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Before the  
Department of Telecommunications & Cable  
Boston, Massachusetts

In the Matter of

Telecommunications Relay Services, )  
for Individuals with Hearing and Speech )  
Disabilities )

**DOCKET D.T.C. 07-04**

**Re: Verizon RFP# R0703826**

COMMENTS OF:

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Telecommunication Relay Services (TRS) provide access to the telephone for people with speech and hearing disabilities and, therefore, are considered a vital assistive technology service. We appreciate this opportunity to comment on the current state of TRS provision and to recommend ways in which to improve the TRS through promotion of technological advances and through regulated state and national standards of service provision, and to enhance, to the greatest extent possible, access to telecommunication services by individuals with hearing or speech disabilities that is functionally equivalent to that enjoyed by people who can hear and speak.

As one of a team of previous authors of an RFP for Telecommunications Relay Service in Massachusetts (1998), I offer the following comments to the Department of Telecommunications and Cable (DTC) in response to Verizon's RFP dated August 3, 2007:

1. Those of us on the previous RFP development team believe a five-year contract is too long. In the past, we have experienced major, critical problems and delinquencies with a previous TRS provider which required intervention by the Attorney General's Office and the Department of Telecommunications and Energy. Learning from past mistakes, we recommend a three-year term for service, plus two one-year renewals at the option of the Commonwealth, depending on performance of the provider.<sup>1</sup>
2. There appears to be no sample contract with terms and conditions. We believe this is important because the draft has no provision for penalties for not meeting requirements during the life of the contract. How will Verizon address this?
3. Requirements are divided into 'mandatory' and 'value-added' but from our experience, most of the latter should be 'mandatory'. For example, (4.6) new technology and (5.5) relay operator training requirements should be mandatory.
4. The Verizon RFP contains no requirement for including information about the complaint process in brochures, on its website, etc. In addition, the current MA Relay website is not compliant with FCC requirements at 47 CFR § 64.605 (b)(1)(ii).

Furthermore, the FCC's website shows a letter dated July 2, 2007 from the DTC's Telecommunications Director, Michael Isenberg, referring to the annual complaint log for 2007. Mr. Isenberg reported that no complaints were made to the DTC, only to the provider, Sprint. How can Mr. Isenberg be expected to receive any complaints when there is no information provided to consumers as to where and how to file complaints? His letter also stated that the Sprint complaint log was attached, but it is not there.

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<sup>1</sup> In 1996, we participated in a painful struggle with the Department of Telecommunications and Energy (DTE) when trying to address and resolve our TRS complaints. A formal complaint was filed by four consumer agencies and with 230 consumers' signatures on December 18, 1996. The DTE ignored the complaint until the Office of the Attorney General intervened on June 6, 1997. The DTE eventually held a public hearing on September 27, 1997, and a settlement agreement was finally achieved on March 24, 1998, more than 15 months after the original complaint was filed. We believe that the substantive changes to the rules governing TRS, which included severe monetary penalties and sanctions against the certified provider agency, greatly improved service and led to such monetary penalties reverting to the funding of the state TRS program.

It appears that no one is monitoring present FCC requirements in Massachusetts. How do Verizon and the DTC plan to comply with the FCC requirement that includes a detailed description of the complaint process? <sup>2</sup>

5. There appears to be no obligation that the program be fully compliant with FCC requirements at the start and with any new requirements that may take effect during the life of the contract and its renewals **without added cost to the state**. How will Verizon and the DTC address this?

6. Section 4.6 on new technology is weak. There is no provision for potential changes in future technology. For example, captioned telephone service is not addressed, which may be allowed in Massachusetts pending passage of an existing bill currently before the legislature (Senate, No. 1943) How will Verizon address this potential for new technology?

7. The RFP does not state the qualifications of the people who will evaluate proposals. The scoring system is quite subjective and would require a diverse group of people experienced with TRS and the diverse user population. What are the evaluators' qualifications?

8. The scoring of proposals refers to "Demonstrated ability to reach target audience." In reality there are several very different audiences and each requires different approaches, and this differentiation should be expected and demonstrated in a provider's proposal. How will Verizon address this?

9. (4.23.C) In a growing number of states, the ASA requirement is now 3.3 seconds, averaged in each modality separately (TTY, Speech-to-Speech, etc.) Why is Verizon setting the ASA at a prolonged 10 seconds? <sup>3</sup>

10. Section 5.12 Reports at G tells us to "See Section 4.34 (C)(D) for details on the measurement of answer time." However, there is no Section 4.34 (C)(D).

11. On the score sheet what does "To be determined by Corporate Sourcing" refer to?

12. Why is there a reference in Section 5.10.D to Minnesota Relay? We took some time to review the Minnesota RFP *which is two years old* and found significant amounts of text used verbatim in this Verizon draft. We are disappointed that this Verizon RFP does not appear to be as consumer-driven as the previous one.

13. The RFP makes heavy use of "proposer shall describe how..." without establishing standards. What are the standards to determine if the proposer is meeting established criteria?

14. Who is Maryellen Bruno, Sourcing Process Leader, of Pennsylvania and what is her experience in TRS and the TRS user population?

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<sup>2</sup> To view an example of a compliant website, see the following: (Appendix A in hardcopy.)

[www.state.mn.us/portal/mn/jsp/content.do?subchannel=null&programid=536884612&sc3=null&sc2=null&id=-536881376&agency=Commerce](http://www.state.mn.us/portal/mn/jsp/content.do?subchannel=null&programid=536884612&sc3=null&sc2=null&id=-536881376&agency=Commerce)

<sup>3</sup> We are aware of at least **four relay providers** who have submitted proposals in response to RFPs using a 3.3 second ASA requirement. Arizona, with similar demographics to Massachusetts, is successfully requiring the 3.3 second ASA. This is calculated individually by modality for voice, TTY including HCO and VCO, captioned telephone, ASCII, Spanish, and speech-to-speech and all 7-1-1 calls – even where the modality is unknown. The ASA in Arizona is a daily average over each 24-hour period beginning at 12:00 a.m., measuring each mode separately.

15. The price sheet does not indicate whether it will pay for 'conversation minutes' or 'session minutes'. We believe it should definitely be **conversation minutes** because session minutes result in a more expensive TRS. The FCC reimburses for conversation minutes, and we are aware of only one state that pays for session minutes and only because it failed to understand the difference. How will Verizon address this?

16. There appears to be no provision for Acceptance Testing prior to cutover, which refers to checking out all systems, and making test calls before the calls begin under the new contract to ensure readiness. This is currently a standard for most TRS providers in this country. Why has Verizon not included it?

17. Who "owns" the contract/TRS service? The Commonwealth or Verizon? If the former, what is the role in administering the contract and auditing performance?

18. If Mass Relay is funded by a surcharge on all voice and data lines, as stated on the massedp.com website, is this funding adequate for the future of TRS services? Does Verizon have a trend chart showing voice and data usage over the last 10 years to see if funding is declining, and, if so, at what rate?

19. The Commonwealth must go through the TRS re-certification process soon. Although there is no deadline for filing, the FCC requests the courtesy of filing by October 1, 2007 . "Applications for certification are reviewed to determine whether the state TRS program has sufficiently documented that it meets all of the applicable mandatory minimum standards set forth in Section 64.604. If the program exceeds the mandatory minimum standards, the state must certify that the program does not conflict with federal law." <sup>4</sup>

Who is responsible for re-certification compliance? Is it Verizon or its contractors or the DTC?

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As TRS consumers, my colleagues and I are very concerned about functionally equivalent access to the telephone network. As personnel in a disability-related state agency, we have always made ourselves available as a resource on issues that affect the lives of people with developmental disabilities, including speech and hearing disabilities.

We thank the Department for this opportunity to comment.

Respectfully submitted,

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<sup>4</sup> FCC Public Notice DA 07-2761, June 22, 2007