



Agenda Date: 5/28/19
Agenda Item: IVB

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION BY VERIZON)
NEW JERSEY INC. TO DISCONTINUE BILLING) DECISION & ORDER
TELECOMMUNICATIONS RELAY SERVICE)
CHARGES) DOCKET NO. TO19030304

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Richard C. Fipphen, Counsel for Verizon New Jersey Inc.

BY THE BOARD:

By letter dated January 29, 2019, Verizon New Jersey, Inc. ("Verizon" or "Company") filed a petition with the Board of Public Utilities ("BPU" or "Board") to discontinue the Board's requirement that Verizon provide billing of Telecommunications Relay Service ("TRS") to other telecommunications carriers that contribute to the funding of TRS.

BACKGROUND

TRS is a form of operator assistance that provides translator service between speech and/or hearing impaired individuals with Text Telephones ("TTY") and the general body of telephone users. This system allows those with speech, hearing and visual impairments to access telecommunications services.

Effective July 26, 1990, Congress enacted and the President signed the federal Americans with Disabilities Act ("ADA"), found at 42 U.S.C. §§ 12101 et seq. The ADA, among other things, amended Title IV of the Communications Act, found at 47 U.S.C. § 151 et seq., which incorporated provisions regarding TRS for hearing-impaired and speech-impaired individuals.

On August 28, 1991, the Board selected its first TRS provider; at the time of the awarded bid, the funding mechanism had not been established. The funding mechanism was determined at the Board agenda meeting of January 8, 1992. I/M/O the Funding of the New Jersey Statewide Dual Party Relay System, Docket No. TX89050481 (March 9, 1992). In the Order, the Board designated which local exchange and interchange carriers would contribute to the funding of TRS and established that a portion of the funding be supplied by the companies. The funding would be based on a formula applied to the carriers' yearly revenue. The methods and procedures for the implementation remained pending.

By Order dated September 1, 1993 in the same docket, the Board developed the implementation guidelines. The guidelines included the cost apportionment process, cost share percentage determination, methods of bill review and billing frequency. As part of the implementation, the Board concluded that the selected TRS provider would issue a preliminary bill for the monthly expenses to Board Staff ("Staff"). Staff would verify the amounts (including form and content) and upon verification apply the cost apportionment procedure. After review, Staff would send the bill to New Jersey Bell ("NJB"), now Verizon, who agreed to bill the other carriers on behalf of New Jersey's TRS center. NJB would then render the bills to each carrier for its respective portion of the approved monthly cost. All payments would then be forwarded directly to the TRS provider.

The Board reexamined the TRS funding mechanism at the Board's agenda meeting of August 1, 2005, I/M/O the Funding of the New Jersey Telecommunications Relay Systems, Docket No. TO05070605 (August 5, 2005) ("TRS Order"), following Verizon's inquiries of the funding methods being used. As a result, the funding mechanism was updated to reflect the changes in the New Jersey telecommunications market and to include the competitive local exchange carriers in the list of contributors. The percentages, billing and payments remained the same. Verizon continued to be the billing agent for TRS.

DISCUSSION AND FINDINGS

By letter dated January 29, 2019, Verizon filed a petition with the Board to discontinue providing billing of TRS to other telecommunications carriers. Verizon's petition states that:

- 1) The Company is not the State's TRS provider and the burden of billing should be borne by the service provider;
- 2) Being the billing agent for TRS has become unduly burdensome because many more carriers have been assessed TRS charges over the years since the Board assigned this role to Verizon; and
- 3) Verizon's role as a billing agent for TRS charges is confusing to carriers, often resulting in the mistaken belief that Verizon can address and resolve billing inquiries that the TRS Order requires Staff to handle.¹

¹ The TRS Order states, "The TRS provider or any eligible carrier may bring a billing dispute to Staff's attention. Any unresolved disputes will be brought before the Board for appropriate action." Ibid.

Following Verizon's petition, Staff notified the current TRS provider, Sprint Accessibility ("Sprint"), of Verizon's request to discontinue providing billing for TRS and offered Sprint the opportunity to provide billing to carriers. This would allow Sprint complete control of the billing and collection process and to closely follow up on carriers' payments. However, Sprint declined, citing the following reasons:

- 1) As a national TRS provider in many states, Sprint does not ever act as the direct billing agent to recover TRS charges. The many reasons for this fact include privacy concerns with customers' information as well as possible confusion over Sprint's role as the TRS provider;
- 2) The Board did not include billing services as part of the Sprint TRS contract because as noted in Verizon's Petition, Verizon provides such services under the Board's order. Thus, the contract between Sprint and the Board does not require Sprint to bill the carriers to collect the monthly payments;
- 3) Since the billing and collection functionality was not part of the existing contract, and there are no terms and conditions associated with Sprint taking on this role, the Board cannot require Sprint to take over the billing function; and
- 4) The Board assuming the carriers role of sending out bills to customers makes sense because carriers are more likely to cooperate with the Board as compared to a company that some carriers may consider a competitor.

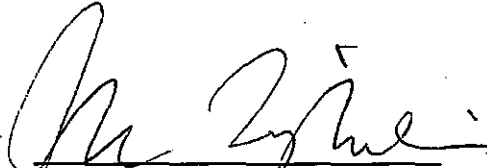
After review of Verizon's petition and consideration of its arguments, consideration of Sprint's position, the evolution of the telecommunications industry, as well as the fact that the funding mechanism Order requiring the Company to provide billing was written long ago in a much different telecommunications environment, Staff now recommends that billing of TRS be provided by Board Staff. The funding mechanism and formula will remain the same, as well as procedures for the resolution of billing disputes. The TRS provider may bring a billing dispute to Staff's attention only after all avenues to resolve the encountered problem have been exhausted. Staff will email the bills to the corresponding carriers for payment once the selected TRS provider provides Staff with the monthly invoice, and all the necessary information has been verified and calculated, and the amount due set forth upon the bills. All payments will continue to be sent directly to the TRS provider. The only change in the current practice will be that Staff will send the bills directly to the carriers, instead of Verizon.


For the foregoing reasons, the Board **HEREBY GRANTS** Verizon's petition to relieve the Company from its administrative billing duties and **HEREBY ORDERS** that Staff handle billing of TRS to all carriers that contribute to the funding mechanism of the service as set forth above.

This Order shall be effective on June 7, 2019.

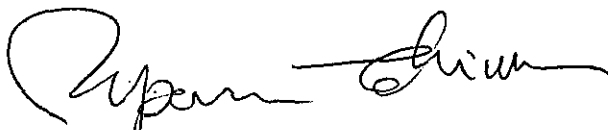
DATED: 5/28/19

BOARD OF PUBLIC UTILITIES
BY:

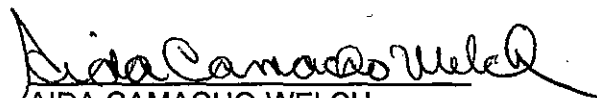

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COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities.

IN THE MATTER OF THE PETITION BY VERIZON NEW JERSEY INC. TO DISCONTINUE
BILLING TELECOMMUNICATIONS RELAY SERVICE CHARGES
DOCKET NO. TO19030304

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