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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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

COMMENTS OF KANSAS RELAY SERVICE, INC.

Filing Party: Kansas Relay Service, Inc

Date: July 17, 1998

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Summary of Comments

III. A. 2.	KRSI requests the opportunity for further comment on proposed specific rules implementing STS. KRSI believes state programs should not be required to use regional or national STS centers.
III. A. 5.	The term "emergency call" should not be defined by regulation. TRS centers should be given the option of providing a caller's AN1 either verbally or electronically to an emergency services operator.
III. A. 6.	The TRS user should be afforded the opportunity to request the form and extent of information provided on voice-menu systems.
III. B. 1.	KRSI proposes the Commission adopt a new standard based upon average daily speed of answer.
III. B. 3.	KRSI proposes the Commission adopt a rule stating that no more than a given percentage of calls during a particular day would have a change in CAs within 10 minutes.
III. c. 1.	KRSI requests the Commission continue to allow state programs the option to choose a single vendor or a multi-vendor system.
III. c. 2.	KRSI believes that customer profile information belongs to the state program or contract administrator and should be transferrable, to the extent feasible, to a new TRS vendor.
III. D.	No complaints have been filed with the Commission or the Kansas Corporation Commission against KRSI or the Kansas Relay Center.

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Kansas Relay Service, Inc. ("KRSI") submits these comments in response to the Commission's Notice of Proposed Rulemaking released May 20, 1998. KRSI, a Kansas not-for-profit corporation, was created by Kansas certificated telecommunications companies to implement and manage the Kansas Relay Center ("KRC"). The KRC was the result of orders of the Kansas Corporation Commission issued in 1989 directing the creation of a Kansas telecommunications relay service. KRSI, officially through the Kansas Corporation Commission, is certified as a "state program" in compliance with Title IV of the Americans with Disabilities Act of 1990. In addition to managing the KRC, in January, 1997, the Kansas Corporation Commission appointed KRSI to manage the creation and operation of the new Kansas telecommunications access program ("TAP"). TAP was authorized by a 1996 enactment of the Kansas Legislature directing that all Kansas telecommunications service providers participate in funding a telecommunications equipment program for persons with speech or hearing impairments, visual impediments, and other special needs.

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

KRSI does not have any experience with handling STS calls. Thus, KRSI cannot now recommend changes to specific TRS minimum standards or even identify which standards will be problematic in an STS context. However, based upon its experience of running a TRS center for over eight years, KRSI does believe that the existing minimum TRS standards may have to be modified in order to apply them to STS calls. There are vast differences in the degree and type of speech impairments of persons who would be making STS calls. Commission rules applicable to TTY calls using uniform technology simply may not be relevant in an STS environment and may make it impossible for a certified state program to provide legally acceptable STS services at any reasonable cost.

KRSI respectfully requests that prior to implementing any final rules regarding STS standards that the Commission grant interested parties a further opportunity to comment on specific proposed STS rules. With the benefit of proposed rules, KRSI believes that it (and most other state programs not familiar with STS) can provide meaningful comments and recommendations to the Commission on how best to implement STS.

KRSI is also concerned with the Commission's tentative conclusion that STS calls will best be handled by regional or national centers. While KRSI recognizes the need to provide STS on

a cost-effective basis, KRSI questions whether quality STS can in fact be provided by regional or national centers. The extreme differences in the degree and type of speech impairments of persons making STS calls may not lend themselves to the uniform standards and remoteness of regional or national STS centers. In order to effectively provide STS to many callers, special arrangements might have to be made with individual callers. For example, CAs might have to receive specific instruction for the unique requirements of an individual caller. This could necessitate personal meetings between a caller and CAs in order that the CAs could learn the special requirements of the caller. If this kind of individual service is required to meet the Commission's standards, the balance between cost and quality would be tipped significantly toward higher cost.

KRSI believes that it can best serve the needs of Kansans with speech disabilities through the implementation of an STS program at the KRC. Thus, KRSI believes that state TRS programs should be given the flexibility to choose how best to provide STS in their particular state. State programs should not be **required** to use regional or national centers which may not adequately provide for the needs of persons with speech disabilities and may, ultimately, impair the certification of the state program.

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III. A. 5. Access to Emergency Services

The KRC relays all incoming emergency calls. If the caller says "emergency", the call is deemed an emergency and no further questions are asked to determine whether a true emergency exists. If the caller says that they want the police, fire, ambulance, or sheriff, the call is directly relayed to those entities without question or delay. Otherwise, the call is relayed to the appropriate 911 center.

KRSI does not believe the term "emergency calls" should be defined by regulation. A TRS center should not be placed in the position of screening or determining the existence or extent of a claimed emergency. If a caller states that they have an emergency and wants to speak to the police the call should be relayed without question or delay. If the caller simply states that they have an undefined emergency or does not specify a particular emergency agency, the call should be relayed to the appropriate 911 center.

With regard to the question of whether TRS centers should be required to "pass" a caller's ANI to an emergency services operator, KRSI is uncertain as to whether the Commission contemplates the ANI would be verbally sent or electronically sent. Currently, the KRC verbally advises the emergency services operator of the caller's ANI. The KRC does not have the technical capability to electronically pass the caller's AN1 to the emergency

services operator. KRSI believes that there are substantial technical and cost impediments to electronically passing a caller's ANI to an emergency services operator. Thus, KRSI recommends that TRS centers be given the option of verbally or electronically passing a caller's AN1 information to emergency services operators.

III. A. 6. Access to Enhanced Services

KRSI agrees with the Commission's tentative conclusion that its jurisdiction under Title IV of the ADA does not permit it to mandate access to computer-driven voice-menu systems. KRSI also agrees with the Commission's tentative conclusion that the Commission's rules should be amended to allow CAs to advise the TRS user of the presence of a recorded message and inquire whether the caller wishes the CA to summarize the message or to listen for specific information.

The KRC currently advises a TRS caller of the presence of a recorded message. It has been the KRC's experience that most TRS callers do not want a verbatim recitation of the full recorded message. Most callers seek specific information from the recorded message or simply want a summary of the message. KRSI believes that the TRS user should ultimately be in control of the call and should be afforded the opportunity to request the form and extent of information provided on voice-menu systems.

III. B. 1. **Speed of Answer Requirements**

KRSI agrees with the Commission's proposed requirement that the lo-second speed of answer time frame be triggered when a call initially arrives at the TRS provider's network. KRSI has always measured its speed of answer commencing from the time a call reaches the KRC's switch (network) until the time the call is answered by a CA prepared to place the TRS call.

KRSI is concerned with the Commission's proposed requirement to determine compliance with the 85%-10-second rule on "at least a daily basis". From its inception, KRSI has configured and designed its TRS system to provide the required level of service. The KRC has always been staffed in order to exceed the minimum Commission requirements. However, the KRC's ACD does not (and probably cannot) generate the 85%-10-second calculations on a daily basis. Moreover, KRSI believes that the 85%-10-second standard is an anachronism based upon decades old technology and operating procedures. Thus, KRSI proposes the Commission adopt a new standard based upon average daily speed of answer. KRSI believes that this new standard can be easily calculated by all TRS centers and is subject to easier verification by the Commission. KRSI notes that the KRC has consistently achieved an average daily speed of answer of substantially less than 10 seconds from the time a call first reaches the KRC switch until the call is answered by a

CA prepared to place the TRS call. Moreover, this average daily speed of answer has been achieved and maintained without excluding redialed or abandoned calls from the calculation. In addition to being easier to calculate and verify, KRSI believes that a standard based on average daily speed of answer more accurately reflects current technology and operating procedures in the telecommunications industry.

Finally, in the event the Commission adopts an average daily speed of answer standard, KRSI believes that redialed and abandoned calls should not be excluded from the speed of answer calculation. Moreover, KRSI would propose that additional types of calls be added to the calculation. These include the number of busy signals that a TRS caller receives when dialing the TRS center and the number of incoming TRS calls placed on hold. By including all these types of calls in speed of answer calculations, KRSI believes that the ability to distort the record of a TRS provider's actual performance will be lessened.

III. B. 3. In-Call Replacement of CAs

KRSI first notes that in-call CA transfers rarely occur at the KRC. Moreover, the average length of a TRS call is less than 10 minutes. In those instances when an in-call CA transfer occurs, the KRC always advises the TRS caller of the transfer. The KRC has

not had a TRS user complaint about an in-call CA transfer for over one year.

KRSI does not believe that the Commission's proposed mandatory lo-minute rule is warranted. As noted by other commentators, collective bargaining agreements may be implicated by such a proposal. Such agreements may dictate the timing of breaks, meal times, and when the end of a shift must occur.

KRSI further notes that a mandatory lo-minute rule would have practical adverse effects on the operation of a TRS center. If implemented, a CA would not be able to take a TRS call within 10 minutes of a scheduled break, meal time, or end of shift. CAs would effectively be paid for any lo-minute period prior to a break even though the CA was not required to perform any job functions. The mandatory lo-minute rule further does not take into consideration the individual requirements of a CA, including, sudden illness, home emergencies, and personal needs and requirements.

Rather than imposing a strict lo-minute rule, KRSI proposes that the Commission adopt a rule stating that no more than a given percentage of calls during a particular day would have a change in CAs within 10 minutes. The TRS caller would have to be advised of any CA change. KRSI believes that its proposal would allow TRS centers to accommodate the legal and practical needs of CAs while

limiting the ability of TRS centers to structure their system so as to encourage in-call CA transfers.

III. c. 1. Multi-Vendoring

KRSI concurs with the Commission's conclusion that the provisions of Title IV of the ADA restrict the Commission's authority to require multi-vendoring of TRS services at the state level. However, KRSI is much more concerned with allegations that a single-vendor model is inefficient and produces substandard TRS. KRSI questions whether commentators equate an alleged inefficient TRS system with one that does not provide TRS at the lowest possible cost per minute.

While some state bidding laws may require a state program to accept the lowest per minute bid, KRSI created and manages the KRC without the constraints of a mandatory low-bid requirement. KRSI believes that by not tying TRS services directly to the lowest cost per minute, the KRC offers premium quality TRS under a program which is controlled at the state level. The ability to consider factors other than simply cost per minute enables KRSI to offer a range of services best suited to the needs of Kansas TRS users.

KRSI believes that the advantages of single-vendoring are many. These include (a) the ability to deliver uniform, statewide TRS service, (b) comprehensive, in-state complaint resolution procedures, (c) simplicity of administration, (d) local control

over the TRS program, and (e) the ability to work with local advisory councils and disability groups concerning the management and services of the TRS program.

KRSI is concerned about the impact of mandatory multi-vendoring on small TRS markets. Kansas has a small population which may not be best served in a multi-vendor market. In a multi-vendor situation, KRSI believes that the small number of Kansas TRS consumers would lose out to the market forces of states with larger populations or regional vendors with even larger TRS customer populations.

Rather than mandating multi-vendoring, KRSI proposes that the Commission continue to allow state programs the option to choose single or multi-vendoring systems. This would allow each state to address its own unique needs and afford each the flexibility to change if circumstances warrant.

KRSI believes that it has provided high quality TRS services to Kansas consumers based upon a single vendor model. KRSI believes that both the quality of the TRS services provided and control over the TRS program would be greatly reduced in a multi-vendor situation. KRSI again requests the Commission continue to allow state programs the option to choose a single vendor or a multi-vendor system.

III. c. 2. Treatment of TRS Customer Information

Without addressing the legal issues raised by 8222 of the Communications Act of 1996, KRSI believes that customer profile information belongs to the state program or contract administrator and should be transferrable, to the extent feasible, to a new TRS vendor. KRSI believes that caller profile information was only created and retained by a TRS vendor because of the vendor's contract with the state program. But for the payments made to the TRS vendor such information would never have been compiled. KRSI further believes that regardless of whether caller profile information can be deemed directly paid for by a state program, the creation and use of such information is a necessary by-product of the TRS vendor's ability to provide the services owing the state program under its contract with the state program.

Finally, KRSI notes that the ability of a state program to transfer caller profile information to a new TRS vendor can be further ensured by obtaining signed approvals from TRS customers allowing the state program to share data base information to ensure seamless service delivery if there is a change in TRS providers. KRSI has reached an agreement with its service provider whereby the provider seeks the prior approval of TRS users to transfer the user's caller profile information to a new TRS vendor.

III. D. Enforcement and Certification Issues

KRSI agrees with the Commission's conclusion that states be required to notify the Commission of substantive changes in their state TRS programs within 60-days of the effective date of the change and to file documentation demonstrating that the state TRS program remains in compliance with the Commission's mandatory minimum standards. KRSI further agrees with the Commission's tentative conclusions that, as a condition of certification, a state TRS program must demonstrate that its program makes available to TRS users informational materials on state and Commission compliance procedures sufficient for users to know the proper procedures for filing complaints.

Finally, with regard to information sought in paragraph 76 concerning formal complaints made against KRSI and the KRC, KRSI advises that there have been no Commission complaints filed, the Commission has made no complaint referrals to the Kansas Corporation Commission concerning KRSI or the KRC, and the Kansas Corporation Commission has not received formal complaints about KRSI or the KRC.

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