

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 20-068

SPRINT COMMUNICATIONS COMPANY, L.P.

Request for Rate Adjustment for Telecommunications Relay Service

Order *Nisi* Approving Rate Adjustment

ORDER NO. 26,398

August 27, 2020

In this order, the Commission approves Sprint's rate adjustment request relating to its provision of telecommunications relay service and related services. This order also approves the expansion of related services to include Spanish-to-Spanish relay, automated 711, and Relay Conference Captioning. This order is issued on a *nisi* basis to ensure that interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing.

I. PROCEDURAL HISTORY

On May 6, 2020, Sprint Communications Company, L.P., (Sprint), filed a request (Request) to adjust the rates at which Sprint provides telecommunications relay service (TRS) and related services in New Hampshire. Sprint's Request also included new service offerings and a motion for confidential treatment.

On June 19, 2020, the Commission convened a prehearing conference, and the parties met in a technical session following the prehearing conference. On June 23, Sprint filed a letter making corrections to its Request. On July 24, Commission Staff (Staff) filed a memorandum recommending the adoption of Sprint's new rate terms and expanded service options.

Sprint's Request, Staff's memorandum, and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted at <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-068.html>.

II. BACKGROUND

TRS relays telephone messages between people who are deaf, hard of hearing, or speech impaired, and hearing people. The objective of TRS is to provide functionally equivalent telephone service to users who are deaf, hard of hearing, or speech impaired. CapTel is an enhanced TRS service that is provided using a specialized telephone with a text display, permitting the user to directly dial and speak to the person called, listen to that person speak, and simultaneously read captions of the conversation. Speech-to-Speech (STS) is another enhanced service that people who are speech-disabled use to communicate with another party. In each instance, messages are relayed or captioned with the assistance of a Relay Agent, a trained professional who confidentially facilitates the communication.

Every carrier providing telephone voice transmission services is required by Federal Communications Commission regulations to provide access to TRS services throughout the area in which it offers services, whether individually, through designees, through a competitively selected vendor, or in concert with other carriers. Each carrier is also required to conduct ongoing education and outreach programs that publicize the availability of access to TRS in a manner reasonably designed to reach the largest number of consumers possible. *See* 47 C.F.R. §§64.601-64.613.

In New Hampshire, intrastate TRS, related services, and outreach are provided by Sprint. Sprint operates as a public utility pursuant to a statewide franchise, with rates and terms of

service modified by Commission order from time to time. *See Dual Party Relay Service-Telecommunications Relay Service*, Order No. 20,236 (September 10, 1991); *see also Sprint Communications Company, L.P.*, Order No. 25,629 (February 18, 2014). Sprint is paid for these services out of the TRS Fund. The TRS Fund receives revenue on a monthly basis from all carriers providing local service, with contributions based on the number of customers served. *See N.H. Admin. R., Puc 404.09*. The current rate for such payments is \$0.06 per access line or equivalent. *See Telecommunications Relay Service*, Order No. 25,142 (September 3, 2010).

III. POSITIONS OF THE PARTIES AND STAFF

A. Sprint

Sprint proposed transitioning from a rate structure where outreach is funded at a fixed rate while TRS and related services are priced based on a per-minute rate to a single monthly recurring charge (MRC) for TRS, related services, and outreach. Sprint's proposal would include all services it currently provides in the MRC: 1) TRS, 2) STS, 3) CapTel, and 4) outreach.

Sprint stated that rising costs and declining call volumes result in higher per-minute costs, and make transitioning to an MRC popular in states with traffic profiles similar to New Hampshire. Additionally, Sprint would include two new services in the MRC at no additional cost: 1) Spanish-to-Spanish relay, and 2) automated 711. Spanish-to-Spanish relay would provide users the ability to make Spanish language relay calls within New Hampshire, while automated 711 would allow relay users with a registered Customer Profile for Spanish-to-Spanish or STS to be routed to an appropriate Relay Agent, reducing wait time and saving money. Sprint also proposed an additional new service, Relay Conference Captioning (RCC), at

an additional per-minute rate. RCC allows users to participate in conference calls, webinars, or on-line trainings. Sprint claimed that RCC is intended for business purposes only.

Sprint also filed a motion for confidential and proprietary treatment with respect to certain financial and commercial information, including rate and pricing information. Sprint stated that the information is not publicly available, and its release would place it at a competitive and economic disadvantage in New Hampshire, as well as other jurisdictions, if released to its competitors. Sprint asserted that no public policy would be served by making public information relating to its proposed pricing, business projections, and proposed structure. Rather, Sprint argued that the release of the information could result in an injury that could lead to less favorable prices available to the State and its citizens.

B. Staff

Staff compared the annual rate total for TRS services included in Sprint's MRC, plus Sprint's estimated cost for RCC services, against the TRS Fund. Staff stated that the TRS Fund balance would be sufficient to cover all projected expenditures during the coming five years without an increase to the charge currently paid by carriers based on expected TRS Trust Fund revenues, and the projections described in Sprint's Request. Staff determined that RCC services are offered in every other New England state where Sprint is the TRS provider, including Connecticut, Maine, Rhode Island, and Vermont.

Based on its review, Staff concluded that the proposed rates are reasonable. Staff recommended that the Commission grant Sprint's Request, including the authorization of RCC services, under the terms proposed by Sprint. Staff did not object to Sprint's motion for confidential treatment.

IV. COMMISSION ANALYSIS

Rate Request

We have reviewed Sprint's proposed rate structure and find that the rates and charges are just and reasonable and should be approved. First, we note that Sprint's TRS base service rates have not changed in almost six years. *See Sprint Communications Company, L.P.*, Order No. 25,629 (February 18, 2014). Given the passage of time it is reasonable to review and, as necessary, make adjustments to reflect changes in call volume and costs. Sprint represented that call volumes are declining while costs are increasing. Second, we give weight to Staff's conclusion that the proposed rates would not require an increase to the current per access line charge generally collected through local service rates in order to maintain a TRS Fund balance sufficient to cover projected expenditures during the next five years. We also agree that expanding TRS related service offerings to maintain parity with service offerings in other regional states is in the public interest.

Therefore, we approve, on a *nisi* basis, Sprint's proposed MRC price and rate structure for TRS and related services, as well as the addition of RCC, under the per-minute rate and terms proposed. Our decision is issued on a *nisi* basis in order to provide any interested person the opportunity to submit comments on Sprint's Request or to request a hearing.

Motion for Confidential Treatment

RSA Chapter 91-A, ensures public access to information relative to the conduct and activities of government agencies or "public bodies" such as the Commission. Disclosure of records may be required unless the information is protected by statute under RSA 91-A:4 , or exempt from disclosure under RSA 91-A:5. RSA 91-A:5, IV, exempts several categories of

information, including personnel practices; confidential, commercial, or financial information; and personnel files. In each instance, the party seeking protection of the information in question has the burden of showing that a privacy interest exists, and that its interest in confidentiality outweighs the public's interest in disclosure. *Union Leader Corp. v. Town of Salem*, 173 N.H. ___, ___ (decided May 29, 2020) (slip op. at 11) (citing *Prof'l Firefighters of N.H. v. Local Gov't Ctr.*, 159 N.H. 699, 707 (2010)). The Commission's rules require a motion for confidential treatment to include, among other things, a "[s]pecific reference to the statutory or common law support for confidentiality" and a "detailed statement of the harm that would result from disclosure." N.H. Admin. R., Puc 203.08. The benefits of disclosure to the public are then weighed against the interest(s) in nondisclosure.

We agree that Sprint has a privacy interest in the terms and pricing of the competitive telecommunications services it proposes to provide in the State and elsewhere, except where any such information is already publicly available. While the public has an interest in the availability, quality, and cost-effectiveness of the TRS and related services, this interest does not extend to the detailed pricing, rate, and term information contained in Sprint's Request. We find that Sprint's privacy interest in the proprietary and competitively-sensitive information contained in the Request outweighs the limited interest of the public in disclosure of such information. Accordingly, we grant Sprint's motion for confidential and proprietary treatment, and note that our determination is subject to reconsideration in the future upon our own motion or upon request of any party. *See* Puc 203.08(k).

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Sprint Communications Company, L.P.'s request for a monthly recurring charge rate structure for TRS and related services, as well as the addition of relay conference captioning under the proposed per-minute rate and terms proposed, is APPROVED; and it is

FURTHER ORDERED, that Sprint Communications Company, L.P., shall cause a copy of this order *nisi* to be published on its website and on the www.relaynewhampshire.com website within one business day, such publication to be documented by affidavit filed with the Commission on or before September 25, 2020; and it is

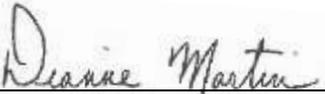
FURTHER ORDERED, that the Executive Director shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 4, 2020, for the Commission's consideration; and it is

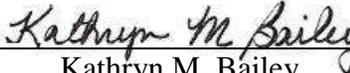
FURTHER ORDERED, that any party interested in responding to such comments or request for a hearing shall do so no later than September 11, 2020; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective September 28, 2020, unless Sprint Communications Company, L.P., fails to satisfy the notice and publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-seventh day
of August, 2020.



Dianne Martin
Chairwoman

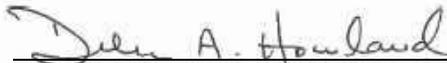


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-068

Printed: 8/27/2020

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