

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 12, 2015

IN RE:

AT&T'S PETITION FOR EXPEDITED APPROVAL
OF AMENDMENT TO CONTRACT TO PROVIDE
TENNESSEE RELAY SERVICES

)
)
)
)
)

DOCKET NO.
14-00132

ORDER APPROVING AMENDMENT TO
TENNESSEE RELAY SERVICES CONTRACT

This matter came before Vice Chairman David F. Jones, Director Kenneth C. Hill and Director Robin Bennett of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 1, 2014, to consider the *Petition for Expedited Approval of Amendment to Contract to Provide Tennessee Relay Services* ("Petition") filed by AT&T Corp. and its certificated affiliates on November 13, 2014.

BACKGROUND

The TRA is the governmental entity certified by the Federal Communications Commission for developing and implementing telecommunications relay service ("TRS") on behalf of the State of Tennessee, in accordance with 47 C.F.R. § 64.604. The TRA is certified through July 26, 2018.

AT&T Corp. and its certificated affiliates ("AT&T") entered into a contract with the TRA on March 12, 2012 to provide telecommunications relay service in Tennessee for individuals with hearing or speech disabilities through March 24, 2017 ("TRS Contract"). Under the terms of the TRS Contract, AT&T provides TTY-based relay service, Spanish language relay service and Speech-to-Speech relay service through its own call centers located within the United States.

Modification or amendment of the TRS Contract is governed by Section D.2 and Section D.5 thereof, which provide as follows:

D.2. Modification and Amendment. This Contract may be modified only by a written amendment signed by all parties hereto and approved by both the officials who approved the base contract and, depending on the specifics of the contract as amended, any additional officials required by Tennessee laws and regulations (said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).

D.5. Subcontracting. The Contractor shall not assign this Contract or enter into a subcontract for any of the services performed under this Contract without obtaining prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this Contract below pertaining to “Conflicts of Interest” “Nondiscrimination” and “Records” [Sections D.6., D.7. and D.9 of the TRS Contract]. Notwithstanding any use of approved subcontractors, the Contractor shall be the prime contractor and shall be responsible for all work performed.

Thus, Section D.2 of the TRS Contract allows the contract to be modified by written amendment signed by all parties and any officials required to approve it under Tennessee statutes and regulations.¹ Section D.5 of the TRS Contract also provides for subcontracting upon prior written approval of the State. It also provides that, notwithstanding the use of a subcontractor, AT&T will remain the prime contractor responsible for all work performed.

On November 13, 2014, AT&T filed the *Petition* requesting expedited approval of an Amendment to the TRS Contract. The Amendment consists of a subcontract between AT&T and Hamilton Relay, Inc. to provide Spanish language relay service through July 1, 2015. The subcontract was signed on September 4, 2014, and will apply to Tennessee upon all required State approvals.² According to AT&T, the Amendment is necessary because “it has become increasingly difficult for AT&T to hire and retain bilingual communications assistants to provide Spanish TRS for the limited number of Spanish language customers using TRS in Tennessee.”³

The Amendment includes Section 13.0, which specifies Special Terms and Conditions applicable in Tennessee. These terms and conditions address Conflicts of Interest, Nondiscrimination

¹ The Commissioner of Finance and Administration and the Comptroller of the Treasury approved the TRS Contract and therefore must approve the Amendment.

² The subcontract was originally entered into effective March 1, 2014. The portion of the subcontract relating to Tennessee was signed on September 4, 2014, but only applied to Emergency Back-up Spanish relay services in this State. Upon approval by the TRA and other Tennessee officials, all Spanish relay services will be transferred to Hamilton Relay, Inc.

³ *Petition for Expedited Approval of Amendment to Contract to Provide Tennessee Relay Services*, p. 1 (November 13, 2014).

and Records, and ensure that the Amendment complies with requirements for subcontracts imposed by the TRS Contract in Section D.5.

FINDINGS AND CONCLUSIONS

At the regularly scheduled Authority Conference held on December 1, 2014, the panel considered the *Petition* and, upon review and due consideration, found the Amendment to be reasonable. Therefore, the panel voted unanimously to approve the *Petition*, which provides for the subcontract between AT&T and Hamilton Relay, Inc. to provide Spanish language relay service through July 1, 2015. The panel noted, however, that the Amendment to the TRS Contract will be effective only upon receipt of the necessary approvals by the appropriate state officials, including the Commissioner of Finance and Administration and the Comptroller of the Treasury, as required by Section D.2 of the TRS Contract.

IT IS THEREFORE ORDERED THAT:

1. The *Petition for Expedited Approval of Amendment to Contract to Provide Tennessee Relay Services* is approved.
2. The amendment to the TRS contract will be effective only upon the necessary approvals by the appropriate state officials, including the Commissioner of Finance and Administration and the Comptroller of the Treasury, as required by Section D.2 of the TRS Contract.

Vice Chairman David F. Jones, Director Kenneth C. Hill and Director Robin Bennett concur.

ATTEST:



Earl R. Taylor, Executive Director