



Public Utility Commission of Texas

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July 15, 1998

DOCKET FILE COPY ORIGINAL

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
1919 M. Street, N.W., Room 222
Washington, D.C. 20554

RE: CC Docket No. 98-67
FCC 98-90
In the Matter of
Telecommunications Relay Services
and Speech-to-Speech Services
for Individuals with Hearing
and Speech Disabilities

To Ms. Salas:

Enclosed herewith for filing with the Commission are an original plus eleven copies of the Comments of the Public Utility Commission of Texas in the above captioned matter. We are also providing copies to ITS, and Carmell Weathers, which includes a copy on disk. The contact person for the Texas PUC in this matter is Ed Bosson 512-936-7147 (TTY) or 936-7147 (Voice).

Sincerely,


Bill-Magness
Director
Office of Customer Protection

cc: ITS, Inc.
Carmell Weathers

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**Before the
Federal Communications Commission**
154

In the matter of

Telecommunications
Speech-to-Speech
with Hearing and

ORIGINAL

CC Docket No. 98-67
F C C 98-90

OF TEXAS

1. In its Notice of Proposed Rulemaking (Notice) adopted on May 14, 1998,¹ the Federal Communications Commission (FCC or Commission) is asking for comments on the proposed rule amendments for Telecommunications Relay Service (TRS). The proposed rule amendments propose to enhance the quality of TRS, redefine TRS minimum standards, improve the FCC's oversight of state certification processes, and broaden the potential universe of TRS users. The Public Utility Commission of Texas (Texas PUC), having been charged with the administration of TRS in the State of Texas, hereby submits these comments on telecommunications relay service issues.

¹ ***In the Matter of Telecommunications Relay Service and Speech-to-Speech Services for individuals with Hearing and Speech Disabilities***, CC Docket No. 98-67. Notice of Proposed Rulemaking, FCC 98-90 (May 14, 1998).

BACKGROUND

2. Texas has been providing TRS since September 1, 1990, after the passage of House Bill 174 by the Texas Legislature in 1989.² Texas TRS, commonly known as Relay Texas, has grown rapidly since its inception from processing 1,210,380 calls in its first year to 4,297,340 calls in fiscal year 1997. The Texas PUC awarded the contract for provision of Relay Texas to Sprint Communications L.P. (Sprint) in 1990 and again in 1995. The Texas PUC, Sprint, and the Relay Texas Advisory Committee have worked closely to ensure that the quality of Relay Texas meets or exceeds all federal operational, technical and functional standards for the provision of TRS. The Texas PUC generally supports the rule amendments proposed in the NPRM, with our exceptions reflected in these Comments.

DISCUSSION

Coverage of Improved TRS Under Title IV of the ADA

General Scope of TRS

3. The FCC is asking for comments regarding evolving service that would expand beyond traditional TTY relay service.³ The Texas PUC applauds the FCC for its foresight in acknowledging that advancing technological innovations should be utilized in TRS. The Texas PUC recognizes that TRS users have become more knowledgeable about advanced technological innovations available for TRS and thus many have become more sophisticated users. The FCC's

² Codified at Tex. Util. Code §56.101 et seq.

³ Notice, paragraph 14.

perception of TRS, as expressed by the definition “...is not limited to services using TTYs” and by “...TRS to be an evolving service that would expand beyond traditional TTY relay service as new technologies developed” would allow greater flexibility in incorporating new features into the TRS network.

4. The FCC is asking for comments on the proposal that the costs of Speech To Speech (STS) and Video Relay Interpreting (VRI) services are recoverable by the TRS Fund, and comments on the procedure for determining whether new or proposed services qualify as an “improved” TRS Service and would thus be eligible for cost recovery from the TRS Fund.⁴ The Texas PUC agrees with the FCC in its tentative conclusion that STS and VRI costs should be recoverable by the TRS Fund. The FCC has proposed a procedure to identify features that would meet the criteria of “improved” service, which could be subsidized by the TRS Fund. The FCC states that it will determine whether a service is an “improved” TRS service either through a rulemaking or a declaratory ruling. The Texas PUC is concerned about regulatory delays that may exist in this procedure in view of rapidly evolving technology that continues to become a part of the telecommunications network. The Texas PUC recommends that the Commission consider a procedure in which states can submit new services for consideration as “improved” services to the FCC and that the response have a time limitation (such as within three months).

⁴ Notice, paragraph 15.

5. The FCC is asking for comments on assigning the additional responsibility of developing guidelines for cost recovery for improved TRS to the Interstate TRS Fund Advisory Council.” The Texas PUC fully supports the concept of allowing the Interstate TRS Fund Advisory Council to develop guidelines for interstate cost recovery for improved TRS. The Texas PUC also supports that such guidelines be subject to review and final approval by the FCC, following public comment on the guidelines.

6. The FCC is asking for comments on minimum TRS operational, technical and functional standards for improved service.⁶ Generally, the Texas PUC believes the minimum TRS standards should be applied for all improved services/features with the following exception: in order to determine whether TRS standards should be applied to “improved” services, the availability of qualified personnel and whether such personnel may be trained within a short period of time should first be considered. The average speed of answer (ASA - one of the requirements of TRS minimum standards) is largely dependent on the available number of personnel (i.e. communication assistants - CAs) in the provider’s operation. Improved services may require personnel with special training that can take months or years of training and experience. With VRI for example, a provider would need to hire a person who is a qualified or certified interpreter. Becoming a qualified interpreter requires special training and years of experience. If there are not enough interpreters to meet the needs of VRI, then this would impact VRI ASA, which might not meet the TRS minimum standard. On other hand, for STS the pool

⁵ Notice, paragraph 16.

⁶ Notice, paragraph 17

of potential personnel for such work is not limited to those with prior experience, and the labor pool for STS is considerable. As such, the Texas PUC believes that any improved services and features that do not require lengthy training and experience of personnel involved should be able to meet the minimum TRS standards. The Texas PUC respectfully suggests that when improved services require hiring personnel with skills that take years to learn, that each state be able to determine the performance standards for that particular service. Otherwise, the FCC's proposed TRS minimum standards should apply.

7. The FCC is asking for comments on the new definition of a CA.⁷ The Texas PUC believes the new proposed definition will allow greater flexibility in determining which service or features meets the TRS criteria. However, the Texas PUC respectfully suggests that changing “transliterate” to “interpret” or “translate” would represent more closely what is now happening in the TRS industry. Transliterate means to represent (or spell) in the characters of another alphabet (verbatim). Interpret and translate mean to express in different words; or to paraphrase. When a hearing person who is not familiar with the language of the deaf (or TRS) receives a relay call and the caller's native language is American Sign Language, the hearing person might consider the deaf person inferior intellectuality if the CA voices verbatim. Whereas if the CA “interprets” the caller's ASL to English, then the call would go more smoothly and the hearing person's opinion of the deaf person may be improved. In this sense, “transliterate” can be misleading. The question of liability may arise regarding possible misinterpretation; however,

⁷ Notice, paragraph 18.

the Texas PUC believes that “interpretation” actually reduces liability concerns because both parties have a better understanding of each other. In fact, when an emergency call is processed through Texas TRS, Relay Texas agents (CAs) have the explicit instruction to “interpret” whenever needed to ensure that the emergency dispatcher understands exactly what is being communicated. Additionally, Texas has done extensive outreach to encourage TRS users to advise CAs that they want their ASL interpreted to English. Even so, many do not ask, as TRS users continue to believe that CAs will interpret their ASL automatically.

Speech-to-Speech (STS) Relay Service

8. The FCC is asking for comments on whether the FCC rule should relax the current speed-of-answer requirements for STS service.* Newton’s Telecom Dictionary defines ASA as “How long the average caller has to wait before they speak to an agent.” Assuming “agent” means the first contact of a telephone call, for TRS purposes that will be the CA. Also, taking into account that hearing-impaired persons are not able to identify (hear) when the phone connects, then the speed-of-answer should be defined as the length of time that may elapse between the receipt of dialing information at the first switching point of the TRS network and the time it connects to a TRS station. The call set-up process is a part of the conversation between the caller and the CA in placing an outbound relay call. The call set-up time happens after speed-of-answer time, so it will not affect ASA. In view of that and the comments above regarding

⁸ Notice, paragraph 26.

⁹ Newton’s Telecom Dictionary, Sixth Edition.

available personnel, the Texas PUC respectfully suggests that regular minimum TRS standards apply to STS.

Video Relay Interpreting (VRI) Services

9. The FCC is asking for comments on the conclusion that VRI not be required for TRS.¹⁰ In view of the fact that there is not yet an ubiquitous video conference product, and that attaining sufficient video quality is currently cost prohibitive, the Texas PUC concurs with the FCC's conclusion that VRI not be required at this time. The Texas PUC respectfully suggests that the FCC monitor VRI technology on a biennial basis to determine whether it should be mandated under the FCC's rules. The technology for video conference products and the telecommunications network are being researched and developed constantly, which should ultimately bring the costs of such products and services down to make VRI more affordable and ubiquitous. Regarding the interpreter issue, Texas has 11 universities and colleges that offer interpreting courses and across the nation there are about 110 universities and colleges¹ offering interpreting courses. The Texas PUC believes that the number of available interpreters will continue to increase over the years. Every two years is a reasonable time to assess whether VRI technology is viable. The Texas PUC believes that monitoring the cost and availability of video conference products and access to a high-grade telecommunications network suitable for video conference products should be the measuring criteria to determine whether VRI should be required. It would be difficult, if not impossible, to determine if there are sufficient interpreters

¹⁰ Notice, paragraph 33.
¹ Registry of Interpreters for the Deaf Web site: www.rid.org.

to meet the expected call volume, With this in mind, the Texas PUC suggests that once the FCC determines video conference products and telecommunications networks are suitable for VRI, there be a lengthy phase-in period to effectively monitor the interpreter situation.

10. The FCC proposes to incorporate the Department of Justice the definition of a “qualified interpreter” to TRS rules and that confidentiality rules for VRI interpreters be same as the rules for CAs.¹² The Texas PUC recommends that “effective communication” as a measuring criteria for qualified interpreters providing VRI may be too broad of a definition. In the two VRI trials in Texas, it was noted that the interpreters who had many years of experience had the best chance of providing quality interpreting whereas those who may know sign language but did not have the benefit of many years of experience had considerable difficulty. Interpreting for persons on a VRI monitor is not the same as interpreting live. It requires more of a concerted effort to be able to read sign language on a monitor, as well to figure out the content of the conversation. The Texas PUC recommends that there be a certification process for VRI interpreters that can be developed either by state’s or nationwide programs.

11. The Texas PUC agrees with the FCC in stating that VRI should have the same strict confidentiality, conversation content, and “type of call” regulations that TRS has for CAs except that VRI interpreters be allowed to “interpret” rather than “transliterate” when needed.

¹² Notice, paragraph 34.

Multilingual Relay Service (MRS) and Translation Services

12. The FCC is asking for comments on the conclusion that the same-language interpretation only be permitted for multilingual relay service (MRS) and translation service to allow TRS provider to recover the cost from Interstate TRS Fund.¹³ The Texas PUC disagrees with the FCC's proposal that the TRS Fund reimburse same-language transliteration only. It is not a question of whether MRS is a "value-added" TRS offering. The issue is that hearing-impaired persons have the telecommunications access to Spanish speaking persons. Hearing-impaired Texans **often** use Texas TRS to communicate with hearing Spanish-speaking family and friends. Hearing-impaired children who have Spanish-speaking parents do not learn Spanish as hearing children do -- by listening. Often one finds the only way hearing-impaired children can fully communicate with their Spanish-speaking parents and family is through Spanish to English, and English to Spanish translation via Texas TRS. The Texas School for the Deaf as well as other mainstreamed day programs throughout Texas have been using this service to communicate with students' Spanish-speaking parents for quite some time. Additionally, ASL itself is considered a foreign language, and interpreting has been provided through TRS on a nationwide basis with a few exceptions; the same should be provided for TRS users who need Spanish (or other languages native to certain areas) translation. The Texas PUC strongly believes the FCC should allow different language interpreting to be funded by the TRS Fund.

¹³ Notice, paragraph 39.

Access to Emergency Service

13. The FCC is asking for comments on processing emergency calls through TRS.¹⁴ The Texas PUC recognizes that emergency call processing through TRS takes longer than a direct TTY call to an emergency facility. In order to reduce the time to process an emergency call, emergency relay calls should be as “automatic” to the extent possible. Once the CA identifies an incoming relay call as an emergency, the CA should be able to initiate a procedure by which the network identifies the caller’s ANI, matches the appropriate 1 O-digit emergency facility phone number, and then dials the number automatically. To ensure that this process takes place, the following issues need to be considered: database sharing of automatic number identification (ANI) and automatic location identification (ALI) data among telephone companies with no proprietary restrictions.¹⁵ The Texas PUC also suggests that the FCC require that any time a relay call is identified as an emergency call, TRS confidentiality regulations no longer apply, and that emergency regulations be invoked, including “implied consent” of the caller.

Access to Enhanced Services

14. The FCC is asking for comments on CAs handling of TRS recorded messages.”¹⁶ The Texas PUC concurs with the FCC proposal to allow CAs to summarize the recorded

¹⁴ Notice, paragraph 41.

¹⁵ The Texas Advisory Commission on State Emergency Communications has just released a request for offer (RFO) that will facilitate 9-1-1 database configurations that all telcos in Texas can utilize without concern for any type of proprietary restrictions, if such restrictions exist.

¹⁶ Notice, paragraph 46.

message, and ask the TRS user what the next step should be, especially if it is a long message. The Texas PUC suggests that the proposed rules add wording which would allow CAs to “record” such messages and then play back and relay the message to the TRS user. This would reduce repeated calling; however this may not work with some of the voice menus. Once the TRS user disconnects, the recorded message should be permanently deleted to meet confidentiality criteria.

Mandatory Minimum Standards

Speed-of-Answer Requirements

15. The FCC is asking for comments on redefining the rules for speed-of-answer criteria.” The Texas PUC uses a 3.3 second criterion for measuring ASA for Texas TRS. ASA is computed on a six-hour basis, but is averaged on a monthly basis. Even though the six hour basis and the 3.3 second rule “tightens up” the call process a bit because it is averaged on a monthly basis, a number of Texas TRS users still experience long delays in answer time. The Texas PUC strongly supports the proposed rule that the calculation that 85% of calls be answered within 10 seconds must be averaged on at least a daily basis. In other words, ASA criteria must be met on a daily basis instead of monthly.

16. The FCC is asking for comments on the technical criteria for determining ASA.¹⁸ The Texas PUC believes a clearer technical definition of speed-of-answer is needed and that two

¹⁷ Notice, paragraph 5 1.

¹⁸ Notice, paragraph 52.

criteria are needed to assess the performance of TRS accurately. Average speed-of-answer (ASA) should be defined as the average length of time that may elapse between the receipt of dialing information at the first switch point of the TRS network and the time it connects to a CA station. The Texas PUC agrees with the FCC that the data should be averaged on a daily basis for the 85% - 10 second measurement.

17. The Texas PUC is concerned about the way ASA data for ASCII relay calls is recorded. Generally, ASCII relay calls take considerably longer to process; yet when looking at the Texas data for ASCII TRS calls, it shows an ASA of less than 2.0 seconds. It is helpful to understand that with ASCII relay calls the ASA cycle is completed first and then the ASCII “handshake” process takes place (it requires that two modems communicate with each other). The handshake process takes about 10 to 20 seconds which is not factored into ASA data. Thus, the ASA data for ASCII calls shows a lower ASA than actually occurs. The Texas PUC and the contracted carrier, Sprint, receive complaints about slow connection of ASCII relay calls. The solution for this is to apply the criteria of average speed-of-agent-interaction (ASAI) to ASCII relay calls to monitor such calls effectively.

18. Average speed-of-agent-interaction (ASAI) should be defined as the average length of time that elapses between the receipt of dialing information at the first switch point of the TRS network and the time the CA completes the macro greeting (“GA”) instead of when the call “drops-in”* on the CA station and the caller information appears on the agent screen. These two measurements will help state TRS administrators effectively monitor the performance of TRS.

19. The FCC is asking for comments that the abandoned or re-dialed TRS call data not be part of the blockage data.” The Texas PUC concurs with the FCC’s proposal that abandoned calls not be part of the ASA data, as often this is not the fault of the contracted carrier. The Texas PUC, however, suggests that a report/profile of delayed or abandoned calls, using 5 second increments up to 120 seconds, be maintained on monthly basis to allow state administrators to effectively monitor this data.

CA Quality and Training

20. The FCC is asking for comments on the conclusion that imposing federal standards on CA quality and training is not appropriate at this time.²⁰ The Texas PUC believes concern over constraining the labor pool of qualified CAs is not the overriding issue. The provider’s training system is the main issue that causes sub-par CA work. However, it would be difficult for the FCC to impose regulations for training of CAs as the needs of states vary. The Texas PUC believes that the new complaint procedure, modified enforcement, and state certification procedures that the FCC are proposing will improve the CA quality and training issue. In that sense, the Texas PUC concurs with the FCC that imposing new federal standards for CAs may not be effective. The Texas PUC suggests maintaining the status quo on this issue.

21. The Texas PUC wishes to caution against requiring any enhanced TTY protocols that are patented and that may create monopolistic control and pricing of such features. The

¹⁹ Notice, paragraph 53.

²⁰ Notice, paragraph 58.

Texas PUC submits that states should be allowed to determine whether they want enhanced TTY protocols.

22. The Texas PUC recognizes that CA quality is the area about which TRS users are most comfortable in expressing their concerns.²¹ In this respect, the Texas PUC concurs with the FCC that existing CA standards be maintained. The Texas PUC recommends that the FCC add language, especially for CA quality and training, that when states receive such complaints, the state administrators expedite the complaint process, resolve the issue, and file the report where the public may access it.

In-Call Replacement of CAs

23. The FCC is asking for comments on the proposed amendment to the rule that requires a CA who has answered or placed a TRS call, to stay with that call for at least ten (10) minutes.²² The Texas PUC suggests that the majority of complaints regarding in-call replacement of CAs is during the conversation time between the caller and called parties. When a call conversation has just begun, and there is a change of CAs during that time, the relay call is disrupted. The Texas PUC respectfully suggests that the FCC amend the rule to require that CAs stay with a relay call during the conversation time for 10 minutes in order that the conversation have a chance to be established between the two parties. Call set-up or call wrap-up does not affect the conversation. The conversation is the most important component of a relay call

²¹ Notice, paragraph 60.

²² Notice, paragraph 62.

between the caller and the called parties, therefore a change of CAs during the non-conversation times would be acceptable.

Competition Issues

Multivendoring

24. The FCC is asking for comments on whether the single-vendor model is inefficient and produces substandard TRS.²³ The Texas PUC suggests that in Texas there is no degradation of TRS quality because of the single-vendor for intrastate TRS. Texas TRS has been one of the leaders in providing quality TRS, and Texas has had a single-vendor system since 1990. Theoretically, multivendoring would offer higher quality and more features than would a single-vendor, but there is no system in use in which competition would force a TRS provider to be competitive and develop new features for TRS. It seems unlikely that a multivendoring system will enhance TRS or reduce the cost of providing TRS. The Texas PUC, however, acknowledges that eventually multivendoring should be offered. The Texas PUC recommends that this rule remain as is, so that states can determine whether to pursue a multivendoring system.

Treatment of TRS Customer Information

25. The FCC is asking for comments on whether customer information collected by a TRS provider should be passed on to other TRS providers.” The Texas PUC suggests that when

²³ Notice, paragraph 67.

²⁴ Notice, paragraph 72.

states have a single-vendor TRS provider, TRS users have no choice but to use whatever TRS provider is chosen for that state. In this sense, the Texas PUC respectfully suggests that the customer information database can be passed on to any newly awarded TRS provider from the incumbent TRS provider. The data that should be passed on are the following: customer name, address, telephone number, carrier of choice preference (intrastate and interstate), and type of service preference. The software of the incumbent TRS provider should be a proprietary item and should not be shared with the newly awarded TRS provider. For a multivendoring environment, the Texas PUC recommends that the customer information database not be shared with other existing, competing TRS providers.

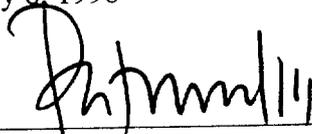
CONCLUSION

26. The Texas PUC applauds the FCC in taking this initiative to propose a number of amendments to enhance the quality of TRS. The Texas PUC believes the underlying proposed regulations will bring functional equivalence and ease of access to the telecommunications network for hearing and speech impaired persons; in other words, enhancing TRS will help remove telecommunication barriers created by disability. The Texas PUC offers comments to fine-tune for optimal performance and effectiveness for TRS, but believes the direction that the FCC is proposing is the correct path.

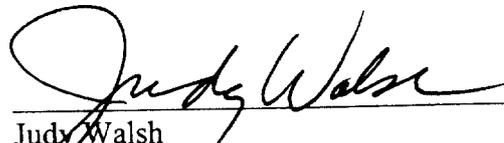
Respectfully submitted,

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1701 N. Congress Avenue
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July 8, 1998



Pat Wold, III
Chairman



Judy Walsh
Commissioner