

**CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.**

**Subchapter P. TEXAS UNIVERSAL SERVICE FUND.**

**§26.414. Telecommunications Relay Service (TRS).**

- (a) **Purpose.** The provisions of this section are intended to establish a statewide telecommunications relay service for individuals who are hearing-impaired or speech-impaired using specialized telecommunications devices and operator translations. Telecommunications relay service shall be provided on a statewide basis by one telecommunications carrier, except that the commission may contract with another vendor for a special feature in certain circumstances. Certain aspects of telecommunications relay service operations are applicable to local exchange companies and other telecommunications providers.
- (b) **Provision of TRS.** TRS shall provide individuals who are hearing-impaired or speech-impaired with access to the telecommunications network in Texas equal to that provided to other customers.
- (1) **Components of TRS.** TRS shall meet the mandatory minimum standards defined in §26.5 of this title (relating to Definitions) and further shall consist of the following:
- (A) switching and transmission of the call;
  - (B) oral and print translations by either live or automated means between individuals who are hearing-impaired or speech-impaired who use specialized telecommunications devices and others who do not have such devices;
  - (C) sufficient operators and facilities to meet the grade and quality of service standards established by the commission for TRS, including the operator answering performance standards listed in §26.54(c)(2)(A) and (D) of this title (relating to Service Objectives and Performance Benchmarks).
  - (D) appropriate procedures for handling emergency calls;
  - (E) confidentiality regarding existence and content of conversations;
  - (F) capability of providing sufficient information to allow calls to be accurately billed;
  - (G) capability of providing for technologies such as hearing carryover or voice carryover;
  - (H) operator training to relay the contents of the call as accurately as possible without intervening in the communications;
  - (I) operator training in American Sign Language and familiarity with the special communications needs of individuals who are hearing-impaired or speech-impaired;
  - (J) capability for callers to place calls through TRS from locations other than their primary location and to utilize alternate billing arrangements;
  - (K) capability of providing both inbound and outbound intrastate and interstate service;
  - (L) capability for carrier of choice; and
  - (M) other service enhancements approved by the commission.
- (2) **Conditions for interstate service.** The TRS carrier shall not be reimbursed from the Texas Universal Service Fund (TUSF) for the cost of providing interstate TRS. Interstate TRS shall be funded through the interstate jurisdiction as mandated by the Federal Communications Commission. Separate funds and records shall be maintained for intrastate TRS and interstate TRS.
- (3) **Rates and charges.** The following rates and charges shall apply to TRS:
- (A) Local calls. The calling and called parties shall bear no charges for calls originating and terminating within the same toll-free local calling scope.
  - (B) Intrastate long distance calls. The TRS carrier shall discount its tariffed intrastate rates by 50% for TRS users.
  - (C) Access charges. Telecommunications providers shall not impose access charges on calls that make use of this service and which originate and terminate within the same toll-free local calling scope.
  - (D) Billing and collection services. Upon request by the TRS carrier, telecommunications providers shall provide billing and collection services in support of this service at just and reasonable rates.

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(c) **Contract for the TRS carrier.**

- (1) **Selection.** On or before April 1, 2000, the commission shall issue a request for proposal and select a carrier to provide statewide TRS based on the following criteria: price, the interests of individuals who are hearing-impaired and speech-impaired in having access to a high quality and technologically-advanced telecommunications system, and all other factors listed in the commission's request for proposals. The commission shall consider each proposal in a manner that does not disclose the contents of the proposal to competing offerers. The commission's determination shall include evaluations of charges for the service, service enhancements proposed by the offerers, and technological sophistication of the network proposed by the offerers. The commission shall make a written award of the contract to the offerer whose proposal is the most advantageous to the state.
- (2) **Location.** The operator centers used to provide statewide TRS shall be located in Texas.
- (3) **Contract administration.**
  - (A) **Contract amendments.** All recommendations for amendments to the contract shall be filed with the executive director of the commission on June 1 of each year. The executive director is authorized to approve or deny all amendments to the contract between the TRS carrier and the commission, provided, however, that the commission specifically shall approve any amendment that will increase the cost of TRS.
  - (B) **Reports.** The TRS carrier(s) and telecommunications providers shall submit reports of their activities relating to the provision of TRS upon request of the commission or the Relay Texas administrator.
  - (C) **Compensation.** The TRS carrier(s) shall be compensated by the TUSF for providing TRS at the rates, terms, and conditions established in its contract with the commission, subject to the following conditions:
    - (i) Reimbursement shall include the TRS costs that are not paid by the calling or the called party, except the TRS carrier shall not be reimbursed for the 50% discount set forth in subsection (b)(3)(B) of this section.
    - (ii) Reimbursement may include a return on the investment required to provide the service and the cost of unbillable and uncollectible calls placed through the service, provided that the cost of unbillable and uncollectible calls shall be subject to a reasonable limitation as determined by the commission.
    - (iii) The TRS carrier shall submit a monthly report to the commission justifying its claims for reimbursement under the contract. Upon approval by the commission, the TUSF shall make a disbursement in the approved amount.

(d) **Special features for TRS.**

- (1) The commission may contract for a special feature for the state's telecommunications relay access service if the commission determines:
  - (A) the feature will benefit the communication of persons with an impairment of hearing or speech;
  - (B) installation of the feature will be of benefit to the state; and
  - (C) the feature will make the relay access service available to a greater number of users.
- (2) If the carrier selected to provide the telecommunications relay access service is unable to provide the special feature at the best value to the state, the commission may make a written award of a contract for a carrier to provide the special feature to the telecommunications carrier whose proposal is most advantageous to the state, considering:
  - (A) factors stated in subsection (c)(1) of this section;
  - (B) the past performance demonstrated capability and experience of the carrier.
- (3) The commission shall consider each proposal in a manner that does not disclose the contents of the proposal to a telecommunications carrier making a competing proposal.

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**§26.414(d) continued**

(4) The commission's evaluation of a telecommunications carrier's proposal shall include the considerations listed in subsection (c)(1) of this section.

(e) **Advisory Committee.** The commission shall appoint an Advisory Committee, to be known as the Relay Texas Advisory Committee (RTAC) to assist the commission in administering TRS and the specialized telecommunications assistance program, as specified by the Public Utility Regulatory Act (PURA) §56.111. The Relay Texas administrator shall serve as a liaison between the RTAC and the commission. The Relay Texas administrator shall ensure that the RTAC receives clerical and staff support, including a secretary or court reporter to document RTAC meetings.

(1) **Composition.** The commission shall appoint RTAC members based on recommended lists of candidates submitted by the organizations named as follows. The RTAC shall be composed of:

- (A) two persons with disabilities other than disabilities of hearing and speech that impair the ability to effectively access the telephone network;
- (B) one deaf person recommended by the Texas Deaf Caucus;
- (C) one deaf person recommended by the Texas Association of the Deaf;
- (D) one hearing-impaired person recommended by Self-Help for the Hard of Hearing;
- (E) one hearing-impaired person recommended by the American Association of Retired Persons;
- (F) one deaf and blind person recommended by the Texas Deaf/Blind Association;
- (G) one speech-impaired person and one speech-impaired and hearing-impaired person recommended by the Coalition of Texans with Disabilities;
- (H) two representatives of telecommunications utilities, one representing a local exchange company and one representing a telecommunications carrier other than a local exchange company, chosen from a list of candidates provided by the Texas Telephone Association;
- (I) two persons, at least one of whom is deaf, with experience in providing relay services, recommended by the Texas Commission for the Deaf; and
- (J) two public members recommended by organizations representing consumers of telecommunications services.

(2) **Conditions of membership.** The term of office of each RTAC member shall be two years. A member whose term has expired shall continue to serve until a qualified replacement is appointed. In the event a member cannot complete his or her term, the commission shall appoint a qualified replacement to serve the remainder of the term. RTAC members shall serve without compensation but shall be entitled to reimbursement at rates established for state employees for travel and per diem incurred in the performance of their official duties, provided such reimbursement is authorized by the Texas Legislature in the General Appropriations Act.

(3) **Responsibilities.** The RTAC shall undertake the following responsibilities:

- (A) monitor the establishment, administration, and promotion of the statewide TRS;
- (B) advise the commission regarding the pursuit of services that meet the needs of individuals who are hearing-impaired or speech-impaired in communicating with other users of telecommunications services;
- (C) advise the commission regarding issues related to the contract between the TRS carrier and the commission, including any proposed amendments to such contract;
- (D) advise the commission and the Texas Commission for the Deaf and Hard of Hearing, at the request of either commission, regarding issues related to the specialized telecommunications assistance program, including devices or services suitable to meet the needs of persons with disabilities in communicating with other users of telecommunications services.

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**§26.414(e) continued**

- (4) **Committee activities report.** After each RTAC meeting, the Relay Texas administrator shall prepare a report to the commission regarding the RTAC activities and recommendations.
  - (A) The Relay Texas administrator shall file in Central Records under Project Number 13928, and provide to each commissioner, a report containing:
    - (i) the minutes of the meeting;
    - (ii) a memo summarizing the meeting; and
    - (iii) a list of items, recommended by the RTAC, for the Relay Texas administrator to discuss with the TRS carrier, including issues related to the provisioning of the service that do not require amendments to the contract.
  - (B) Within 20 days after a report is filed, any commissioner may request that one or more items described in the report be placed on an agenda to be discussed during an open meeting of the commission. If no commissioner requests that the list be placed on an agenda for an open meeting, the report is deemed approved by the commission.
- (5) **Evaluation of RTAC costs and effectiveness.** The commission shall evaluate the advisory committee annually. The evaluation shall be conducted by an evaluation team appointed by the executive director of the commission. The commission liaison, RTAC members, and other commission employees who work directly or indirectly with the RTAC, TRS, or the equipment distribution program shall not be eligible to serve on the evaluation team. The evaluation team will report to the commission in open meeting each August of its findings regarding:
  - (A) the committee's work;
  - (B) the committee's usefulness; and
  - (C) the costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities.