

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Form #7

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: Public Service Commission TITLE NUMBER: 150

CITE AUTHORITY: W.Va. Code 24-1-1, 24-1-7, 24-2-1, 24-2-7, 24-2-11

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 21

TITLE OF RULE BEING FILED AS AN EMERGENCY: RULES GOVERNING

CERTIFICATION AND OPERATION OF TELECOMMUNICATION RELAY  
SERVICE

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

See Attached "Notice of Emergency Rule"

Use Additional Sheets If Necessary.

  
Signature

5.20

## NOTICE OF EMERGENCY RULE

RULE TITLE: Rules Governing Certification and Operation of Telecommunication Relay Service (TRS).

The attached rule is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows:

In July 1990, Congress passed the Americans with Disabilities Act (ADA). Title IV of the ADA, inter alia, requires all common carriers providing voice transmission services to provide telecommunications relay services (TRS) to the hearing and speech impaired no later than July 26, 1993. The ADA's overall purpose is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, and to ensure that State regulatory agencies such as this Commission take an active role in enforcing the standards established in the ADA on behalf of individuals with disabilities. Furthermore, the clear intent of Title IV of the ADA is to further the goal of universal service by providing to individuals with hearing or speech disabilities telephone services that are functionally equivalent to those provided to individuals without hearing or speech impairments.

While the Federal Communications Commission (FCC) has promulgated regulations governing the provision of TRS, State commissions are authorized to establish State programs for implementing intrastate TRS, provided that the State program meets or exceeds the requirements of the regulations prescribed by the FCC and provided that the State program makes available adequate procedures and remedies for enforcing the requirements of the State program. If a State program is not established, the State commission secedes its jurisdiction over the provision of intrastate TRS to the FCC.

On a typical relay call, a hearing or speech impaired individual uses a teletype telephone to send his or her message to a relay operator, who in turn reads the message to the other party. The relay operator then types any response so that it can be read on the text telephone of the hearing or speech impaired individual. This process is then repeated throughout the relay call, so that the relay call replicates a typical telephone conversation.

On March 25, 1991, the Commission established a proceeding for the purpose of investigating telecommunications relay services for hearing and speech impaired individuals in West Virginia, and for the purpose of ultimately adopting a State program for the provision of TRS in accordance with Title IV of the ADA. This proceeding was designated as Case No. 91-175-T-GI. Subsequently, petitions to intervene in this

docket were filed by AT&T Communications of West Virginia and Tesinc Corporation of Arizona.

Since this docket has been established, the Commission has received numerous inquiries and correspondences concerning the implementation of TRS in West Virginia. In general, these communications have all urged the Commission to act as expeditiously as possible on the establishment of TRS within the State. The Commission also received a correspondence from the West Virginia Commission for the Hearing Impaired which similarly stressed the importance of TRS and urged the Commission to act positively on this matter as quickly as possible.

Because of the unquestioned importance of TRS implementation in West Virginia, the Commission is of the opinion that steps should be immediately initiated which will allow this State to move ahead of federal requirements in order to set up a relay system designed to provide telephone service to individuals with hearing and speech disabilities. To this end, the Commission believes that a rulemaking proceeding is the most appropriate vehicle to facilitate the implementation of TRS in West Virginia. The rulemaking proceeding shall set forth guidelines which are to be followed by any party desirous of providing TRS within West Virginia. As a result, the retention of Case No. 91-175-T-GI on the Commission's open docket is no longer necessary and said case should be dismissed.

Pursuant to the attached rules, the Commission will invite interested parties to file contemporaneous applications for certificates for the provision of TRS in West Virginia. The completed certificate applications shall be filed with the Commission for evaluation and review within thirty (30) days of the date of this order. The Commission anticipates that the costs of TRS will be funded by a monthly rate increment on all West Virginia telephone bills for local telephone service. The funds will be used to pay the company or entity selected to provide TRS in West Virginia. The Commission shall establish by separate order or in the certificate granting order the amount of the proposed monthly rate increment and the mechanism by which the monthly rate increment is to be collected and paid to the company or entity providing the relay service.

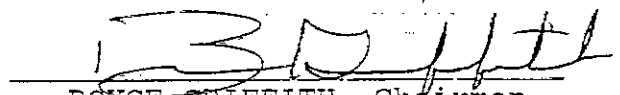
Under normal rulemaking procedures set forth in West Virginia Code §29A-3-7, the Commission is required to allow, at a minimum, a 30-day comment period following promulgation of proposed rules. In addition, Code §24-1-7 prevents a final rule from becoming effective until 60 days after final Commission approval. Therefore, at a minimum, a period of 90-days must lapse before a Commission rule can become effective under normal rulemaking procedures.

However, Code §29A-3-15 gives the Public Service Commission authority to promulgate emergency rules which are effective upon the filing of such rules, with a statement of facts and circumstances

constituting the emergency, in the State Register. An emergency exists, according to Code §29A-3-15(g), when the promulgation of the rule is necessary for the immediate preservation of the public peace, health, safety, or welfare or is necessary to comply with a time limitation established by the Code or by federal statute or regulation or to prevent substantial harm to the public interest.

The Commission is thus of the opinion that it is reasonable and necessary to promulgate the rules attached hereto as emergency rules in order to expedite the provision of TRS to the speech and hearing impaired citizens of West Virginia. Such action is clearly in the public interest and benefits all telephone users because it enables everyone to place calls to, and receive calls from, hearing and speech impaired individuals. Moreover, the use of emergency rulemaking powers is essential to the timely implementation of TRS in West Virginia.

Date: February 24, 1992

  
BOYCE GRIFFITH, Chairman

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
EMERGENCY LEGISLATIVE RULE  
CHAPTER 24-1  
SERIES \_\_\_\_\_

TITLE: RULES GOVERNING CERTIFICATION AND OPERATION  
OF TELECOMMUNICATION RELAY SERVICE (TRS)

- Section: 1.0 General
- 2.0 Commission Requests for Certificate Applications
- 3.0 Telecommunication Relay Service Certificates
- 4.0 Term of Certificate
- 5.0 TRS Rates
- 6.0 Irrevocability of Applications and Penalties for  
Failure to Provide Service in Accordance With the  
Certificate Granted.
- 7.0 Proprietary/Confidential Information
- 8.0 Contracting of Subcontracting
- 9.0 Service and Operational Standards

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
EMRGNCY LEGISLATIVE RULE  
CHAPTER 24-1  
SERIES \_\_\_\_\_

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

1.0 GENERAL

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

1.2 Authority - West Virginia Code 24-1-1, 24-1-7, 24-2-7 and 24-2-11.

1.3 Filing date - February 24, 1992

1.4 Effective date -

1.5 Definitions and abbreviations

- (a) ADA — Americans with Disabilities Act of 1990
- (b) ASL — American Sign Language
- (c) CA — Communications Assistant
- (d) FCC — Federal Communications Commission
- (e) PSC or Commission — Public Service Commission of WV
- (f) TRS — Telecommunication Relay Service
- (g) TT — Text Telephone
- (h) WVCHI — West Virginia Commission for the Hearing Impaired
- (i) Utility — The term "utility" or "public utility" means any person, firm or corporation subject to the jurisdiction of the Commission under WV Code 24-2-1.

2.0 COMMISSION REQUESTS FOR CERTIFICATE APPLICATIONS

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

- (b) The closing deadline for submitting applications shall be specified in the order of the Commission requesting certificate applications.
- (c) No application will be accepted after the closing deadline unless the deadline is specifically extended by the Commission.
- (d) To be considered as filed in accordance with this rule, applications must be received in the office of the Executive Secretary of the Commission no later than 5:00 p.m. on the date established by the commission as the closing deadline.
- (e) Applications for a certificate that are received prior to the closing deadline will be treated as confidential material, not subject to disclosure prior to the closing deadline.
- (f) All applications for a certificate must include PSC WVA Form 5.1 and all attachments and supporting exhibits required by that form.

### 3.0 TELECOMMUNICATION RELAY SERVICE CERTIFICATES

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

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

#### 4.0 TERM OF CERTIFICATES

4.1. A limited-term certificate shall have an initial term of eighteen months, unless otherwise ordered by the Commission. A limited-term certificate may be automatically extended by the Commission for six months (automatic extension), either upon the Commission's own motion or upon application. All applications for a limited-term certificate should be based on the presumption of an eighteen month initial term and the possibility of an unrequested six month extension, regardless of any request for a different term. If the Commission finds that an additional extension is necessary to assure continued and uninterrupted TRS to the state, it may extend a limited-term certificate for such period(s) as the Commission determines is necessary (additional extension). Notice of either the automatic or additional extension shall be given by the Commission to the TRS provider sixty (60) days prior to the scheduled expiration of the certificate. No other notice and no hearing with regard to such extensions shall be required. In the case of an additional extension of a limited-term certificate, the TRS provider may request a rate increase.

#### 5.0 TRS RATES

5.1 Applications for either limited-term or permanent TRS certificates must include a schedule of proposed rates and charges for providing the service. In granting a certificate the Commission may accept the proposed rates, or condition the certificate upon agreement of the applicant to accept rates as modified by the Commission. Any rates approved by the Commission at the time of issuance of a certificate shall be effective for a period of eighteen

months, or until the certificate is cancelled, whichever comes first (initial rate period). No request for increased rates will be considered by the Commission during this initial rate period.

- (a) Requests for rate decreases will be considered by the Commission at any time.
- (b) Rates for a holder of a permanent certificate may be changed at the end of the initial rate period pursuant to 24-2-3 or 24-2-4a and the Commissions Rules and Regulations for the Government and Filing of Tariffs.

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

6.0 IRREVOCABILITY OF APPLICATIONS AND PENALTIES FOR FAILURE TO PROVIDE SERVICE IN ACCORDANCE WITH THE CERTIFICATE GRANTED

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

- (a) No application for a TRS certificate will be received by the Commission unless it clearly states that the applicant understands and agrees that it will not attempt to withdraw the application within the first ninety (90) days after the filing deadline.
- (b) No application for a limited-term TRS certificate will be received by the Commission unless it clearly states that the applicant understands and agrees that if the certificate is granted as filed, failure to provide the service in accordance with the rules, regulations and orders of the Commission shall be considered as a breach of contract and shall subject the TRS provider, in addition to penalties applicable to public utilities, to such civil penalties as would be appropriate for breach of contract.
- (c) In consideration of the critical need for TRS, the Commission shall expedite its consideration of certificate applications and will make every reasonable

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

#### 7.0 PROPRIETARY/CONFIDENTIAL INFORMATION

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

#### 8.0 CONTRACTING OR SUBCONTRACTING

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

#### 9.0 SERVICE AND OPERATIONAL STANDARDS

9.1 TRS shall be designed to provide a means whereby a deaf, hard of hearing and/or speech impaired person using a text telephone (TT) can communicate with a non-TT user over the existing telecommunication network. All applications for a TRS certificate must demonstrate an understanding of and ability to comply with all operational, technical and functional standards prescribed by the Commission. These

standards are set forth on Form 5.1 All applicants for a TRS certificate must submit a fully completed Form 5.1, addressing all standards as required.

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

Case No. \_\_\_\_\_

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

Basic information required to be submitted:

1. Applicant's full name and address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Applicant's telephone number: \_\_\_\_\_

3. Applicant's Tax ID numbers:

Federal: \_\_\_\_\_

West Virginia: \_\_\_\_\_

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

Name and Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number: \_\_\_\_\_

Tax ID numbers:

Federal: \_\_\_\_\_

West Virginia: \_\_\_\_\_

Application of \_\_\_\_\_

5. Specific location of TRS facility:

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

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7. If the Applicant, or an affiliate, presently operates any TRS facility, this Application must include attachments listing the location of such facility(ies) and the names, titles, addresses and telephone numbers of contact persons for each facility at the State's equivalent to the PSC and the WVCHI.

8. Provide an organizational chart showing the staffing and lines of authority for key personnel to be used, including subcontractors. Also provide a complete description of the personnel, including supervisory personnel, necessary for increasing levels of call volumes and a discussion as to how such personnel will be screened, selected and trained.

9. Provide the following financial information for the Applicant, its parent company (if applicable) and any contractor or subcontractor which is expected to receive ten percent (10%) or more of the total revenues from the service (if applicable):

1. Audited Financial Statements for the most recent two (2) years.
2. Letter of reference and/or financial commitment from primary banking source.
3. Any rating agency reports or investment advisories issued during the past two years.

10. Provide a statement detailing Applicant's managerial expertise in the telecommunications industry and in dealing with the deaf, hearing impaired and speech impaired communities.

Application of \_\_\_\_\_

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

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

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

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

VERIFICATION

State of West Virginia

County of \_\_\_\_\_, ss. \_\_\_\_\_

\_\_\_\_\_, the Applicant of \_\_\_\_\_

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

\_\_\_\_\_  
Affiant

Taken, sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for said County.

My Commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

PSC FORM 5.1

APPENDIX A

## OPERATIONAL STANDARDS

### A. COMMUNICATIONS ASSISTANT

#### 1. Communications Assistant Qualifications

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

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

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

#### 2. Training

- a) Mandatory. The applicant shall describe how its staff will be trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities. Each applicant shall demonstrate how initial

and ongoing training will be provided by including with its proposal an outline of a proposed training plan including, but not limited to, a list of required courses, course descriptions, and time frames, and required curriculum for certification. Furthermore, applicants shall indicate at what level they consider CAs to be fully trained in this capacity.

b) Required.

- (1) All relay center staff, including management, shall receive training to include, but not be limited to, American Sign Language (ASL) "gloss" and grammar, deaf culture, acquired deafness, needs of speech impaired users, operation of relay telecommunications equipment, and ethics and confidentiality.
- (2) Training shall include both simulated and live on-line call handling.
- (3) Appropriate portions of in-service training shall be provided by experts from the deaf, hard of hearing and speech impaired communities in the field of language interpreting, ASL and deaf culture and speech impairment. The WVCHI has the authority to certify such in the State of West Virginia. Alternatively, the bidder must demonstrate that such expertise exists on staff. The proposal should state the number of staff members who are certified ASL and or oral interpreters.

3. Required. Procedures for Relaying Communication

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

- a) Those users who have limited written English language skills will need their

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

- b) CAs shall, to the best of their abilities, let the TT user know the non-TT user's tone of voice.
- c) CAs shall also keep the user informed on the status of the call, such as dialing, ringing, busy, disconnected or on hold.
- d) The TT user shall have the option of telling the CA what aspects of the call that he/she will handle. For example, the TT user may request to introduce relay services to the called party, rather than have the CA do it.
- e) When the CA needs to explain relay to a hearing user, the CA shall also type "explaining relay" for the benefit of the TT user. Conversely, when the CA needs to explain relay to a TT user, the CA will inform the hearing user that the CA is explaining relay. Upon request by the user, the CA shall not announce a call as a relay call, permitting the caller to provide explanation, if any. The CA shall not reveal the caller's disability unless the caller requests that information to be relayed.
- f) When speaking for the TT user, the CA shall adopt a conversational tone of voice appropriate to the type of call being made.
- g) CAs shall indicate to the TT user if another person (hearing) comes on the line.
- h) When a line is busy, a CA shall redial at least two times, with a fifteen (15) second delay between redialing at the request of the customer.

- i) All comments directed to either party by the CA shall be relayed. These comments shall be typed in parentheses, for example, "(Will you accept a collect call?)" All comments directed to the CA by either party shall also be relayed, for example, "Yes, I'll accept the collect call."
- j) If either party communicates in the third person, the CA shall relay in the third person.
- k) To correct a typing error, CAs shall not backspace, but continue in a forward direction by typing "xx" (common TT convention for error) and then typing the word correctly.
- l) When necessary, CAs shall verify spelling of proper nouns, numbers and addresses that are spoken. This shall be relayed as discussed in (i) above.
- m) The CA will stay on the line until both parties have terminated the call. If necessary to process a complaint or compliment, the call will be transferred to a supervisor.
- n) CAs shall not counsel, advise or interject personal opinions or additional information into any relay call. Furthermore, the CAs shall not hold personal conversations with anyone calling the TRS even when prompted by callers.
- o) Callers shall not be required to give their full names or the full name of the party they are calling. This information shall not be recorded in any form without the permission and knowledge of the caller (except for long distance billing purposes). It is understood that for some calls, having the full name would help facilitate the call. The CA may ask for that information and explain how it may facilitate their call. However, the CA shall not refuse to make a call if the caller does not wish to give full names.

- p) CAs will uniformly recognize an "s" typed at the TT user's option, at the beginning of a call, to indicate that the user is speech impaired. Bidders shall propose procedures for fulfilling this requirement. This convention shall be included in all informational material produced and distributed to explain relay usage.
- q) CAs will leave messages on answering machines or other voice processing systems if the voice or TT caller activates one while actually making the call. Bidders shall propose procedures for fulfilling this requirement, and the procedures shall include the following steps:
- (1) The CA will inform the caller when an answering machine has been reached.
  - (2) The CA will ask the caller if she/he wishes to leave a message.
  - (3) The CA will leave the caller's message, either by voice or by TT.
  - (4) The CA will confirm to the caller that the message has been left.
  - (5) The caller will only be charged for one call regardless of the number of redials required to leave the message.
- r) CAs will retrieve messages from voice processing systems and relay a TT message to a voice user or a voice message to a TT user. Bidders shall propose procedures for handling this requirement, and the procedures shall include methods for obtaining any necessary system access codes from the user and statements regarding the confidentiality of that information.

## B. CONFIDENTIALITY AND CONVERSATION CONTENT

1. Mandatory. Applicants shall outline the policies the applicant will use to preserve confidentiality. Proposals shall also

include plans to maintain security and privacy of the work environment at the proposed site. Specific policies shall be developed in the start-up period after the contract is awarded. Such policies include protocols employees are encouraged to use to prevent unintentional disclosure of relayed conversations.

2. Required

- a) A copy of the Confidentiality Policy shall be provided upon request and made available during workshops, seminars, outreach and community awareness programs, and posted at the operations center.
- b) The contractor shall not permit the CAs to make any value judgement regarding legality or obscenity of the content of the message and shall ensure that the CAs relay all messages received.
- c) The contractor shall be restricted to collecting only that personal information necessary to provide and bill for the relay service being rendered except when necessary to respond to customer complaints. This information shall not be used for any other purpose.
- d) CAs, supervisors, and trainers must be required to sign a pledge of confidentiality promising not to disclose the identity of any callers or fellow CAs or any information learned during the course of relaying calls, either during the period of employment or after termination of employment.
- e) When training new CAs by the method of sharing past experience, trainers shall not reveal any of the following information:
  - (1) names, genders, or ages of the parties of the call
  - (2) originating or terminating points of the call
  - (3) specifics of the information conveyed

- f) CAs shall not discuss, even among themselves or their supervisors, any names or specifics of any relay call, except as required in the course of resolving complaints. CAs may discuss the general situation that they need assistance with in order to clarify how to process a particular type of relay call. CAs should be trained to ask questions about procedures without revealing names or specific information that will identify the caller. If a user is in an emergency or life-threatening situation or causes an emergency situation to exist by threatening the CA or relay center, names and specific information may be disclosed by the CA to a supervisor to expeditiously address the situation.
- g) Watching or listening to actual calls by anyone other than the CA is prohibited except for on-the-job training and monitoring quality of service. The proposal shall outline the procedures and controls that assure such exceptions are limited to absolutely necessary circumstances.
- h) A CA or supervisor who, after investigation, is found to have violated the confidentiality rules and regulations shall either be terminated immediately or be given a warning and automatically terminated the second time it occurs. Proposals shall specify the policy for reviewing alleged violations of confidentiality.
- i) **Obscenity Directed to the Communications Assistant**  
CAs do not have to tolerate obscenity directed at them. A proposal should specify how the contractor will handle these situations. It is acceptable to transfer callers using obscenities directed at the CA to a supervisor to determine why the caller is using obscenities and to explain that this is inappropriate.
- j) **Communications Assistant Identification.**

- (1) The method to be used in the TRS is for the CA to identify by identification number (not name) at the beginning and before completion of each call. A method must be established which will allow identification of the CA in the event a complaint is filed or a user wants to compliment the work of the CA.
- (2) CAs must maintain confidentiality as to the identity of fellow CAs' employee identification (ID) number as delineated above.

k) Caller-Provided Information

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

l) Conflict of Interest

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

C. Types of Calls

1. Mandatory.

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

- b) The application should outline the procedures for receiving, transmitting and tracking emergency calls. A plan for handling emergency calls must be made available to the PSC prior to commencement of operations.
- c) The Relay Center must process West Virginia intrastate calls, interstate calls originating in West Virginia, interstate calls terminating in West Virginia and interstate calls made between two other states that are made by a West Virginia customer. The service shall be designed such that all calls made through the center will be billed from the originating telephone number to the terminating telephone number as if the call were made directly. The applicant must explain how these objectives will be accomplished.

2. Required.

- a) Billing: The service provider must establish methods which shall be used to ensure that calls are timely and accurately billed. The proposal must include a description of how the service provider will meet the following requirements:
  - (1) The billing for each billable call made using the TRS shall be rendered by the same telephone company which would have rendered such billing had the call been made without utilization of the TRS.
  - (2) The TRS shall promptly, reliably, and accurately transmit all necessary billing information to the telephone companies needing such information for their billing purposes.
  - (3) The TRS shall perform all billing activity necessary to assure that TRS users are accurately and timely billed, when billing is warranted, for the following types of calls, at a minimum:

- (a) Direct dial
  - (b) Operator assisted, whether "operator" is live or mechanized
  - (c) Sent-paid coin
  - (d) Credit card
  - (e) Directory assistance
  - (f) Third-number billed
  - (g) "Collect" (Charge reversal)
  - (h) Person-to-Person
  - (i) Hotel/Motel/Hospital
- (4) The TRS shall, under no circumstances, cause billing to be rendered to a TRS user for an uncompleted call.
- (5) Billing time for charges applicable to TRS users shall commence when the line called for the TRS user, by the CA, answers. Billing time shall cease when the line called by the CA, for the TRS user, goes on hook or whenever the CA terminates the connection to that line, whichever comes first.
- (6) TRS user billing time shall be measured in whole second increments.
- (7) For purposes of calculating the mileage bands applicable for the billing of calls made by TRS users, the TRS shall treat all calls as if they were made directly between the points of origination and termination.
- b) Transfer Capability: The Relay Center must be equipped to allow for the transfer of calls when necessary to meet user needs.
- c) Operator Assistance: Service providers are required to provide access to

operator assistance for the deaf, hard of hearing and speech impaired. This service would provide standard operator services normally provided to all telephone users upon commencement of operations.

3. Enhancement.

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

D. Policy and Procedures Manual

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

### TECHNICAL STANDARDS

A. ASCII AND BAUDOT

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

B. SPEED OF ANSWER

1. Mandatory. The application shall show plans to develop staffing patterns as related to call volumes and usage patterns.
2. Required
  - a) No restrictions shall be placed on the length or number of calls placed by customers through the Relay Center. The system shall be designed and staffed to handle traffic during peak and off-peak periods.

- b) Blockage Rate: Average daily blockage rate for all calls into the Relay Center shall be no greater than one(1) in one hundred (100) calls. This shall be measured by sampling the number of calls being blocked at a minimum of every 30 minutes for each 24 hour period.
  
- c) Traffic Reports: The service provider shall provide to the PSC and WVCHI the following written reports on a monthly basis. (More frequent or more detailed reports shall also be available upon request.)
  - (1) Reported by NPA, total daily and monthly
    - (a) number of incoming calls
    - (b) number of outgoing calls (including busy, no answer, disconnected)
    - (c) number of completed calls
    - (d) number of abandoned calls
  - (2) Daily and monthly blockage data.
  - (3) Average daily and monthly answer time; range of answer times for the month.
  - (4) Average daily and monthly number of calls in queue (caller is receiving a ringing, waiting to be answered by a CA); average length of time in queue.
  - (5) Average daily and monthly length of call, broken down into call set-up, call duration and call wrap-up.
  - (6) Total daily and monthly number of calls of the following lengths:
    - 0 - 10 minutes
    - 11 - 20 minutes
    - 21 - 30 minutes
    - 31 - 40 minutes
    - 41 - 50 minutes
    - 51 - 60 minutes
    - 61+ minutes

- (7) Usage patterns (number of calls and length of calls) by hour of day and day of week.
- (8) Number of CAs on duty by hour of day and day of week.
- (9) Number of local, intrastate toll, and interstate calls and completed call minutes for the month.
- (10) All of the above shall be reported to the PSC and WVCHI no later than 21 calendar days after the close of each month.

- d) For the purposes of improving the productivity of the relay service, automatic electronic production of the above information is recommended.
- e) The applicant will submit the reporting format that will be used to provide all of the above information.
- f) The applicant must include information on its capability to provide ad hoc reports including new information in the system's database or new formats for existing information.
- g) On an annual basis, the service provider must provide forecasted usage figures and costs to the PSC for the upcoming year for use in annual program budgets.
- h) Any data not specified above required by regulatory bodies.

**C. EQUAL ACCESS TO INTEREXCHANGE CARRIERS**

- 1. Mandatory. The application must state and justify any limitation to be placed on access to interexchange carriers.
- 2. Required. The applicant shall provide details of the dialing plan, including number of dialed digits, which will be utilized by users of the service. Details must be provided which outline whether more than one access number will be used and explain why more than one access number will be required.

## D. TRS FACILITIES

### 1. Mandatory

- a) Applicants must provide a network design diagram and accompanying explanation indicating how the TRS will satisfy the operational and technical standards. The proposal should include the quantities and types of inbound and outbound circuits necessary to complete the projected number of calls within each jurisdiction.
- b) The applicant shall explain the type of equipment and software necessary to meet the service standards and handle the types of calls and projected call volumes. Bidders must state how calls from TT users to voice users will be handled differently from calls from voice users to TT users, if there are differences.
- c) Applications must outline plans to ensure that no calls are dropped due to processor failure. Applicants must explain the built-in redundancies needed to maintain required levels of service in the event of preventive maintenance, power outage, or other causes that would shut down the processor.

### 2. Required

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

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

applicant shall include a copy of the contract documents already governing the operation of the TRS at the proposed location.

- b) The transmission circuits shall meet or exceed FCC interexchange performance standards for circuit loss, noise, and crosstalk.
- c) A back-up power system must be able to provide emergency power in the event of commercial power outage for a minimum of 8 continuous hours. The Back-Up Power System must support the switch system and its peripherals, switch room environmentals, air conditioning, fire suppression system, emergency lights and system alarms, operator consoles/terminals, operator work site emergency lights, and Call Detail Record recording.
- d) The back-up power system shall be automatically switched to carry the Relay Center's power needs, as listed above, whenever a commercial power outage of more than very short duration occurs. The back-up power system shall be tested at least monthly. At least quarterly, the relay center shall simulate a commercial power outage of sufficient duration to cause automatic switchover to back-up power.
- e) The switching system shall include a redundant CPU on "hot stand-by" and an inventory of spare critical components (to be outlined in the proposal) which will be maintained on site to ensure that required levels of service are met.
- f) The TRS shall have an automatic alarm system on-line and in operation at all times which will immediately alert appropriate personnel of any significant problem with, or failure of, any system critical to satisfactory TRS operation. Appropriate personnel shall immediately respond to such alarms with appropriate remedial activity.

- g) The TRS shall be capable of having calls rerouted to one or more other relay centers such that TRS users shall not notice more than minimal service changes during such traffic rerouting. Such traffic rerouting shall occur whenever the Relay Center is unable, for whatever reasons, to provide satisfactory service and shall continue until the ability of the Relay Center to provide satisfactory service is restored.
- h) Recorded announcements as appropriate shall be provided if a system failure occurs within the relay switch or on outbound circuits. Both voice and TT messages shall be provided. Intercept messages on inbound circuits may or may not be under the control of the service provider.
- i) Disaster Recovery Plan. The provider shall create a complete Disaster Recovery Plan (not just an outline) for dealing with all types of natural and man-made problems. A primary requirement is to notify the PSC immediately if a major problem occurs. In addition, the plan should detail the levels of escalation which will be employed to deal with the problem and restore service.

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

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

**E. TECHNOLOGY - Mandatory**

1. The applicant shall demonstrate its capability to adapt to improvements in communications equipment technology and to implement state of the art technology for provision of relay service.
2. The user communities and the PSC should be allowed to benefit from advancing technology. Applicant will describe the methodology and process it will use to keep abreast of technological changes in the provision of relay service, to inform the PSC that new enhancements area available and at what cost.

**FUNCTIONAL STANDARDS**

**A. ENFORCEMENT/COMPLAINT PROCESS**

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

- a) The TRS shall take complaints by mail and telephone during normal business hours. Complainants shall not be required to put complaints in writing.
- b) The provider shall insure that any caller to the relay center having a complaint will be able to reach a supervisor or administrator while still on line during a relay call during normal business hours.
- c) All complaints received by supervisors or in writing shall be documented, including their resolution, and kept on file for a period of 12 months. Such records shall be made available to the PSC upon request. All complaint forms shall be easily understood, with full instructions for completing and filing the form, and large print copies available for visually impaired.
- d) The TRS shall investigate and resolve all complaints promptly. The TRS shall inform the complainant in a timely manner regarding the resolution of his/her complaint.
- e) In the event the TRS is not able to resolve a complaint to the complainant's satisfaction, the TRS shall report such promptly to the PSC's Customer Relations Division.
- f) The TRS shall cooperate fully with PSC Staff regarding complaint investigations as well as quality of service, compliance, and performance audits.
- g) The provider shall provide monthly summary reports to the PSC and WVCHI regarding numbers of complaints received and topic areas of the complaints.

## B. PUBLIC ACCESS TO INFORMATION

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

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

2. Required.

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

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

3. Enhancement

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

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

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

C. RATES

1. Mandatory.

- a) All calls to access the Relay Service Center shall be at no cost to the person making the call.
- b) Local measured-rate calls and interstate and intrastate toll calls placed using the TRS shall be billed at rates no higher than the same rates that would apply if the calls without the use of the TRS.

2. Required.

- a) Intrastate and Interstate toll call billing rates shall include any applicable discounts offered to TRS users by the TRS user's long distance carrier or by the local exchange company for a toll call.
- b) Each call made through the TRS center shall be given the following discounts off the otherwise applicable rates.
  - (1) Calls made during the "Day" rate period shall be rated at "Evening" rates.
  - (2) Calls made during the "Evening" rate period shall be rated at "Night/Weekend" rates.