

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20544

RECEIVED

JUL 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
)
TELECOMMUNICATIONS RELAY SERVICES.)
THE AMERICANS WITH DISABILITIES)
ACT OF 1990, AND THE)
TELECOMMUNICATIONS ACT OF 1996)

CC DOCKET NO.98-67

COMMENTS OF
THE STATE OF MARYLAND
DEPARTMENT OF BUDGET AND MANAGEMENT

Gilbert Becker
Maryland Department of
Budget and Management
301 W. Preston Street
Suite 1008 A
Baltimore, Maryland 2 120 1
(4 10) 767-4204

No. of Copies rec'd 0410
List A B C D E

A. INTRODUCTION

The FCC issued a Notice of Proposed Rulemaking (NPRM) on May 20, 1998. The NPRM requested comment on the proposed rule amendments for the purpose of enhancing the quality of TRS, and broadening the potential universe of TRS users.

The Maryland Department of Budget and Management (DBM), oversees the Maryland Relay provided through contract with a telecommunications company. DBM respectfully submits these comments in order to respond to the Notice of Proposed Rulemaking.

We believe our comments and recommendations improve upon the FCC's proposed amendments and not only enhance the quality of relay but further the goal of true functional equivalency. We also recommend a simple solution to expand the universe of users by recommending a funding mechanism to establish a national outreach program to reach members of the aging population currently unaware of the availability of TRS.

II. COMMENTS

A. Coverage of Improved TRS under Title IV of the ADA

2. Speech-to-Speech (STS) Relay Service

24. The State of Maryland feels that a federal ruling should require **Speech-to-Speech (STS)** and that it is not cost prohibitive to states, In Maryland, STS calls total less than 1% of all TRS calls and are effectively handled remotely through a regional call-processing center. The most cost effective method for processing STS calls would

be the creation of regional centers through which all STS calls could be processed.

Following is a description of the STS program offered by Maryland.

- a. Currently, the STS operator is required to repeat the speech disabled customer's conversation verbatim, unless directed otherwise by the speech disabled customer. These verbatim requirements should be flexible because often, the person without the speech disability becomes accustomed to the speech patterns of the speech disabled party and begins to respond appropriately to the conversation before the operator has a chance to repeat what has been said.
- b. Currently, the person without the speech disability can hear both the Speech disabled person and the operator. This becomes confusing at times, for the reason mentioned above. Since all parties can hear what is being said at all times, the operator can be instructed by the speech disabled person to only introduce the call to the person without a speech disability and to "fill in the blanks" as necessary.
- c. The speech disabled person should have the opportunity to establish preferences with the operator at the beginning of the call (or in customer database if provided by the vendor) regarding the re-voicing of what is said or permitting the operator to interject the word(s) the speech disabled person is attempting to say.
- d. Currently, control of the call is held by the Speech disabled customer. All decisions about this recommended flexibility should be made by either caller at any time.

26. The State of Maryland does not agree that the ASA or the 30-second out-dialing requirement would be adversely affected by the extra time involved in some STS calls. ASA is the measurement of time from the incoming call hitting the switch at the designated carrier's system until the call arrives at an operator station. This procedure is handled by a computer and does not depend on operator intervention. The length of time that may elapse between the receipt of dialing information and the dialing of the requested number is included in the call set-up time and is dependent solely upon the operator and has nothing to do with the functional speech limitations of an individual caller. Once the operator receives all the dialing instructions, only then does the 30-second requirement begin.

3. Video Relay Interpreting (VRI) services

32. The State of Maryland understands the Commission's reluctance to include VRI as a mandatory requirement of TRS programs. However, due to the rapidly changing technology in this arena, the State encourages the FCC to revisit this issue in a timely manner and reconsider its ruling.

The State of Maryland recognizes the potential impact VRI will have in enhancing the quality of TRS in addition to gaining users currently uncomfortable or unable to use traditional relay. To that end the State has contracted to begin a trial of VRI scheduled to begin in September 1998 and to last for six months. If successful, the State intends to include VRI as a permanent feature of the Maryland Relay.

The State of Maryland suggests that for the purpose of solving the nationwide interpreter shortage and VRI's impact on this issue that: 1) there be development and utilization of regional, centralized pools of TRS-qualified interpreters, to be accessed by

any TRS program, and 2) have interpreter training centers establish classes specifically designed to train and prepare students to handle relay calls. Both approaches could alleviate the chronic nationwide shortage of interpreters.

4. Multilingual Relay Services (MRS) and Translation Services

39. The State of Maryland strongly disagrees that ASL translation is a value added TRS offering and should not be reimbursable from the interstate TRS fund. The State believes that the FCC is wrong in assuming that ASL translation is not occurring at the present time on a nationwide basis. Unfortunately, and in most cases, translation is being done by inexperienced operators attempting to facilitate communication and having received minimal training in Deaf culture and ASL syntax. It would be naive of the FCC to believe that the hearing caller can understand a call typed in true ASL without the benefit of an ASL translator. Due to the unique syntax and structure of ASL, an operator with limited knowledge of this language risks misunderstanding the intent and content of a conversation. By definition a relay call is defined as a telecommunications service that enables a person with a hearing or speech disability to communicate with a person without such a disability. For those individuals who are Deaf and use ASL as their native language, effective communication through relay cannot occur effectively without the assistance of an ASL translator. In paragraph 14 the FCC itself states "...we believe Title IV's language and structure establish that Congress intended TRS to be an evolving service that would expand beyond traditional TTY relay service as new technologies developed." The State agrees that TRS is an evolving service and has expanded beyond traditional TTY relay service. To that end, functional equivalence can only become truly equivalent once the ASL barrier is removed. The State of Maryland currently requires all

ASL calls to be translated by native ASL translators for the purpose of providing the most functionally equivalent relay service possible. The FCC's requirement that all calls be relayed verbatim is not functional equivalence. If translation does not take place with a true ASL user, in many cases a conversation does not occur, ultimately leading to the frustration of one of the parties and a hang-up.

In addition, this translation should also occur when the non-ASL user communicates through the ASL translator back to the ASL user. The ASL translator should be required to type in "ASL gloss text" so as to be readily understood by the ASL caller. The State requests the FCC reconsider its position on ASL translation services. The State believes that an ASL translator should be required in every TRS center.

5. Access to Emergency Services

41. The State of Maryland encourages individuals who are deaf deaf-blind, speech impaired and hard of hearing to have direct access to 9-1-1 for emergency situations such as police, fire, EMT/ambulance. In those cases where emergency calls arrive at the Relay Center the State believes it is critical that the calls are processed accurately and effectively so that appropriate emergency services are dispatched as quickly as possible. The State of Maryland has established its own procedures in cooperation with the TRS provider for processing of emergency calls which differ from the manner in which non-emergency calls are handled. The State works closely with the Maryland 9-1-1 centers to ensure calls processed via the Relay put the public's safety first. Title II regulations specifically states that if a person placing a call to a Public Safety Answering Point (PSAP) voluntarily chooses to rely on TRS, the PSAP must answer and respond appropriately to such a call. Regardless of the method used to access

9-1-1, the caller's ANI must be received by the 9-1-1 call-taker as quickly as possible at the PSAP in order to dispatch assistance promptly. To achieve this, the relay operator must ask the caller for the name of the county where the emergency is taking place, expediting assistance to the individual with the hearing or speech disability. All questions asked by the call-taker will then be relayed by standard procedures until all pertinent information is obtained and assistance is dispatched. Upon receiving instructions from the relay caller to call 9-1-1, the relay operator has been instructed to immediately obtain the following information: 1) location where emergency help is needed (address and cross-roads) 2) nature of emergency (fire, police, ambulance), 3) number calling from, (ANI) while at the same time dialing the closest PSAP to the caller's location. Every operator, regardless of the state in which they work, processing calls for Maryland has a list of the ten-digit phone numbers for all of the PSAPs in Maryland at their station. This list represents one ten digit number for each county plus Baltimore City.

If the call is disconnected prior to the Relay operator obtaining the location and nature of emergency, the operator continues with the call to the 9-1-1 center closest to the ANI received by the Relay operator. At that time, an explanation is given to the call-taker at the PSAP that the individual called with a request to dial 9-1-1 and has disconnected. The call taker at the PSAP has been instructed to immediately follow their standard operating procedures for "silent calls". This procedure includes a callback to the ANI provided by the Relay operator in order to assess the basis for the call and to dispatch appropriate emergency equipment and personnel. In Maryland, if no phone/TTY contact can be made, immediate dispatch of police is required.

Cellular/TTY calls to Relay for 9-1-1 are to be handled as above. However, since ANI is not captured at present by TRS this presents a unique situation when the caller has disconnected prior to the giving and verifying of type and location of emergency. It is suggested that this technology be included in the platform at the Relay centers as it becomes available.

Number and area code portability policy and procedures need to be addressed prior to its implementation. This presents a peculiar situation in that the caller requesting assistance from a Relay operator to call 9-1-1 will need, in addition to giving the location of the emergency, the county in which the emergency is taking place. This way, the Relay operator can access the list of 10 digit phone numbers at the TRS center to locate the appropriate emergency service number (PSAP) in his or her area. This procedure is neither desired nor ideal due to the critical nature of 9-1-1 calls.

6. Access to Enhanced Services

46. We agree with the Commission's tentative conclusion to permit flexibility when processing calls accessing computer-driven voice-menu systems. Although audiotext systems are considered to be enhanced services, they have become so prolific that we agree that access to these systems is crucial to provide functionally equivalent service as mandated by the ADA.

With respect to handling pay-per-call services through TRS, once again, we believe such access must be provided in order for a relay service to be truly functionally equivalent. In Maryland, for example, callers making calls to 900 numbers use a toll-free 900 number to access Maryland Relay. The call is then routed to the correct destination

as if it had been dialed from the TRS caller's telephone. Rating and billing of the call is handled by the terminating LEC and presented to the TRS user as a LEC bill.

In Maryland, the issue of unauthorized use of 900 service has been addressed by blocking outgoing calls at the point of origination. If the TRS caller has pay per call blocking at the origination point, and the caller attempts to dial the TRS center's 900 number used for pay per call services, the originating LEC will block the call, and the call will never reach the TRS center. If no call blocking has been requested for the originating number, the LEC will complete the call to the TRS center. The customer is not charged for the call to the TRS center. With this method, the caller is forced to use the TRS center's 900 number to access such pay per call services and is prevented from access to pay per call services through the general use 800 number and thereby eliminating the potential for abuse.

B. Mandatory Minimum Standards

1. Speed-of-Answer Requirements

52. The State of Maryland suggests defining **ASA** as the time the call hits the vendor network (regardless of whether this is the center switch or the router switch until there is operator interaction, e.g. an operator saying or typing "XYZ Relay Operator 123 GA".) **ASA** by definition ends when the call is answered by a live operator. A customer cannot request an outbound number be dialed until the call to the relay center is answered, and that cannot happen until an operator is actively on the call. If a call is considered answered when it is put in queue, there is no functional equivalency with standard calling. The State of Maryland believes that calls placed in queue should not be considered as answered calls. When calculating **ASA**, the minimum time period that

should be allowed for the average should be daily. In addition, if calls are held in queue for an extended period of time, these call should be considered as blocked calls. For example, when a call rings for over sixty seconds and is then abandoned, it should be considered a blocked call.

The State of Maryland disagrees with the FCC's tentative conclusion that abandoned calls not be included in the **ASA** in calculation. If a call is abandoned after 60 seconds, it is highly unlikely that the reason is anything other than the frustration of waiting an inordinate period of time. Since this call is never answered, it cannot fit into the area of **ASA** and should be counted as a blocked call. The State of Maryland believes that calls answered after a set period of time is established, i e. 60 seconds, be considered blocked.

TRS providers themselves often infer that anything over 10 rings is an inordinate amount of time for a call to ring. Operators will often say, "that call has rung 10 times would you like to continue?" Why would we then expect persons calling the relay center to continue over 10 rings without hanging up in frustration?

C. Competition Issues

2. Treatment of TRS Customer Information

72. When customers give their personal information to a TRS provider to establish a customer profile, it is given so their calls can be handled more **efficiently** by **THEIR** State relay service. They are not giving the information to a specific carrier, but a state provided service. As evidenced by customers who have recently been slammed, it is an inconvenience at best and an added expense at worst for them. A similar analogy could be made with the information in the customer database. When a customer has told their state relay that they want to use a specific carrier of choice (COC) for long distance calls,

and that information is not transferred to the new provider, it could take several months before the customer finds out that their calls are being handled by the new provider rather than their preferred carrier of choice. This is unfair to the customer who in good faith provided information that they thought would only have to be provided once. This does not follow the guidelines of the ADA *“ensuring that TRS is available to the extent possible and in the most efficient manner.”*

Some providers seem to be attempting to cloud the issue by confusing the issues of the transfer of the data in the database and the transfer of proprietary software inherent in the TRS provider's network. The State is only interested in the data in the database, not the proprietary programs that hold the information. The data is collected in behalf of the State for the sole purpose of making a TRS call flow as smoothly as possible. Ownership of the customer database is clear. The State is the owner and transfer of ownership of the data should occur when and if a new vendor begins providing service to a State.

D. Enforcement and Certification Issues

76. Maryland Relay encourages customer feedback at all times, whether it is favorable or not. Customers are given the opportunity to voice their complaints while on line with a supervisor, by phone, web page, annual survey, e-mail, or standard mail. These numbers and addresses are published on all Maryland Relay literature and correspondence. In addition, members of our Governor's Advisory Board for Telecommunications Relay are our direct liaisons to our customers. GABTR members are encouraged to solicit feedback and provide it to the TAM office. All complaints and commendations that come into the Maryland Relay are documented by a supervisor on a

standard form. Recommendations or actions taken are also recorded and dated on this form and copies are forwarded to the state administrator on a monthly basis.

Since 1993, Maryland Relay has received an average of less than 20 complaints per month, with a resolution rate of almost 100 percent. Complaint resolution takes place either at the time of complaint while on line with customer, or within 48 hours by fax, personal letter or a phone call from an account manager. Ninety five percent of customer complaints are related to agent protocol, and the agent is made aware of the infarction and required to attend refresher training on particular call processing procedures related to their infarction. The remaining complaints are systemic problems such as difficulty linking up a call, or long wait time for an answer when calling in to the center. These complaints are referred to engineering for follow-up.

E. Other Issues

77. The State of Maryland strongly urges the FCC to re-consider its position on not proposing rules addressing the effectiveness of carrier information and outreach activities. Over the past several months the State of Maryland has begun a coordinated and comprehensive outreach effort to educate the general public about the availability and utilization of TRS. Through bill stuffers, newspaper ads, and television advertisements, public awareness is at an all time high.

Telephone inquiries to the State's Maryland Relay customer service department for information regarding relay have risen dramatically. In June 1998, over 1700 calls requesting information about relay service and our equipment distribution program were taken. This, compared to an average monthly inquiry of less than two hundred calls, leads us to believe our advertising campaign is on the road to success. Call volumes

measured at the Maryland Relay center, which had been flat for almost a year have begun to show an increase as a result of these outreach efforts.

The State of Maryland believes that a coordinated national advertising campaign should be implemented. Authorizing NECA to establish guidelines and a procedure to fund a coordinated national television campaign would surely broaden the potential universe of TRS users. Thus, **meeting** one of the two main objectives of this NPRM. This single event could truly enhance the lives of millions of Americans.

The State of Maryland suggests that the Universal Service Fund administered by NECA be also be used to fund an annual advertising campaign of generic TRS. Millions of Americans who are still unaware of TRS could benefit from this effort. From the inquiries received by the State of Maryland as a result of our advertising blitz, it is evident that the greatest number of persons effected by our outreach effort have been senior citizens who are no longer able to effectively communicate over the telephone. Access to TRS will allow them to maintain their independence. Only a ruling by the FCC can imitate Maryland's success on a nationwide basis.