



**Public Service Commission of the District of Columbia**  
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**BETTY ANN KANE**  
CHAIRMAN

April 3, 2013

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

Re: Application for Renewal of Current TRS State Certification CG  
Docket No. 03-123, TRS 49-12

Dear Ms. Dortch:

In this filing, the Public Service Commission of the District of Columbia (DC PSC) respectfully submits the attached narrative statement to supplement its Application for Renewal of Current TRS State Certification.

Should you require further information, please do not hesitate to call me on (202) 626-5125. You may also reach me at [bakane@psc.dc.gov](mailto:bakane@psc.dc.gov).

Sincerely,

  
Betty Ann Kane

## Narrative Statement of the Public Service Commission of the District of Columbia

### INTRODUCTION

In this Narrative Statement, the Public Service Commission of the District of Columbia (DC PSC) supplements its narrative statement originally filed on October 1, 2012 with its Application for Renewal of Current State TRS Certification (“DC PSC Application”).<sup>1</sup> Pursuant to 47 C.F.R. § 64.606(c)(1),<sup>2</sup> to retain its certification for intrastate TRS, the DC PSC must meet three requirements: (1) it must establish that its intrastate TRS program meets or exceeds the operational, technical, and functional minimum standards set forth in 47 C.F.R. § 64.604;<sup>3</sup>(2) it must establish that its TRS program makes available adequate procedures and remedies for enforcing the requirements of the state program, including that it makes available to TRS users information materials on state and Federal Communications Commission (Commission) complaint procedures sufficient for users to know the proper procedures for filing complaints;<sup>4</sup> and (3) where a state TRS program exceeds the mandatory minimum requirements of 47 C.F.R. § 64.604, it must establish that its program in no way conflicts with federal law.<sup>5</sup> Pursuant to 47 C.F.R. § 64.606(a), the DC PSC is required to submit “all documentation 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.”<sup>6</sup> This narrative statement is intended to satisfy 47 C.F.R. § 64.606(a) and 47 C.F.R. § 64.606(b).

Currently, the DC PSC offers many types of TRS in its intrastate program. These include traditional teletypewriter (TTY)<sup>7</sup> TRS, hearing carry over (HCO),<sup>8</sup> Spanish TRS, Speech-to-Speech (STS),<sup>9</sup> and voice carry over (VCO).<sup>10</sup> The DC PSC also offers a specialized version of

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<sup>1</sup> *In the Matter of State TRS Certification for the District of Columbia*, CG Docket No. 03-123, Application for Renewal of Current State TRS Certification (DC PSC Application), filed October 1, 2012.

<sup>2</sup> 47 C.F.R. § 64.606(c)(1) (2011).

<sup>3</sup> 47 C.F.R. § 64.606(b)(1)(i) (2011).

<sup>4</sup> 47 C.F.R. § 64.606(b)(1)(ii) (2011).

<sup>5</sup> 47 C.F.R. § 64.606(b)(1)(iii) (2011).

<sup>6</sup> 47 C.F.R. § 64.606(a) (2011).

<sup>7</sup> A TTY is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. 47 C.F.R. § 64.601(22) (2011).

<sup>8</sup> HCO is a form of TRS where a person with a speech disability is able to listen to the other end user and, in reply, the communications assistant (CA) speaks the text as typed by the person with the speech disability. 47 C.F.R. § 64.601(9) (2011). A Communications Assistant is a person who transliterates or interprets conversation between two or more end users of TRS. 47 C.F.R. 64.601(8) (2011).

<sup>9</sup> STS Relay allows users with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words of that person. 47 C.F.R. § 64.601(19) (2011). AT&T, the DC PSC’s TRS provider, represents that its STS service does not require the use of special equipment. AT&T Consumer Education Brochure, Relay for All in the Nation’s Capital (Relay for All) 2012) at 7.

VCO, Captioned Telephone (CapTel).<sup>11</sup> The DC PSC offers intrastate TRS by selecting vendors to provide traditional TRS and CapTel service through two separate competitively-bid contracts. Currently, AT&T is the contractor for both TRS and CapTel, although AT&T subcontracts with Captioned Telephone, Inc. (CTI) for the provision of the captioned telephone service.

As a general matter, the DC PSC's regulations regarding TRS service (including CapTel service) require that the TRS provider selected by the DC PSC meet the requirements of 47 C.F.R. § 64.601 *et seq.* and any other Commission rules and regulations.<sup>12</sup> In its Responses to these RFPs, AT&T maintains that its offerings meet or exceed the Commission's requirements. In this narrative statement, the DC PSC addresses each of the regulatory requirements outlined in 47 C.F.R. 64.604 and 64.606, describing how its Requests for Proposals (RFP) and its vendor's RFP Responses for both traditional TRS and CapTel service, which are incorporated into the DC PSC's TRS and CapTel contracts, comply with the Commission's TRS regulations.<sup>13</sup>

#### **I. 47 C.F.R. § 64.606(b)(1)(i) – Compliance with the 47 C.F.R. § 64.604 Standards**

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<sup>10</sup> VCO is a form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO service is a VCO service that allows TRS users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users. 47 C.F.R. § 64.601(28).

<sup>11</sup> CapTel is a voice carry over (VCO) service that allows a user to speak to the other party as in a typical telephone conversation, but responses are captioned so that the user can read the responses on a special telephone. There are two types of CapTel: one-line and two-line. With one-line CapTel, the CapTel user calls the other party using the CapTel telephone. The telephone dials into the captioning service, which sets up a data connection between the CapTel user and the captioning service and then calls the other party on a second line at the CapTel center. The voice portion of the call is digitized and compressed, mixed with text from transcription and sent via data connection to the CapTel user. The CapTel user's compressed voice data is decoded into analog format at the captioning center and sent to the other party via the second line.

In two-line CapTel, the CapTel user calls the number of the other party, but two telephone lines from the customer's premises are used. One line connects to the other party directly. The second line connects to the captioning center. The voice of the hearing party is digitized and compressed and sent via data connection to the captioning center on Line 2. The voice is then transcribed into text and then sent to the CapTel telephone via the data connection on line 2.

The primary difference between one-line and two-line CapTel is that the CapTel user can still hear the other party's voice in two line CapTel, but cannot in one line CapTel. *See*, AT&T Response to Public Service Commission of the District of Columbia's RFP # PSC-11-10 Formal Case No. 988 for Captioned Telephone Relay Service, (CapTel RFP Response) at 133-134. At least one of the two lines must be an analog line. [http://relayservices.att.com/content/351/CapTel\\_Popular\\_Questions.html](http://relayservices.att.com/content/351/CapTel_Popular_Questions.html).

<sup>12</sup> 15 DCMR § § 2819.2, 2819.6 (2011).

<sup>13</sup> The RFPs and RFP Responses are incorporated into the TRS and CapTel contracts by reference. *See*, Supplement to Application for Renewal of Current TRS State Certification, CG Docket No. 03-123 (Supplement), filed February 1, 2013.

47 C.F.R. § 64.606(b)(1)(i) states that the Commission must determine that the state TRS program:

Meets or exceeds all operational, technical, and functional minimum standards contained in § 64.604.

The standards set forth in 47 C.F.R. § 64.604 require the DC PSC's TRS and CapTel programs to meet certain operational, technical, and functional requirements, each of which is discussed separately below.

#### **47 C.F.R. § 64.604(a) - Operational Standards**

The operational standards in 47 C.F.R. § 64.604(a) establish requirements for CAs, confidentiality and conversation content, types of calls handled, emergency call handling, STS called numbers, visual privacy screens/idle calls, and international calls. The DC PSC TRS program complies with each of the operational standards that are relevant to intrastate TRS programs.<sup>14</sup>

#### **47 C.F.R. § 64.604(a)(1) Communications assistant (CA) (i) TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.**

In its TRS and CapTel RFPs, the DC PSC requires bidders to submit information regarding their CA training programs.<sup>15</sup> In its TRS Response, AT&T provides an outline of its two day introductory training course for CAs, which focuses on an introduction to the deaf and hard of hearing communities and relay as well as methods of communication used by these communities, including training on how to process TRS calls.<sup>16</sup> In its CapTel RFP Response, AT&T indicates that its CapTel subcontractor, CTI, trains its CAs to ensure that all Commission standards that apply to CapTel are met by each CapTel CA. CTI provides initial training for its CAs. After initial training, CapTel CAs are required to successfully pass two consecutive rounds of testing with timed scripts before handling live calls. Trainees must also meet certain specified scores when evaluated on live-call processing. In addition to the initial training, CTI provides ongoing training. CAs are tested monthly in a test environment. Live calls are also monitored. Additional retraining is provided when necessary.<sup>17</sup> These training requirements ensure that CAs

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<sup>14</sup> Each Commission regulation is bolded.

<sup>15</sup> Request for Proposal to Provide Telecommunications Relay Service (TRS) in Washington, DC, RFP No. PSC-11-04 (TRS RFP), rel. May 20, 2011 at 18; RFP No. PSC-11-10, The Public Service Commission of the District of Columbia (Commission) Request for Proposals to Engage a Technical Consultant in Formal Case No. 988 to Provide Captioned Telephone Relay Service (CTRS) in the District of Columbia (CapTel RFP) at 19, rel. September 9, 2011.

<sup>16</sup> Building RELAYtionships: AT&T's Response to Washington DC's RFP PSC-11-04 for Telecommunications Relay Service (TRS) (AT&T TRS Response) at 56, submitted June 15, 2011.

<sup>17</sup> CapTel Response at 170.

are trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.

**47 C.F.R. § 64.604(a)(1)(ii) CAs must have competent skills in typing, spelling, grammar, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.**

The TRS RFP requires bidders to submit information regarding CA competence in the following: typing, grammar, and spelling; interpretation of typewritten ASL; and familiarity with the hearing and speech disability community's culture, language, and etiquette as well as possession of clear and articulate voice communications. CAs must also be high school graduates or have passed a high school equivalency examination.<sup>18</sup>

In the CapTel RFP, the DC PSC requires CAs to have the requisite experience, expertise, skills, knowledge, and education and be adequately trained to accurately caption in a professional manner the words spoken by the hearing party without intervening in the communication between the parties.<sup>19</sup> CAs are also obligated to meet or exceed the current Commission standards for TRS minimum transcription speed.<sup>20</sup>

In its TRS Response, AT&T maintains that its pre-hiring process tests CA candidates for customer service orientation, basic general aptitude testing, and spelling skills, including knowledge of spelling rules and principles, and typing proficiency at 60 wpm. After hiring, AT&T requires completion of an initial ten day deaf culture training course, which includes topics of ASL "gloss" and grammar, deaf culture, and the special needs of hard of hearing, late-deafened, deaf-blind, and speech disabled users.<sup>21</sup>

AT&T indicates that its TRS CAs are given a verbal test that filters for clear and articulate speech. CAs are given training to ensure that they understand the need for crisp enunciation and appropriate word pacing. As part of the training, CAs tape their own voices to become more aware of speaking clearly.<sup>22</sup> Additionally, AT&T indicates that its CAs must be at least a high school graduate or equivalent, must demonstrate verbal ability during an interview and must pass a written grammar test. AT&T represents that other pre-employment tests include customer service orientation, basic general aptitude testing, and spelling skills, as well as a test for spelling, grammar, and logic equal to a high school graduate level.<sup>23</sup>

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<sup>18</sup> TRS RFP at 9, § 3.3.2.

<sup>19</sup> CapTel RFP at 19, § M.3.a.

<sup>20</sup> CapTel RFP at 20, § M.3.c.

<sup>21</sup> CapTel RFP Response at 71.

<sup>22</sup> TRS RFP Response at 55-57.

<sup>23</sup> TRS RFP Response at 58; CapTel RFP Response at 78.

In its Response to the CapTel RFP, AT&T indicates that CTI CapTel CAs are required to pass a series of skills assessments that demonstrate that they have the expertise and knowledge to adequately and accurately caption in a professional manner the words spoken by the hearing party within 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.<sup>24</sup>

Through the numerous proficiency tests and extensive training, both AT&T and CapTel CAs have competent skills in typing, spelling, grammar, interpretation of typewritten ASL and familiarity with hearing and speech disability culture, language, and etiquette. CAs are provided training and are tested on clear and articulate voice communications.

**47 C.F.R. § 64.604(a)(1)(iii) CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.**

The TRS RFP requires a minimum typing speed of 60 words per minute.<sup>25</sup> In the CapTel RFP, the DC PSC required CAs to meet or exceed the current Commission standards for TRS minimum transcription speed.<sup>26</sup> In its TRS RFP Response, AT&T provides a chart showing that its CAs all meet or exceed the 60 wpm minimum standard.<sup>27</sup> Additionally, in the CapTel RFP Response, AT&T asserts that CTI CAs also meet the 60 wpm standard.<sup>28</sup> The Responses indicate that AT&T and CapTel CAs meet the typing speed of 60 wpm requirement.

**47 C.F.R. § 64.604(a)(1)(iv) TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A “Qualified interpreter” is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.**

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. These services are, however, regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

**47 C.F.R. § 64.604(a)(1)(v) CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of ten minutes. CAs answering and placing an STS call must stay with the call for a minimum of fifteen minutes.**

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<sup>24</sup> CapTel Response at 170-171.

<sup>25</sup> TRS RFP at 9, § 3.3.2.c.

<sup>26</sup> CapTel RFP at 20, § M.3.c.

<sup>27</sup> TRS RFP Response at 57; CapTel RFP Response at 78.

<sup>28</sup> CapTel Response at 172.

While the DC PSC does not have a specific requirement regarding this regulation in its TRS RFP, the DC PSC notes that the RFP has general provisions regarding compliance with all of the requirements of 47 C.F.R. § 64.601 *et seq.*<sup>29</sup> The CapTel RFP requires that CAs remain on a call for at least ten minutes.<sup>30</sup>

In its TRS RFP Response, AT&T indicates that CAs will handle a traditional relay call for at least ten minutes and a STS call for at least 15 minutes.<sup>31</sup> In the CapTel RFP Response, AT&T indicates that CTI CAs stay with a call for a minimum of ten minutes.<sup>32</sup> The Responses show that TTY and CapTel CAs are trained to stay on a call for at least ten minutes, while STS CAs are trained to stay on the call for at least 15 minutes.

**47 C.F.R. § 64.604(a)(1)(vi) TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.**

The TRS RFP requires bidders to have their CAs identify themselves and their gender and identification number at the beginning of the call and at the time of call transfer.<sup>33</sup> In its TRS RFP Response, AT&T indicates that AT&T makes every effort to accommodate a request for a CA of a specific gender when the call is initiated or transferred.<sup>34</sup> On AT&T's Relay website (AT&T website), AT&T represents that a VCO or HCO caller will be connected to a CA of a particular gender if one is available.<sup>35</sup> Thus, AT&T complies with the requirement that the TRS provider make best efforts to accommodate a TRS user's requested CA gender.

Neither the CapTel RFP nor the CapTel Response contains specific language concerning the identification of the gender of the CA. However, the CapTel RFP requires compliance with all provisions of 47 C.F.R. § 64.604<sup>36</sup> and AT&T contends that CTI complies with all provisions of 47 C.F.R. § 64.604.<sup>37</sup>

**47 C.F.R. § 64.604(a)(1)(vii) TRS shall transmit conversations between TTY and voice callers in real time.**

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<sup>29</sup> TRS RFP at 5, § 3.1.1.

<sup>30</sup> CapTel RFP at 20.

<sup>31</sup> TRS RFP Response at 67.

<sup>32</sup> CapTel RFP Response at 172.

<sup>33</sup> TRS RFP at 9, 10, § 3.3.4(a) and (j).

<sup>34</sup> TRS RFP Response at 63, 67.

<sup>35</sup> [http://relayservices.att.com/content/68/TTY\\_Tips.html](http://relayservices.att.com/content/68/TTY_Tips.html)

<sup>36</sup> CapTel RFP at 19, § M.1.

<sup>37</sup> CapTel RFP Response at 137.

The TRS RFP requires the transmission of relay calls in real time.<sup>38</sup> AT&T indicates that its TRS calls are conducted in real time.<sup>39</sup> Although the CapTel RFP does not contain specific language regarding this requirement, the CapTel RFP requires compliance with all provisions of 47 C.F.R. § 64.604.<sup>40</sup> AT&T describes the CapTel service as allowing transcription of calls in real time in its CapTel Response.<sup>41</sup> These Responses indicate that AT&T understands and accepts the obligation to transmit conversations between TTY and voice callers in real time.

**47 C.F.R. § 64.604(a)(2) Confidentiality and conversation content. (i) Except as authorized by Section 705 of the Communications Act, 47 USC § 605, CAs are prohibited from disclosing the content of any conversation beyond the duration of the call, even if to do would be inconsistent with state or local law. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information for only so long as it takes to complete the subsequent calls.**

In the TRS RFP, the DC PSC mandates that bidders ensure that all conversations remain confidential. With the limited exception for STS calls, the DC PSC requires that no records can be retained of the conversation. For STS calls, records can be retained at the request of the user.<sup>42</sup> The CapTel RFP requires bidders to ensure that their CAs keep the contents of all conversations confidential and not retain any records of the conversations. The DC PSC requires bidders to supply a copy of their CA confidentiality agreements.<sup>43</sup>

In its TRS Response, AT&T stresses its commitment to protecting customer confidentiality. AT&T indicates that it retrains its CAs annually on customer confidentiality issues. CAs sign a pledge of confidentiality. AT&T indicates that it does not maintain scripts or copies of any conversation. Billing information about the call is sent to an offsite billing facility and cannot be accessed by the CA. The only times a call can be discussed are when there are complaints about the call or when the CA is having difficulty with the call. Even during a discussion with a supervisor, however, the discussion cannot reference names, genders, ages, or numbers of the parties involved.<sup>44</sup> AT&T's TRS brochure also stresses that all relay calls are kept strictly confidential by law.<sup>45</sup>

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<sup>38</sup> TRS RFP at 6, § 3.1.6(b).

<sup>39</sup> TRS RFP Response at 10.

<sup>40</sup> CapTel RFP at 19, § M.1.

<sup>41</sup> CapTel Response at 132.

<sup>42</sup> TRS RFP at 8, § 3.2.11

<sup>43</sup> CapTel RFP at 20, § M.3.b.

<sup>44</sup> TRS RFP Response at 45.

<sup>45</sup> Relay for All at 6.

For STS callers, AT&T does retain some information, if the callers so request.<sup>46</sup> However, after the calls in which the retained information is used are completed, the information is shredded.<sup>47</sup>

In the CapTel Response, AT&T asserts that CTI CAs comply with the FCC confidentiality requirements. CAs must sign a confidentiality agreement before taking calls. Information received during a call is not to be shared except to a CTI manager upon request to clarify technical, policy, emergency, venting, consumer, or customer service issues.<sup>48</sup> On its website, AT&T represents that calls placed through AT&T CapTel are private and protected by law.<sup>49</sup>

Through these Responses, AT&T and CTI comply with the requirement to keep the content of all conversations confidential. AT&T indicates that it only retains information for STS users at their request, and destroys that information when the calls for which the information is retained are completed, complying with this requirement.

**47 C.F.R. § 64.604(a)(2)(ii) CAs are prohibited from intentionally altering a relayed conversation, and to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.**

The TRS RFP requires CAs to communicate “exactly what is said when the call is answered and during the conversation, unless either party specifically requests otherwise.”<sup>50</sup> AT&T indicates that its CAs are trained to reply to all calls verbatim, inclusive of all initial call

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<sup>46</sup> AT&T’s TRS website advises STS users that they can request the CA to record important information mentioned throughout the conversation, so that it can be referred to later in the call. [http://relayservices.att.com/content/68/TTY\\_Tips.html](http://relayservices.att.com/content/68/TTY_Tips.html).

<sup>47</sup> TRS RFP Response at 45.

<sup>48</sup> CapTel RFP Response at 171.

<sup>49</sup> [http://relayservices.att.com/content/351/CapTel\\_Popular\\_Questions.html](http://relayservices.att.com/content/351/CapTel_Popular_Questions.html).

<sup>50</sup> TRS RFP at 9, § 3.3.4.f

answering phrases and greeting, background noises, conversation between the callers, etc.<sup>51</sup> If a TRS user prefers ASL translation, that CA will translate to grammatically correct English.<sup>52</sup>

For STS calls, AT&T indicates that the caller may ask the CA to stay in the background until the STS caller needs the CA to re-voice what the other party did not understand.<sup>53</sup>

While the CapTel RFP does not specifically address this requirement, it requires that bidders comply with all requirements of 47 C.F.R. § 64.604.<sup>54</sup> In the CapTel RFP Response, AT&T indicates the CTI CAs are prohibited from intentionally altering a relayed conversation.<sup>55</sup>

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. These services are, however, regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

AT&T's Responses indicate that AT&T and CapTel CAs relay a conversation verbatim. AT&T indicates that it permits STS users to control their conversation, controlling when the CA is used to facilitate the conversation. These practices comply with this requirement.

**47 C.F.R. § 64.604(a)(3) Types of calls. (i) Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services.**

While the TRS RFP does not address this requirement directly, the TRS RFP requires that the bidder comply with all Commission TRS regulations, including C.F.R. § 64.601 *et seq.*<sup>56</sup> The CapTel RFP requires the bidder to impose no restrictions on the length or number of calls placed<sup>57</sup> and prohibits CAs from limiting the length of relay calls or the number of calls.<sup>58</sup>

In its TRS RFP Response, AT&T asserts that its CAs do not limit the number of calls or length of calls made. CAs can neither refuse single or sequential calls nor limit call length.<sup>59</sup>

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<sup>51</sup> TRS RFP Response at 65-66; Relay for All at 6. AT&T represents in its brochure that CAs will indicate voice intonation as well. Relay for All at 6.

<sup>52</sup> TRS RFP Response at 65-66.

<sup>53</sup> [http://relayservices.att.com/content/68/TTY\\_Tips.html](http://relayservices.att.com/content/68/TTY_Tips.html).

<sup>54</sup> CapTel RFP at 16, § M.1.

<sup>55</sup> CapTel RFP Response at 171.

<sup>56</sup> TRS RFP at 5, § 3.1.1.

<sup>57</sup> CapTel RFP at 18, M.2.i.

<sup>58</sup> CapTel RFP at 20, § M.3.d.

<sup>59</sup> TRS RFP Response at 68.

AT&T contends in its CapTel RFP Response that CTI CAs cannot limit the length or number of calls.<sup>60</sup>

These Responses demonstrate that AT&T and CapTel CAs operate under a program that does not limit the number or length of TRS and CapTel calls, fulfilling this requirement.

**47 C.F.R. § 64.604(a)(3)(ii) Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.**

While the TRS RFP does not address this requirement directly, both RFPs require compliance with 47 C.F.R. § 64.604 as a minimum standard.<sup>61</sup> AT&T's TRS Response asserts that it provides TRS service that is functionally equivalent to what a voice user experiences.<sup>62</sup> The TRS Response discusses AT&T procedures for handling wireless,<sup>63</sup> directory assistance,<sup>64</sup> toll, interLata, and interstate calls.<sup>65</sup>

The CapTel RFP requires CapTel service to provide the same types of calls as are commonly supported by TRS.<sup>66</sup> AT&T indicates that CapTel is able to place all call types commonly supported by TRS.<sup>67</sup>

These Responses show that AT&T and CTI are able to handle any type of call normally supported by telecommunications carriers.

**47 C.F.R. § 64.604(a)(3)(iii) Relay service providers are permitted to decline a call because credit authorization is denied.**

Although this specific requirement is in neither the TRS RFP nor the CapTel RFP, both RFPs require that the bidder comply with or exceed the FCC guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.<sup>68</sup> In both of its proposals, AT&T asserts that it meets

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<sup>60</sup> CapTel RFP Response at 157, 172.

<sup>61</sup> TRS RFP at 5, § 3.1.1; CapTel RFP at 16, § M.1.

<sup>62</sup> TRS RFP Response at 73.

<sup>63</sup> TRS RFP Response at 39.

<sup>64</sup> TRS RFP Response at 46.

<sup>65</sup> TRS RFP Response at 73.

<sup>66</sup> CapTel RFP at 17, § M.2.e.

<sup>67</sup> CapTel Response at 155.

<sup>68</sup> TRS RFP at 5, § 3.1.1. CapTel RFP at 16, § M.1.

or exceeds all of the FCC's TRS requirements in 47 C.F.R. § 64.601 through 64.604 but does not address this requirement specifically.<sup>69</sup>

**47 C.F.R. § 64.604(a)(3)(iv) Relay service providers shall be capable of handling pay-per-call calls.**

In the TRS RFP, the DC PSC obligates bidders to handle pay-per-call calls.<sup>70</sup> The DC PSC also requires bidders to permit the use of calling cards, credit cards, third party billing; the ability to make collect calls; and the ability to make calls to and from hotel rooms.<sup>71</sup> Although this specific requirement is not addressed in the CapTel RFP, the CapTel RFP requires that the bidder comply with or exceed the FCC guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.<sup>72</sup>

In its TRS RFP, AT&T indicates that it is able to process pay-per-call calls as requested by customers. AT&T maintains that it processes these types of calls through its traditional TRS number, instead of requiring customers to dial a special access number for pay-per-call service.<sup>73</sup> On its website, while AT&T indicates that its TRS can place pay-per-call calls, AT&T is not responsible for the charges incurred by calling 900 or 976 numbers. Because some of these numbers involve long lengthy messages and offer numerous voice prompts, AT&T indicates that the CA may need to use a Play Back Recording (PBR) device to capture the message and type its contents to the TRS user. Additionally, the CA may need to call the 900 number more than once to capture the information. AT&T contends that the user is responsible for the costs of all of these calls.<sup>74</sup>

Additionally, AT&T indicates that its provides access to collect, third number billing, calling card, commercial credit card, prepaid calling card, atom-collect, and person-to-person calls in its TRS Proposal.<sup>75</sup>

In its CapTel Proposal, AT&T represents that CapTel users will be able to place all calls supported by traditional TRS, including pay-per-call, calling card calls, commercial credit card calls, collect calls, carrier of choice calls, person to person calls, and third number calls.<sup>76</sup>

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<sup>69</sup> TRS Proposal at 5; CapTel Proposal at 4, 12.

<sup>70</sup> TRS RFP at 7, § 3.2.4.

<sup>71</sup> TRS RFP at 10, § 3.4.3.

<sup>72</sup> TRS RFP at 5, § 3.1.1. CapTel RFP at 16, § M.1.

<sup>73</sup> TRS Proposal at 34.

<sup>74</sup> [http://relayservices.att.com/content/96/Pay-Per\\_Call.html](http://relayservices.att.com/content/96/Pay-Per_Call.html).

<sup>75</sup> TRS Proposal at 16.

<sup>76</sup> CapTel RFP Response at 155, 162.

Through the Responses and the pay-per-call information regarding TRS on AT&T's website, AT&T demonstrates that its TRS and CapTel can handle pay-per-call calls.

**47 C.F.R. § 64.604(a)(3)(v) TRS providers are required to provide the following types of TRS calls: (1) text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO.**

The TRS RFP requires the provision of all three types of TRS included in this section.<sup>77</sup> The TRS RFP contains specific requirements for the offering of VCO and HCO services.<sup>78</sup> The CapTel RFP is specifically for the provision of a particular type of VCO service.<sup>79</sup>

In its TRS proposal, AT&T indicates that it offers traditional relay service (text-to-voice, voice-to-text), VCO, and HCO, as well as TTY to TTY, STS/VCO, two-line VCO, and two-line HCO.<sup>80</sup> On its website, AT&T maintains that it offers voice-to-TTY, TTY-to-TTY, and telebraille calling.<sup>81</sup> In describing its VCO services, AT&T asserts that it offers basic VCO, two-line VCO, VCO-to-VCO, VCO-to-TTY, and Privacy VCO, which allows the user to talk to the hearing person without the CA hearing the conversation.<sup>82</sup> AT&T asserts that its HCO offerings include basic HCO, HCO-to-HCO, HCO-to-TTY, and Privacy HCO, which allows the user to hear the person called without the CA hearing the conversation.<sup>83</sup>

For VCO, AT&T represents that it offers both acoustic and direct connect modes. AT&T indicates that its VCO feature allows VCO users to choose whether either use the TTY to enter the number to be called or to directly speak the number to the CA. AT&T avers that its platform automatically establishes the carry-over bridge for customers that are profiled as VCO or HCO customers, regardless of whether they call 711 or one of the VCO-designated or HCO-designated numbers. The CapTel service is a particular form of VCO. Through CTI, AT&T provides one-line and two-line VCO.<sup>84</sup>

For HCO customers, AT&T maintains that it provides and supports acoustic and direct connect modes of HCO. When profiled HCO users call 711 or the designated toll-free 8YY numbers, AT&T will set up the HCO capability when the customer initiates or receives a call.

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<sup>77</sup> TRS RFP at 3, § 1.

<sup>78</sup> TRS RFP at 8, § 3.2.9.

<sup>79</sup> CapTel RFP at 1, § B.

<sup>80</sup> TRS Response at 51.

<sup>81</sup> [http://relayservices.att.com/content/97/Other\\_TTY-Services.html](http://relayservices.att.com/content/97/Other_TTY-Services.html).

<sup>82</sup> [http://relayservices.att.com/content/91/Voice\\_Carry\\_Over.html](http://relayservices.att.com/content/91/Voice_Carry_Over.html).

<sup>83</sup> [http://relayservices.att.com/content/93/Hearing\\_Carry\\_Over.html](http://relayservices.att.com/content/93/Hearing_Carry_Over.html).

<sup>84</sup> CapTel Response at 131.

AT&T CAs can also set up a HCO Privacy feature that prevents the CA from hearing portions of the call upon request.<sup>85</sup>

The Responses and website information show that AT&T is offering all of the required forms of TRS as well as some additional forms and features. AT&T also offers CapTel, a specialized type of VCO.

**47 C.F.R. § 64.604(a)(3)(vi) TRS providers are required to provide the following features: (1) call release functionality;<sup>86</sup> (2) speed dialing functionality;<sup>87</sup> and (3) three-way calling functionality.<sup>88</sup>**

The TRS RFP requires the provision of call release<sup>89</sup> and speed dialing services.<sup>90</sup> The CapTel RFP requires the bidder to offer three-way calling, speed dialing, and call interrupt.<sup>91</sup>

AT&T represents that it complies with all requirements in 47 C.F.R. § 64.601 *et seq.* in its provision of traditional TRS and CapTel. More specifically, AT&T represents that it provides call release<sup>92</sup> and speed dialing in its TRS Response.<sup>93</sup> In the CapTel Response, AT&T maintains that three-way calling, speed dial, and call interrupt are available to CapTel customers.<sup>94</sup> Additionally, call waiting is available for two line CapTel users.<sup>95</sup> AT&T specifically identifies many of the features in this requirement as services that it offers.

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<sup>85</sup> TRS Response at 40.

<sup>86</sup> Call release is a TRS feature that allows the CA to sign off or be “released” from the telephone line after the CA has set up the telephone call between the originating TTY caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the TTY user can only be reached through a voice-only interface, such a switchboard. 47 C.F.R. § 64.601(6).

<sup>87</sup> Speed dialing is a TRS feature that allows a TRS user to place a call using a stored number stored by a TRS facility. In the context of TRS, speed dialing allows a TRS user to give a CA a short hand name or number for the user’s most frequently called telephone numbers. 47 C.F.R. § 64.601(20).

<sup>88</sup> Three-way calling is a TRS feature that allows more than two parties to be on the telephone line at the same time as the CA. 47 C.F.R. § 64.601(23).

<sup>89</sup> TRS RFP at 8, § 3.2.17.

<sup>90</sup> TRS RFP at 8, § 3.2.18.

<sup>91</sup> CapTel RFP at 18, § M.2.1.

<sup>92</sup> TRS Response at 50.

<sup>93</sup> TRS Response at 51.

<sup>94</sup> CapTel Response at 158-159.

<sup>95</sup> CapTel Response at 159.

**47 C.F.R. § 64.604(a)(3)(vii) Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional charges, which must be made by the relay user in order to complete calls involving recorded or interactive messages.**

The TRS RFP requires bidders to react to voice mail and interactive menus by obligating CAs to alert the TRS user of the voicemail or interactive menu by using a hot key on their terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers must electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls that must be made by the relay user in order to complete calls involving recorded or interactive messages.<sup>96</sup> While not containing any specific requirements, the CapTel RFP requires that the bidder comply with or exceed the FCC guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.<sup>97</sup>

In its TRS Response, AT&T maintains that when an answering machine is reached, the CA will inform the TTY user of the presence of the answering machine using macro keys on the CA's keyboard. The CA will relay the complete message and the CA will ask the TTY customer if he or she wishes to leave a message. If the caller wishes to leave a message, then the CA redials and transmits the message from the caller. The caller will be billed only for the one call in which the message is left if charges apply.<sup>98</sup> Alternatively, AT&T recommends that TRS callers prepare and provide a message to be left on an answering machine before calling the number, especially if the caller expects to reach an answering machine.<sup>99</sup>

According to AT&T, CapTel users can also navigate voice mail, answering machines, and interactive menus. CapTel CAs will transcribe what is heard continuously, but CapTel users can press buttons to make selections from automated menus at any time during the call. With automated systems that have short response times, the CapTel user may have to hang up and try the call again.<sup>100</sup>

To leave a message with voice mail or an answering machine, the CapTel caller can begin leaving a message as soon as the message ends or the word "beep" appears on the screen.

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<sup>96</sup> TRS RFP at 7, § 3.2.4.

<sup>97</sup> CapTel RFP at 16, § M.1.

<sup>98</sup> TRS Response at 33, 72.

<sup>99</sup> [http://relayservices.att.com/content/68/TTY\\_Tips.html](http://relayservices.att.com/content/68/TTY_Tips.html).

<sup>100</sup> CapTel Response at 159-160.

If the answering machine or voice mail is capable of sending a confirmation message, then the message will appear on the CapTel screen.<sup>101</sup>

Both of these Responses demonstrate that AT&T and CTI CAs are capable of handling automated menus. Additionally, AT&T and CTI CAs can assist users with leaving messages on voice mail or answering machines.

**47 C.F.R. § 64.604(a)(3)(viii) TRS providers shall provide, as TRS features, answering machine and voice mail retrieval.**

The TRS RFP requires bidders to be able to retrieve messages from answering machines and voice mail.<sup>102</sup> While not specifically addressing this requirement, the CapTel RFP requires that the bidder comply with or exceed the FCC guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.<sup>103</sup>

In its TRS Response, AT&T indicates that it has processes in place for voice mail and answering machine message retrieval. When calling a TRS user's voice mail or answering machine, CAs are able to use the Play Back Device (PBD) to capture recorded messages so that they do not need to redial to obtain the entire message. Any information captured on the PBD is erased when the customer disconnects.<sup>104</sup>

AT&T has another process for retrieving material from an answering machine when the TTY user calls from the line connected to the answering machine. If the answering machine and the TTY are in the same room, the CA can retrieve the messages while the customer is also on the line. If the answering machine and the TTY are in different rooms, the CA will ask the customer to disconnect, call the answering machine, retrieve the messages, and then call the customer back to transmit the messages.<sup>105</sup>

CapTel users can receive captions of voice messages that are left on an answering machine.<sup>106</sup> To access these messages, the CapTel can call in as a remote caller and follow the voice mail or answering machine prompts. The CapTel user can use the number buttons at any time. AT&T avers that CapTel users can also receive captions of messages left on answering machines in real time when the answering machine is close to the CapTel telephone.<sup>107</sup>

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<sup>101</sup> CapTel Response at 160.

<sup>102</sup> TRS RFP at 8, § 3.2.16.

<sup>103</sup> CapTel RFP at 16, § M.1.

<sup>104</sup> TRS Response at 33.

<sup>105</sup> TRS Proposal at 33.

<sup>106</sup> CapTel Response at 160.

<sup>107</sup> CapTel Response at 160.

AT&T and CTI have processes in place to retrieve messages on users' answering machines or voice mail.

**47 C.F.R. § 64.604(a)(4) Emergency call handling requirements for TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had called 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to their caller in an expeditious manner.**

The TRS RFP requires the TRS provider to assist callers who call the TRS provider in emergencies. CAs must follow established procedures when interacting with the PSAP.<sup>108</sup> In its TRS Response, AT&T outlines its detailed procedures for handling E911 TRS calls. When a caller requests access to E911, the CA finds the Automatic Number Identification (ANI) from a database and then routes the call to the appropriate PSAP. The PSAP receives the caller's ANI, not the relay center's. The CA contacts the PSAP and identifies the call as a relay call, and states whether it involves a TTY or voice. The CA is prohibited from transferring the call to another CA. A supervisor is also usually involved in an E911 call until the PSAP disconnects. CAs are trained to provide any information that the PSAP requests. They are also trained to contact a PSAP and provide the ANI and any other information to the PSAP if the caller disconnects from the relay service prior to connecting to the PSAP.<sup>109</sup>

The CapTel RFP requires bidders to provide 911/E911 access to all users. Bidders must establish and maintain appropriate contacts and connectivity with the District of Columbia PSAPs.<sup>110</sup> CAs must transfer a 911 call to the PSAP. If a caller disconnects before the CA can connect with the PSAP, the CA must provide the caller's telephone number to the PSAP.<sup>111</sup>

AT&T indicates that it has two options for CapTel users to access 911 services, depending if they use one-line or two-line CapTel. When a two-line CapTel user calls 911, one line is routed directly to the appropriate 911 center, while the second is routed to the CapTel CA. The CapTel user can then both hear and receive captions on the conversation with the PSAP emergency response staff.

For one line CapTel, the calls go straight to the appropriate 911 center. They are not captioned by CTI. The PSAP emergency response staff will treat the call as a VCO call and type responses to the CapTel user. These responses will appear on the CapTel screen. The PSAP emergency response staff will hear the CapTel user, but the CapTel user will not hear the PSAP

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<sup>108</sup> TRS RFP at 7, § 3.2.5.

<sup>109</sup> TRS Response at 35-38.

<sup>110</sup> CapTel RFP at 18, § M.2.j.

<sup>111</sup> CapTel RFP at 20, § M.3.f.

emergency response staff since responses will be typed. The E911 center will have access to ANI.<sup>112</sup>

Both AT&T and CTI have detailed E911-specific procedures to ensure that TRS and CapTel users are transferred quickly to the appropriate PSAP to facilitate rapid response. These procedures comply with the TRS E911 requirements.

**47 C.F.R. § 64.604(a)(5) STS called numbers. Relay providers must offer STS users the option to retain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.**

In the TRS RFP, the DC PSC directed bidders to explain how they would permit STS CAs to retain certain call-related information at the request of the STS user.<sup>113</sup> In its RFP Response, AT&T indicates that upon request, a STS CA will retain numbers for use on subsequent calls. When the calls are completed, the information is shredded to protect customer confidentiality.<sup>114</sup>

AT&T also represents that all TRS users, including STS users, may choose to set up a Relay Choice Profile, which allows STS users to customize and store calling preferences. CAs are able to access the Relay Choice Profile to set up the call more quickly. STS users may set up their Relay Choice Profile by contacting customer service or by accessing AT&T's TRS website.<sup>115</sup> AT&T complies with this requirement by storing call information for STS users both on a short term and a long term basis.

**47 C.F.R. § 64.604(a)(6) Visual privacy screens/idle calls. A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must disconnect a VRS call if the caller or called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 9-1-1 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. Prior to disconnecting the call, the CA must announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.**

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. These services are, however,

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<sup>112</sup> CapTel Response at 157-158.

<sup>113</sup> TRS RFP at 8, § 3.2.11.

<sup>114</sup> TRS Response at 45.

<sup>115</sup> Relay for All at 9.

regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

**47 C.F.R. § 64.604(a)(7) International calls. VRS calls that originate from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who is pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States.**

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. . These services are, however, regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

**47 C.F.R. § 64.604(b) - Technical standards.**

The technical standards in 47 C.F.R. § 64.604(b) address: the technical standards required of the TRS network; measurements to assess the performance of the network, including speed of answer; caller access to interexchange carriers; TRS facilities; technology; and Caller ID. The DC PSC TRS program complies with these standards as demonstrated in the following material.

**47 C.F.R. § 64.604(b)(1) ASCII and Baudot. TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use.**

The TRS RFP requires the bidders to be capable of communications with ASCII and Baudot formats, at any speed in general use.<sup>116</sup> While not containing this specific requirement, the CapTel RFP requires that the bidder comply with or exceed the FCC guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.<sup>117</sup>

AT&T represents that its TRS system is compatible with commonly used relay equipments at speeds generally used. AT&T supports TTY, voice, and computer users via the following protocols: voice (including STS); public switched network TTY, Baudot TTY, TurboCode®; ASCII Computer; and ASCII. AT&T avers that its equipment automatically matches the protocol and speed of the customer's equipment. No manual intervention is required.<sup>118</sup> AT&T avers that CapTel service complies with the requirements of 47 C.F.R. § 64.601 *et seq*<sup>119</sup> Therefore, these programs comply with this requirement.

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<sup>116</sup> TRS RFP at 7, § 3.2.1.

<sup>117</sup> CapTel RFP at 16, § M.1.

<sup>118</sup> TRS Response at 30.

<sup>119</sup> CapTel RFP Response at 137.

**47 C.F.R. § 64.604(b)(2) Speed of answer. (i) TRS providers shall ensure adequate TRS facility staffing to provide carriers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.**

While not containing this specific requirement, the TRS RFP requires that the bidder comply with all FCC TRS regulations, including C.F.R. § 64.601 *et seq.*<sup>120</sup> The CapTel RFP requires bidders to provide sufficient staffing so that abandoned or lost calls do not exceed two percent of the total call volume. This standard applies separately to calls in queue for party-to-party calls and for calls to a supervisor.<sup>121</sup>

In its TRS Response, AT&T contends that it has over 350 CA positions, including those for training and monitoring. AT&T counts these positions as part of its infrastructure that leads to low average speed of answer numbers.<sup>122</sup> AT&T also avers that its call centers are networked together with a central call routing system that monitors call answer conditions in each call center.<sup>123</sup> After calls are completed, a call detail record with more than 130 fields is sent to a central database computer that compiles records from all of the call centers. Call center managers can use these reports to adjust staffing, if necessary.<sup>124</sup>

AT&T asserts that CapTel staffing is adequate to the call volume.<sup>125</sup> AT&T contends that calls are answered differently when dialed in to CapTel; CapTel call setup and dialing to the called party are completely automated.<sup>126</sup> When a CapTel Voice-in call arrives at the CapTel switch, it is immediately routed so that a recording is played to the hearing caller asking the hearing caller to input the telephone number to be called. When the number is input, the number and the call are forwarded to the CA queue. The speed of answer for CapTel is measured from the time that the user finishes dialing the number until the call is delivered to the CA.<sup>127</sup> AT&T asserts that this process is functionally equivalent to speed of answer for TRS and shows that staffing is adequate for call volume.<sup>128</sup>

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<sup>120</sup> TRS RFP at 5, § 3.1.1.

<sup>121</sup> CapTel RFP at 19, § M.2.r.

<sup>122</sup> TRS Response at 27.

<sup>123</sup> TRS Response at 29.

<sup>124</sup> TRS Response at 26.

<sup>125</sup> CapTel Response at 167.

<sup>126</sup> CapTel Response at 167.

<sup>127</sup> CapTel Response at 166.

<sup>128</sup> CapTel Response at 167.

Both Responses demonstrate that AT&T and CTI are obligated to provide sufficient staffing so that calls are answered without long waits and that they have systems in place to meet this obligation to ensure that this requirement is met.

**47 C.F.R. § 64.604(b)(2)(ii) TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being answered, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.**

The TRS RFP requires bidders to answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed with a CA, not put in a queue or on hold.<sup>129</sup> The CapTel RFP requires bidders to maintain a 9.9 second or less average speed of answer for 85% of its calls on a daily basis.<sup>130</sup>

In its RFP Response, AT&T commits to meeting and exceeding this standard. AT&T claims that its upfront automation system, which allows customers to speed through call setup, has reduced its average speed of answer (ASA). AT&T represents that its highest ASA in 2010 was 2.87 seconds, while its lowest was 0.05 seconds.<sup>131</sup>

For CapTel, AT&T commits to an ASA standard of 85% call completion within 9.9 seconds on a daily basis.<sup>132</sup> ASA for two-line CapTel and one-line CapTel are measured separately unless the calls are in the same queue for a CA.<sup>133</sup>

The DC PSC's District of Columbia Universal Service Trust Fund Administrator (DC USTF Administrator) receives monthly reports that include ASA results for both TRS and CapTel. ASA is measured on a daily basis. The DC USTF Administrator reviews these reports for compliance with the Commission's speed of answer standards.

AT&T's low ASA shows that it meets the speed of answer requirement for TRS. Additionally, AT&T commits to meeting this standard for CapTel calls. Thus, the TRS and CapTel programs meet the ASA standards.

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<sup>129</sup> TRS RFP at 7, § 3.2.2.

<sup>130</sup> CapTel RFP at 19, § M.3.r.

<sup>131</sup> TRS Response at 30.

<sup>132</sup> CapTel Response at 166.

<sup>133</sup> CapTel Response at 167.

**47 C.F.R. § 64.604(b)(2)(ii)(A) The call is considered completed when the TRS facility's equipment accepts the call from the local exchange carrier (LEC) and the public switched network actually delivers the call to the TRS facility.**

While the TRS and CapTel RFPs do not specifically address this requirement, they require that the bidder comply with all FCC TRS regulations, including C.F.R. § 64.601 *et seq.*<sup>134</sup> AT&T does not provide specific information regarding this requirement in its RFP Responses, but commits to complying with all of the requirements of 47 C.F.R. § 64.601 *et seq.*<sup>135</sup>

**47 C.F.R. § 64.604(b)(2)(ii)(B) Abandoned calls shall be included in the speed of answer calculation.**

While the TRS and CapTel RFPs do not specifically address this requirements, both RFPs mandate that the bidder comply with all FCC TRS regulations, including C.F.R. § 64.601 *et seq.*<sup>136</sup> AT&T contends in both RFPs that it meets or exceeds the requirements of 47 C.F.R. § 64.601 *et seq.*<sup>137</sup>

**47 C.F.R. § 64.604(b)(2)(ii)(C) A TRS provider's compliance with this rule shall be measured on a daily basis.**

While the TRS RFP does not specifically address this requirement, the TRS RFP requires that the bidder comply with all FCC TRS regulations, including C.F.R. § 64.601 *et seq.*<sup>138</sup> The TRS Response is silent on this requirement, although AT&T commits to compliance with all requirements in 47 C.F.R. § 34.601 *et seq.* The CapTel RFP indicates that the speed of answer measure should be measured on a daily basis.<sup>139</sup> For CapTel, AT&T commits to an ASA standard of 85% call completion within 9.9 seconds computed on a daily basis.<sup>140</sup> The DC USTF Administrator receives reports that show ASA measured on a daily basis for both TRS and CapTel.

**47 C.F.R. § 64.604(b)(2)(ii)(D) The system shall be designed to a P.01 standard.**

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<sup>134</sup> TRS RFP at 5, § 3.1.1; CapTel RFP at 16, § M.1.

<sup>135</sup> TRS Proposal at 5; CapTel Proposal at 4, 12.

<sup>136</sup> TRS RFP at 5, § 3.1.1; CapTel RFP at 16, § M.1.

<sup>137</sup> TRS Proposal at 5; CapTel Proposal at 4, 12.

<sup>138</sup> TRS RFP at 5, § 3.1.1.

<sup>139</sup> CapTel RFP at 19, § M.2.r.

<sup>140</sup> CapTel Response at 166.

Both the TRS and CapTel RFPs require compliance with customer P.01 TRS industry standards.<sup>141</sup> AT&T avers in the TRS Response that it maintains a service level agreement between AT&T Network Services and AT&T Relay Service for a P.01 standard. AT&T claims that it has never experienced network blockage between the AT&T Network and AT&T Relay Services.<sup>142</sup> In the CapTel Response, AT&T commits to compliance with the P.01 customary TRS standard for blockage. AT&T contends that CTI maintains call volumes and maintains adequate staffing and circuit capacity so that less than one in one hundred calls will be blocked or receive a busy signal, which is the P.01 standard.<sup>143</sup> Through these responses, AT&T shows that both TRS and CapTel comply with the P.01 requirement.

**47 C.F.R. § 64.604(b)(2)(ii)(E) A LEC shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS facility to relay administrators and TRS providers upon request.**

Neither the DC PSC nor AT&T has requested such information from local exchange carriers (LEC).

**47 C.F.R. § 64.604(b)(2)(iii) Speed of answer requirements for VRS providers are phased in as follows: by January 1, 2006, VRS providers must answer 80% of all calls within 180 seconds, measured on a monthly basis; by July 1, 2006, VRS providers must answer 80% of all calls within 150 seconds, measured on a monthly basis; and by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation.**

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. These services are, however, regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

**47 C.F.R. § 64.604(b)(3) Equal access to interexchange carriers. TRS users shall have access to their chosen interexchange carrier through the TRS, and all other operator services, to the same extent that such access is provided to voice users.**

In the TRS RFP, the DC PSC requires TRS providers to permit access to an end user's preferred carrier of choice and to all other operator services that are provided to voice users.<sup>144</sup> Additionally, TRS providers must provide billing to end users or their carriers for interstate or intrastate calls, if billing is not provided by others.<sup>145</sup> TRS providers must list long distance

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<sup>141</sup> TRS RFP at 7, § 3.2.3; CapTel RFP at 17, § M.2.c.

<sup>142</sup> TRS Response at 31.

<sup>143</sup> CapTel Response at 147.

<sup>144</sup> TRS RFP at 6, § 3.1.9.

<sup>145</sup> TRS RFP at 10, § 3.4.2.

charges on an end user's bill<sup>146</sup> and shall transmit billing record details to a billing agent (if applicable).<sup>147</sup>

In the CapTel RFP, the DC PSC requires bidders to permit customers to choose their interexchange and local exchange carriers.<sup>148</sup> Bidders also must demonstrate that they provide appropriate billing information to the appropriate billing entities. The CapTel provider is required to route long distance calls to the carrier of the end user's choice. If the originating caller does not have a preferred carrier of choice, the bidder is required to provide information regarding its routing practices.<sup>149</sup>

In its TRS Response, AT&T indicates that callers may choose to use their interexchange carrier of choice as long as that carrier is a participant in the industry's standard solution for carrier of choice calls. If a caller selects a carrier other than AT&T, the CA selects the choice from a menu and hits the call completion keys, enabling the call to be carried and billed by the caller's carrier of choice. The AT&T Relay platform automatically routes the call to a LEC access tandem, which forwards the call to the chosen carrier's network along with billing information over a special Feature Group D circuit. The chosen carrier's network completes the call and creates the billing record. When the call is connected to the called party, the end-user billing time starts and the CA begins to relay the conversation. If the caller has not designated a preferred carrier, AT&T is the default carrier.<sup>150</sup> For billing purposes, AT&T creates an Exchange Message Interface (EMI) record for each relay-assisted call and transmits that billing record to the appropriate billing contractor or LEC to ensure proper billing.<sup>151</sup>

In its CapTel Response, AT&T avers that callers may use their carrier of choice as well as alternative billing arrangements for long distance service. AT&T indicates that callers may choose to use their interexchange carrier of choice as long as that carrier is a participant in the industry's standard solution for carrier of choice calls, which is the same standard that AT&T uses for traditional TRS users. CapTel customers may designate a long distance carrier of choice by completing a paper copy of the CapTel Database Profile Request, by selecting a provider via the CapTel website, or by calling CapTel customer service. If a CapTel user does not select a provider, then AT&T is the default provider. If a voice user contacts a CapTel user and does not inform CapTel of his or her preferred interexchange carrier, then the long distance calls to the CapTel user will be billed on the phone call under that state's TRS long distance carrier at the state's long distance rate. CTI does not bill any long distance calls.<sup>152</sup>

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<sup>146</sup> TRS RFP at 11, § 3.4.6.

<sup>147</sup> TRS RFP at 11, § 3.4.7.

<sup>148</sup> CapTel RFP at 21, § M.5.

<sup>149</sup> CapTel RFP at 18, § M.2.o; M.5.

<sup>150</sup> TRS Response at 13-14, 73.

<sup>151</sup> TRS Response at 74, 77.

<sup>152</sup> CapTel Response at 163.

If a CapTel caller selects a carrier other than AT&T, the CA selects the choice from a menu and hits the call completion keys, enabling the call to be carried and billed by the caller's carrier of choice. The AT&T Relay platform automatically routes the call to a LEC access tandem, which forwards the call to the chosen carrier's network along with billing information over a special Feature Group D circuit. The chosen carrier's network completes the call and creates the billing record. When the call is connected to the called party, the end-user billing time starts and the CA begins to relay the conversation.<sup>153</sup> Billing information to the preferred carrier is routed during the outbound call setup process.<sup>154</sup>

These detailed procedures demonstrate that AT&T and CTI have developed specific procedures that permit users to identify their interexchange carrier of choice for billing purposes. These procedures satisfy the carrier of choice requirements.

**47 C.F.R. § 64.604(b)(4) TRS facilities. (i) TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not be provided every day, 24 hours a day, except VRS.**

Both RFPs require 24/7 access to relay centers every day during the year.<sup>155</sup> AT&T represents in its Responses, its brochure, and its website that both traditional TRS and CapTel service operate 24 hours a day every day of the year, satisfying this requirement.<sup>156</sup>

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. These services are, however, regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

**47 C.F.R. § 64.604(b)(4)(ii) TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.**

The TRS RFP requires that TRS providers shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.<sup>157</sup> The CapTel RFP requires bidders to have: adequate and immediate auxiliary

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<sup>153</sup> CapTel Response at 163.

<sup>154</sup> CapTel Response at 162.

<sup>155</sup> TRS RFP at 5, § 3.1.4; CapTel RFP at 16, § M.2.a.

<sup>156</sup> TRS Response at 7; CapTel Response at 138; Relay for All at 1; [http://relayservices.att.com/content/351/CapTel\\_Popular\\_Questions.html](http://relayservices.att.com/content/351/CapTel_Popular_Questions.html).

<sup>157</sup> TRS RFP at 6, § 3.1.6.a.

power in the case of commercial power failure; adequate and immediate redundancy for service affecting outages or disruptions; and an uninterruptible power supply.<sup>158</sup>

AT&T represents that its Relay Network has an Uninterruptible Power Supply (UPS) system that will keep the call center PBX switches, peripherals, TRS platform security, CA/supervisor positions, and call detail recording active as well as security lighting, environmental controls, and limited lighting, available until commercial power resumes. AT&T claims that its UPS ensures that all systems and services required to keep the call center active will not suffer a power outage.<sup>159</sup>

AT&T avers that each of its call centers has four, six, or eight fully cloned, fully redundant service control units, or servers. Each call center also has redundant network circuit feeds, controllers, and power supported by large battery banks that switch to diesel generators during long commercial power outages. AT&T has software engineers on call if needed.<sup>160</sup>

For CapTel, AT&T contends that that CTI has a combination of battery backup, UPS, and/or auxiliary generators to supply uninterruptable power to the CapTel centers for a minimum of 12 hours.<sup>161</sup> CTI operates two CapTel centers, each of which has redundant equipment. Each center has connections to various network providers, access tandems to support carrier of choice, and specialized monitoring equipment to issue alarms and report problems that develop. The CapTel platform also has a Network Operating Center (NOC) that monitors the health of the equipment, facilities, and service level performance. The NOC also assists in regular and emergency call routing.<sup>162</sup>

Through its Responses, AT&T demonstrates that the AT&T and CTI call centers have redundancy features that are functionally equivalent to equipment in normal center offices. Both AT&T and CTI have UPS to prevent outages when commercial power outages occur. These facilities satisfy this requirement.

**47 C.F.R. § 64.604(b)(4)(iii) A VRS CA may not relay calls from a location primarily used as his or her home.**

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. These services are, however, regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

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<sup>158</sup> CapTel RFP at 16-17, § M. 2.b.

<sup>159</sup> TRS Response at 9.

<sup>160</sup> TRS Response at 10.

<sup>161</sup> CapTel Response at 140.

<sup>162</sup> CapTel Response at 141.

**47 C.F.R. § 64.604(b)(4)(iv)** A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based on minutes of use. In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its employees to manage the ACD platform.

Regulations relating to VRS are inapplicable to the District of Columbia intrastate TRS program because the DC PSC does not regulate these services. These services are, however, regulated by the Commission and the TRS RFP requires AT&T to comply with 47 C.F.R. § 64.604.

**47 C.F.R. § 64.604(b)(5) Technology.** No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 C.F.R. § 64.1600 *et seq.*

The Calling Party Telephone Number rules in 47 C.F.R. § 64.1600 *et seq.* provide rules on transmitting the calling party number (CPN) of the calling party in interstate calls. Generally, telecommunications service providers using SS7 technology must pass through the CPN on an interstate call to interconnecting carriers.<sup>163</sup> However, if a caller uses the code \*67, the CPN will not be passed on in an interstate call, while the code \*82 will permit transmittal of a CPN if carriers provide line blocking services.<sup>164</sup> The Calling Party Telephone Number rules also specify when CPN must be passed along, such as calls to E911<sup>165</sup> or telemarketing calls (for the telemarketer).<sup>166</sup>

In its TRS Response, AT&T claims that it is in full compliance with 47 C.F.R. § 64.1600 *et seq.* AT&T contends that the communications between its Intelligent Call Router (ICR) and the AT&T network uses all SS7. Thus, AT&T offers ANI, calling party number, originating line screening, and privacy or blocking information for all inbound calls in the same manner as non-TRS callers who reach the regular "0" or "00" operator. The TRS caller's number is not passed on to the called party if the calling party has Caller ID blocking invoked by the local telephone company.<sup>167</sup> For CapTel, AT&T represents that if the calling party blocks his or her telephone

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<sup>163</sup> 47 C.F.R. § 64.1601(a) (2011).

<sup>164</sup> 47 C.F.R. § 64.1601(b) (2011).

<sup>165</sup> 47 C.F.R. § 64.1601(d)(4)(ii) (2011).

<sup>166</sup> 47 C.F.R. § 64.1601(e) (2011).

<sup>167</sup> TRS Response at 49.

number, then the called party receives no Caller ID information, which is functionally equivalent to a normal telephone call.<sup>168</sup>

Based on these Responses, AT&T shows that its TRS and CapTel comply with the Calling Party Telephone Number rules.

**47 C.F.R. § 64.604(b)(6) Caller ID. 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.**

The TRS RFP requires TRS providers to have procedures and technology to provide Caller ID services.<sup>169</sup> The CapTel RFP requires that the bidder comply with or exceed the Commission’s guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.<sup>170</sup>

In its TRS Response, AT&T asserts that it was the first provider to offer True Caller ID, which permits profiled callers to identify which number they want the called party to receive: the relay number or the caller’s number.<sup>171</sup> For CapTel, AT&T maintains that CTI provides the calling party’s 10-digit telephone number, not the CapTel number.<sup>172</sup>

Both AT&T and CTI provide at least the caller’s 10-digit number, which is in compliance with this requirement.

**47 C.F.R. § 64.604(c) - Functional standards.**

The functional standards in 47 C.F.R. § 64.604(c) address consumer complaint logs and contact information, educational information about TRS, TRS rates, separation of costs, and the Interstate Relay Fund. The DC PSC TRS program complies with the relevant requirements of this section.

**47 C.F.R. § 64.604(c)(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.**

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<sup>168</sup> CapTel Response at 159.  
<sup>169</sup> TRS RFP at 8, § 3.2.15.  
<sup>170</sup> CapTel RFP at 16, § M.1.  
<sup>171</sup> TRS Response at 49.  
<sup>172</sup> CapTel Response at 159.

As required by its contract with the DC PSC, the DC USTF Administrator maintains a complaint log for TRS complaints derived from information provided by the DC PSC's Office of Consumer Services (DC PSC OCS) and the TRS and CapTel providers. The log is maintained for at least five years.

**47 C.F.R. § 64.604(c)(1)(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.**

Each year, the DC USTF Administrator has filed consumer complaint logs on the DC PSC's behalf with the FCC indicating the number of TRS complaints received by the DC PSC through May 31 of each year.

**47 C.F.R. § 64.604(c)(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. The submission must include, at a minimum, the following: (1) the name and address of the office that receives complaints, grievances, inquires, or suggestions; (2) voice and TTY telephone numbers, fax number, e-mail address, and web address; and (3) The physical address to which correspondence should be sent.**

The DC PSC's contact person for TRS complaints is:

Linda Jordan  
Director, Office of Consumer Services  
Public Service Commission of the District of Columbia  
1333 H Street, NW, Suite 200 West Tower  
Washington, DC 20005  
Telephone: 202-626-5120  
TRS (TTY) - 711  
Fax: 202-626-9210  
[ljordan@psc.dc.gov](mailto:ljordan@psc.dc.gov)  
[www.dcpsc.org](http://www.dcpsc.org)

The DC PSC has previously filed its TRS contact information with the Commission in CG Docket No. 03-123.

**47 C.F.R. § 64.604(c)(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, or senior citizens as well as members of the general population. In addition, each common carrier providing voice telephone 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.

The DC PSC requires its TRS and CapTel providers to develop and implement extensive outreach programs designed for the general public as well as the deaf, hard-of-hearing, speech disabled, and senior citizen communities.<sup>173</sup> In both RFP Responses, AT&T proposes to conduct presentations at local, regional, and District events; local community and civic organization meetings; assisted living centers; retirement communities; and United Way agencies. AT&T also agrees to set up Relay exhibition booths at local events and conferences to promote TRS,<sup>174</sup> targeting deaf and hard-of-hearing and general audiences.<sup>175</sup> For each state in which AT&T is the TRS provider, AT&T assigns an Outreach Channel Manager to perform outreach activities for the state TRS program, and has done so in the District of Columbia.<sup>176</sup> AT&T commits to include specialized outreach materials for STS and Spanish-speaking TRS users.<sup>177</sup> Copies of the most recent outreach materials prepared by the current AT&T were submitted in the DC PSC's Supplement to its Application (DC PSC Supplement).<sup>178</sup>

The DC PSC includes the TRS numbers on its general outreach materials.<sup>179</sup> The DC PSC also conducts numerous outreach programs throughout the year. During outreach events that are primarily geared to the deaf, hard of hearing, and senior communities, the DC PSC provides copies of the AT&T outreach materials as well as the DC PSC's outreach materials.

The District of Columbia's incumbent local exchange carrier (ILEC), Verizon Washington DC, Inc., has TRS information printed in its white page directories and website.<sup>180</sup>

**47 C.F.R. § 64.604(c)(4) Rates.** TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communications 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.

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<sup>173</sup> TRS RFP at 7, § 3.1.12; CapTel RFP 22, § M.10.

<sup>174</sup> TRS Response at 20; CapTel Response at 184.

<sup>175</sup> TRS Response, Appendix 3 at 2.

<sup>176</sup> TRS Response at 24; CapTel Response at 188.

<sup>177</sup> TRS Response, Appendix 3 at 1

<sup>178</sup> See, Supplement.

<sup>179</sup> See, Supplement.

<sup>180</sup> See, Supplement.

The TRS RFP requires TRS providers to ensure that call costs to TRS users will cost no more than charges for functionally equivalent service paid by callers for functionally equivalent voice communications service.<sup>181</sup> While not containing any specific requirements, the CapTel RFP requires that the bidder comply with or exceed the FCC guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.<sup>182</sup>

In its TRS Response, AT&T contends that its service is functionally equivalent to voice service. For long distance calls, the default provider is AT&T unless the caller requests another IXC. AT&T offers a special long distance relay rate without imposing any other charges. If a caller subscribes to another IXC's billing plan, AT&T will place the call over that carrier's network and bill under the prescribed billing plan. AT&T maintains that it bills relay users the same way it bills hearing customers who do not have relay.<sup>183</sup>

For CapTel, AT&T avers that all local CapTel calls are free to the caller.<sup>184</sup> One-line CapTel users must indicate a carrier of choice with CapTel Customer Service to ensure that all long distance CapTel calls will be billed to the carrier of choice. (Two-line CapTel users do not need to contact CapTel customer service to have calls charged to their long distance provider of choice.)<sup>185</sup> Billing for interexchange calls by the carrier of choice uses the same processes as billing for non-CapTel interexchange calls. AT&T is the default carrier for those callers who have not identified another IXC. AT&T offers a special long distance rate to CapTel users.<sup>186</sup>

These procedures ensure that TRS and CapTel users are subject to the same rates as functionally equivalent calls. These procedures fulfill the requirements of this section.

**47 C.F.R. § 64.604(c)(5) Jurisdictional separation of costs (i) General. Where appropriate, the 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.**

The Commission regulations referenced by this subsection are the jurisdiction separations rules, which allocate costs between state and interstate jurisdictions.<sup>187</sup> The TRS RFP requires that local, long distance and international calls be identified and documented for billing purposes, specifically identifying the calls to be paid for by the DC USTF and those to be paid

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<sup>181</sup> TRS RFP at 10, § 3.4.1.

<sup>182</sup> CapTel RFP at 16, § M.1.

<sup>183</sup> TRS Response at 73-74.

<sup>184</sup> CapTel Response at 162.

<sup>185</sup> [http://relayservices.att.com/content/351/CapTel\\_Popular\\_Questions.html](http://relayservices.att.com/content/351/CapTel_Popular_Questions.html).

<sup>186</sup> CapTel Response at 162-163.

<sup>187</sup> 47 C.F.R. § 36.1 *et seq.* (2011).

by the Interstate TRS Fund.<sup>188</sup> The CapTel RFP requires that the CapTel provider bill the DC USTF for session minutes that are intrastate, while billing the Interstate TRS Fund for those session minutes that are interstate and international.<sup>189</sup>

In the TRS Response, AT&T indicates that it creates a unique bill record for each call. All interstate and international calls are billed to the Interstate TRS Fund.<sup>190</sup> In the CapTel Response, AT&T indicates that all intrastate calls are billed to the District of Columbia Universal Service Trust Fund, while interstate and international calls are billed to the Interstate TRS Fund. AT&T asserts that jurisdiction information is captured during the call set-up process to ensure that the end user receives the correct bill and that the correct TRS Fund is being charged.<sup>191</sup>

The billing procedures established by AT&T ensure that intrastate TRS and CapTel calls are charged to the District of Columbia Universal Service Trust Fund (DC USTF), while interstate and international calls are charged to the Interstate TRS Fund. These procedures comply with the requirements of this section.

**47 C.F.R. § 64.604(c)(5)(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.**

Intrastate TRS is one of the services supported by the DC USTF.<sup>192</sup> The DC USTF is funded through monthly contributions paid by each LEC and each Voice over Internet Protocol (VoIP) service provider in an amount proportionate to each LEC and each VoIP service provider's share of revenue from local telecommunications or telecommunications services derived from end users in the District of Columbia.<sup>193</sup> The DC PSC permits LECs to recover their payments to the DC USTF from their customers, but the recovery mechanism must be tariffed. The cost recovery rules also require, *inter alia*, a true-up each year. Any recovery from

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<sup>188</sup> TRS RFP at 11, § 3.4.5.

<sup>189</sup> CapTel RFP at 21-22, § M.7.b and M.7.c.

<sup>190</sup> TRS Response at 76.

<sup>191</sup> CapTel Response at 162.

<sup>192</sup> 15 DCMR § 2803.1 (2011). *See also*, 15 DCMR § 2802.1(d) (2012) (defining TRS as part of "universal service" in the District of Columbia).

<sup>193</sup> 15 DCMR § 2804.1 (2011).

the DC USTF is to be included on customer bills as a separate line item.<sup>194</sup> These procedures permit a common carrier to recover its costs incurred in providing TRS.

#### **47 C.F.R. § 64.604(c)(5)(iii) Telecommunications Relay Services Fund.**

This subsection outlines the requirements for the interstate TRS Fund to recover interstate TRS costs, and as such, is inapplicable to the District of Columbia's TRS program that only operates on an intrastate basis.

#### **II. 47 C.F.R. § 64.606(b)(1)(ii) - Procedures and Remedies for Enforcement of State Program Requirements**

The second requirement for intrastate TRS programs, 47 C.F.R. § 64.606(b)(1)(ii), requires that the state TRS 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.

In both RFPs, the Commission requires TRS providers to establish internal consumer complaint processes.<sup>195</sup> In the TRS RFP, TRS providers must provide CAs with the option of transferring a consumer with a complaint to a supervisor or to the customer service number.<sup>196</sup> In the CapTel RFP, TRS providers are required to maintain and publicize a website and toll-free service to inform users of the TRS provider, DC PSC, and Commission's complaint processes.<sup>197</sup>

In both of its Responses, AT&T describes in detail its internal complaint procedures.<sup>198</sup> AT&T represents that if a caller is dissatisfied with the internal complaint process, then the caller will be given contact information for the DC PSC and an explanation of the complaint process. Customers will be given the option of having AT&T contact the DC PSC. AT&T will discuss complaints with the DC PSC, forwarding any discussion and resolution offered. AT&T will request a return call from the DC PSC. AT&T commits to including information on the complaint procedures in its outreach materials.<sup>199</sup>

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<sup>194</sup> 15 DCMR § 2815 (2011). Since the DC PSC has very little authority over Voice over Internet Protocol (VoIP) service providers (beyond being able to assess them for DC USTF contributions), its rules regarding recovery of DC USTF contributions do not apply to VoIP service providers. VoIP service providers may recover their costs for the DC USTF from their subscribers, but the DC PSC cannot regulate the manner of cost recovery.

<sup>195</sup> TRS RFP at 8, § 3.2.10.

<sup>196</sup> TRS RFP at 10, § 3.3.4.o.

<sup>197</sup> CapTel RFP at 18, § M.2.p; at 19, M.2.t

<sup>198</sup> TRS Response at 41-44.

<sup>199</sup> TRS Response at 44.

In its CapTel Response, AT&T indicates that customers can contact either AT&T or CTI with customer service complaints. AT&T notes that its customer service representatives are available to handle customer complaints on a 24/7 basis, while CTI's customer service hours are more limited. Consumer complaint information is reported to the DC PSC on a monthly basis. AT&T represents that the AT&T and Commission complaint procedures are included on all of AT&T's websites.<sup>200</sup>

In its outreach materials, AT&T provides voice and TTY contact information for its Relay Consumer Care Team.<sup>201</sup>

The DC PSC has an extensive Consumer Bill of Rights that establishes procedures for filing consumer complaints with the DC PSC. These procedures involve the filing of an informal complaint with the DC PSC OCS. DC PSC OCS attempts to resolve the dispute informally.<sup>202</sup> If the dispute cannot be resolved informally, the consumer may file a formal complaint with the DC PSC.<sup>203</sup> A formal complaint is referred to a Hearing Officer for a hearing.<sup>204</sup> Any party aggrieved by the decision of the Hearing Office may appeal the decision to the DC PSC Commissioners.<sup>205</sup> Information regarding consumer complaints is on the DC PSC website.

### **III. 47 C.F.R. § 64.606(b)(1)(iii) Conflicts with Federal Law (47 C.F.R. § 64.606(b)(1)(iii))**

The third requirement for intrastate TRS programs, 47 C.F.R. § 64.606(b)(1)(iii), requires that:

[w]here 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.

For both its TRS and CapTel programs, the DC PSC requires the provision of intrastate TRS in Spanish, which is not required by the Commission.<sup>206</sup> AT&T offers Spanish Relay services that include Spanish-to-Spanish for TTY, VCO, HCO, and STS.<sup>207</sup> DC PSC notes that

<sup>200</sup> CapTel Response at 166.

<sup>201</sup> Relay for All at 10.

<sup>202</sup> 15 DCMR § 323 (2008).

<sup>203</sup> 15 DCMR § 324 (2008).

<sup>204</sup> 15 DCMR § 325 (2008).

<sup>205</sup> 15 DCMR § 326 (2008).

<sup>206</sup> AT&T RFP at 5, § 3.1.5; CapTel RFP at 21, M.2.k.

<sup>207</sup> Relay for All at 7.

the Commission defines “a Non-English language relay service” in its definitions section,<sup>208</sup> and thus appears to acknowledge the existence of these programs without requiring states to offer them.

Since CapTel service requires a specialized telephone that has a display window for captions, the DC PSC has included a requirement that CapTel providers facilitate the purchase of the CapTel equipment by CapTel users in its CapTel RFP. The DC PSC’s requirements included in its CapTel RFP read:

- a. The Offeror is responsible for all matters relating to user equipment.
- b. [CapTel] users must be kept informed of the status (e.g., dialing, ringing, busy, disconnected, on hold) of calls through the equipment display window throughout the call session. The system must provide feedback to callers regarding the call status within ten seconds after a caller has provided the number to call and continue to provide feedback until the call is answered or deemed not answered.
- c. User equipment must be capable of being moved from one premise to another by the user.
- d. Efforts should be made to seek the best price on the equipment to be sold to the residents of the District of Columbia. This includes the options of refurbished equipment and bulk purchasing of equipment. Offerors shall include prices of the user equipment to be charged to customers in the proposals.
- e. The user will be responsible for the cost of user equipment. No user equipment costs are to be rolled into the minutes of use rate.
- f. Offerors must detail their warranty and maintenance plans for user equipment.
- g. Offerors must detail plans for upgrading user equipment.
- h. Offerors may not impose any unreasonable barriers on customer-provided user equipment.
- i. End users shall have the option of either single-line or 2-line service.
- j. Offerors must provide a detailed description of the operation of their 2-line [CapTel] as contrasted with single-line [CapTel].<sup>209</sup>

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<sup>208</sup> 47 C.F.R. § 64.601(14) (2011).

<sup>209</sup> CapTel RFP at 23-24.

In its CapTel Response, AT&T commits to work with the CapTel equipment supplier, Weitbrecht Communications, to provide CapTel user equipment. CapTel customer service is available for customers who inquire about the equipment. AT&T indicates that the CapTel telephone is able to inform customers of ring by ring, busy, or answered conditions.<sup>210</sup> AT&T avers that the Model 800 CapTel telephone can be moved to other locations, although carrier of choice selections are based on the caller's location.

AT&T offers an equipment program that provides CapTel telephones for \$99. The user is responsible for the purchase price. No equipment costs are included in the pricing model for the proposed price per minute.<sup>211</sup> The Model 800 offers both one-line and two-line CapTel service. The CapTel telephone comes with a one year warranty, with the possibility of extending the warranty for an additional four years. CapTel provides software updates to the telephone. Customers are informed of software updates by reading a printed message on the screen. The user may then push a button to accept the update.<sup>212</sup>

If CapTel customers wish to use their own CapTel telephone, AT&T will not interfere with the use of that equipment.<sup>213</sup>

The CapTel equipment program assists CapTel users in purchasing the special CapTel telephone that is needed for CapTel service. The CapTel telephone complies with the relevant operational, technical, and functional standards in 47 C.F.R. § 64.604 by facilitating the use of the CapTel VCO service.

## CONCLUSION

As indicated above, the DC PSC's contracts for TRS and CapTel require its TRS and CapTel vendor, AT&T and AT&T's subcontractor, CTI, to provide service that meets the operational, technical, and functional requirements of 47 C.F.R. § 64.601 *et seq.*, including 47 C.F.R. § 64.604. AT&T has specifically committed to satisfying almost all of the requirements in 47 C.F.R. § 64.604 for both its TRS and CapTel services. The DC PSC understands this commitment to apply to all of the requirements of 47 C.F.R. § 64.604 even if they were not specifically addressed in the RFP and the Responses to the TRS and CapTel RFPs because AT&T commits to meeting or exceeding the Commission's TRS standards in 47 C.F.R. § 64.601 *et seq.*

The DC PSC has consumer complaint procedures in place to handle any complaints against the TRS and CapTel provider. AT&T has developed detailed internal procedures to handle both TRS and CapTel consumer complaints, while CTI has its own customer care

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<sup>210</sup> CapTel Response at 174.

<sup>211</sup> CapTel Response at 175.

<sup>212</sup> CapTel Response at 176.

<sup>213</sup> CapTel Response at 176.

department. AT&T has committed to inform consumers about the DC PSC's complaint procedures.

Finally, the two additional requirements that the DC PSC included in the TRS and CapTel program (*i.e.*, the requirement to provide intrastate Spanish TRS service and the CapTel equipment program), do not conflict with any Commission regulation relating to the provision of TRS.

In summary, the DC PSC is pleased to offer high quality TRS and CapTel service that meets the Commission's requirements to its residents and businesses and the Commission should find, pursuant to 47 C.F.R. § 64.606(b)(1), that the DC PSC's state TRS program meets the requirements of 47 C.F.R. § 64.604.