25323.

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

Howell

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

Entered: April 30, 2012

FINAL
5/20/2012

GENERAL ORDER NO. 187.40

In the matter of inviting applications
for a certificate of convenience and
necessity to provide telecommunication
relay services in West Virginia.

RECOMMENDED DECISION

By this Recommended Decision, the undersigned awards a certificate of convenience and necessity to provide telecommunication relay service (TRS) to Sprint Communications Company, L.P.

BACKGROUND

In July 1990, the federal government enacted the Americans with Disabilities Act (ADA), requiring all common carriers offering voice transmission services to provide TRS to persons with hearing and speech impairments. The statute is designed to eliminate discrimination against individuals with speech or hearing disabilities by providing them with telephone services that are functionally equivalent to services provided to individuals without hearing or speech impairments. On a typical relay call, an individual with a speech or hearing impairment uses a teletype telephone to send a message to a relay operator, who, in turn, reads the message to the other party. The relay operator then types any response, so that it can be read on the text telephone of the individual with the hearing or speech impairment. The process repeats throughout the relay call.

The Federal Communications Commission (FCC) promulgated interstate TRS regulations, and state commissions may establish programs to implement intrastate TRS, provided that the state programs meet or exceed the FCC requirements, including adequate enforcement procedures and remedies. If a state declines to establish a TRS program, the state commission cedes its intrastate TRS jurisdiction to the FCC.

On March 25, 1991, the Commission opened an investigation to adopt a state program to provide TRS in accordance with the ADA. See, Case No. 91-175-T-GI. Thereafter, the Commission promulgated emergency rules for intrastate TRS and invited applications for a certificate of convenience and necessity (Certificate) to provide TRS in West Virginia. See, General Order No. 205-T (Issued February 24, 1992).

UTILITIES DIVISION MAY 22 2012 01:19 PM

On July 24, 1992, the Commission awarded AT&T an eighteen-month Certificate requiring it to have its TRS system operational within fourteen days and to locate a full-time outreach manager within the state. The Commission subsequently awarded AT&T a permanent Certificate.

On November 20, 1998, the Commission allowed AT&T to close its Martinsburg TRS center in exchange for agreeing to accept ten cents a month per access line, through March 31, 2001, and converted its authority again to a temporary Certificate. See, General Order No. 187.17. The Commission extended the temporary TRS Certificate until September 30, 2002, continuing the same prices, terms and conditions AT&T previously provided. See, AT&T, Case No. 00-1730-T-PC.

On May 4, 2006, Commission Staff petitioned the Commission to open a case to invite TRS Certificate applications. Staff advised that the AT&T TRS Certificate had no expiration date and AT&T had requested that the Commission terminate its TRS service in early 2007. See, General Order No. 187.31.

On November 27, 2006, the Commission granted Hamilton Telephone Company, dba Hamilton Telecommunications (Hamilton), a limited-term Certificate to provide TRS in West Virginia for eighteen months. Id. The initial eighteen-month Certificate term ended on July 31, 2008. The Commission extended the Certificate until January 31, 2009. See, Hamilton Telephone Company, Case No. 08-0704-T-PC (Commission Order May 29, 2008).

On November 25, 2008, Sprint Communications Company, L.P. (Sprint) petitioned the Commission to open a case to accept TRS certificate applications. See, Case No. 08-2024-T-GI.

On November 26, 2008, Hamilton requested an additional six month Certificate extension, stating that it continues to provide excellent relay service to West Virginia customers. Hamilton also requested a five percent rate increase for its CapTel service. See, Case No. 08-2026-T-PC.

On January 20, 2009, the Commission issued a request for proposals to provide TRS service. Id.

Also on January 20, 2009, the Commission extended the Hamilton TRS certificate for six months until July 31, 2009.

On July 16, 2009, the Commission granted Sprint a limited-term certificate to provide TRS in West Virginia and ordered the cut-over from Hamilton to Sprint to occur no later than September 30, 2009. The transfer of services from Hamilton to Sprint actually occurred on September 15, 2009. Since that time, Sprint has received two extensions of its certificate. When granting the second extension, the Commission stated that it may not be inclined to grant further extensions and anticipated requesting certificate applications in the near future. Sprint Communications Company, LP, Case No. 11-0897-T-PC (Order entered July 27, 2011) at 2. The Sprint certificate was extended to February 28, 2012.

PROCEDURE

On October 27, 2011, as revised on October 28, 2011, the Public Service Commission opened a general investigation to issue another request for proposals to provide TRS in West Virginia. Anyone wishing to provide TRS in West Virginia was directed to file an application for a certificate on or before November 30, 2011. Commission Staff was directed to investigate this matter and file a final report on or before December 30, 2011. The matter was referred to the Division of Administrative Law Judges for the processing of the TRS applications, with a recommended decision to be entered on or before January 30, 2012. The Commission directed that all TRS certificate applications received be processed under the instant case number, rather than assigning individual case numbers to the separate certificate applications. Finally, the Commission's Executive Secretary was directed to publish a specified notice one time each in the nineteen (19) newspapers which comprise statewide publication, which notice invited interested individuals to apply for a TRS certificate. Between November 4 and November 28, 2011, affidavits of publication were filed herein, verifying that the required notice was published in the newspapers specified by the Commission, with the publication dates being between November 1 and November 5, 2011. Publication was not made in one of the newspapers, in Mingo County, West Virginia, however, the undersigned considers the failure of that newspaper to publish to be harmless, considering the substantial service list for the Commission's Order.

On November 9, 2011, AT&T Services, Inc. (AT&T), submitted questions and requests for clarification to Commission Staff in reference to the Commission's request for proposals.

On November 14, 2011, AT&T submitted an updated list of questions and requests for clarification.

Also on November 14, 2011, Hamilton Telephone Company (Hamilton) submitted questions with respect to the request for proposals.

On November 17, 2011, AT&T submitted another question to Commission Staff in reference to the request for proposals.

Also on November 17, 2011, Staff Attorney Lisa Wansley filed the Initial Joint Staff Memorandum, attached to which were the Utilities Division responses to the AT&T and Hamilton questions and requests for clarifications.

On November 22, 2011, Staff Attorney Wansley filed the Further Joint Staff Memorandum, attached to which was the Utilities Division Second Response to AT&T's Questions, prepared by Mr. Howell.

On November 29 and November 30, 2011, AT&T, Hamilton and Sprint, respectively, filed their applications for certificates to provide TRS service. Additionally, all three companies

requested confidential and proprietary treatment for certain portions of their respective applications.

On December 2, 2011, Hamilton filed the verification for its motion for a protective order filed with its application on November 30, 2011.

On December 6, 2011, AT&T filed a Motion for Right to Resubmit Pricing Proposals, alleging that its application had been made public prior to the date of the closing deadline, in violation of Rule 2.1.1.e. of the TRS Rules, and requesting that interested parties be allowed to resubmit pricing proposals that would remain confidential until after the deadline for such proposals. AT&T further requested that the Commission require each applicant to submit one pricing proposal including community outreach and one proposal excluding community outreach, so that the Commission could conduct an appropriate comparison.

On December 8, 2011, Sprint filed a Concurrence with the AT&T motion. Sprint agreed that new pricing proposals should be submitted and kept confidential until after the closing deadline for such proposals. Regarding the comparison of proposals, Sprint argued that community outreach is essential and stated that the Commission should require one pricing proposal including outreach embedded in the per-minute price, and a second proposal with the outreach expenses reimbursed separately as a pass-through expense.

On December 9, 2011, Hamilton filed a response in opposition to AT&T's motion. Hamilton argued in its response and an attached affidavit that it did not use AT&T's application to prepare its pricing proposal. Hamilton also pointed out that Sprint did not indicate in its concurrence that it used AT&T's application to prepare its pricing proposals. Hamilton argued that, because neither it nor Sprint appeared to have used AT&T's pricing proposals, the AT&T motion should be denied.

By Commission Order entered on December 16, 2011, the Commission granted AT&T's motion, in part, and allowed all three Applicants to resubmit pricing proposals on or before January 5, 2012. Those pricing proposals will be considered to supplement or replace, as indicated by each respective Applicant, the pricing proposals previously filed in this case and will be considered in conjunction with the full applications on file as of November 30, 2011. Additionally, the Commission ordered that the pricing proposals filed between the date of its Order and the January 5, 2012 deadline be filed under seal and remain under seal until January 6, 2012, at 9:00 a.m. The Staff final report deadline was extended to February 1, 2012, and the Recommended Decision due date was extended from January 30, 2012, to March 1, 2012. Finally, the Commission extended the TRS Certificate currently held by Sprint until April 30, 2012.

On January 5, 2012, AT&T, Sprint and Hamilton all filed pricing proposals in accordance with the Commission's Order.

By Procedural Order issued on January 27, 2012, a procedural schedule was established for the processing and resolution of this case, which required Commission Staff to file its final