

**Interstate TRS Advisory Council
Draft Meeting Minutes April 16, 2013
Baltimore, MD**

Attendees:

COUNCIL MEMBERS

Kelby Brick, Chair – TRS providers
Sheila Conlon-Mentkowski, Vice Chair – deaf and hard of hearing community
Ron Bibler, Secretary – TRS users
Al Sonnenstrahl- deaf and hard of hearing community
Jack Cassell – State regulatory-relay administration
Brenda KellyFrey - State regulatory-relay administration
Amy Ignatius - State regulatory
Steve Stovall - State regulatory
Phillip Hapf – Interstate service providers
Mark Tauscher – TRS providers
Andrew Phillips – TRS users
Celia Nogales – Interstate service providers
BJ Gallagher– Hearing/Speech disability community

RLSA

David Rolka
Peter Bluhm
Bob Loube

FCC

Karen Peltz Strauss
Greg Hlibok

Convene

Kelby Brick, Chair, called the meeting to order around 9:00 am. Mr. Brick asked Council members and other attendees to introduce themselves.

October 25, 2012 Minutes

It was moved, seconded and approved that the minutes of the October 25, 2012 meeting be accepted as drafted.

Subcommittee reports

Celia Nogales established two monthly calls, one on the health of the fund for advisory council members and the other with providers and with RLSA. Celia reported that there have been three monthly calls and she has been able to provide a summary of the calls which are appreciated by the Council members. Mark Tauscher reported on the 3 months' provider and Administrator calls and noted that a number of topics including Call Detail Record (CDR), transitions, and providing clarifications.

BJ Gallagher, the new Council member representing the Speech Disabled community introduced herself. She explained that she works closely with Dr. Bob Segalman. She explained some of their major goals. One is to persuade the FCC to release the long pending regulations to increase outreach, consumer training and CA performance on the Speech to Speech Relay Service. Their other concern is the continuation of the outreach funding by the FCC for an additional year. An initial survey was conducted in 2010/2011 of speech language pathologists (SLP) that specifically worked with individuals requiring support in the use of speech-generating devices. Of those surveyed, only 17% had heard about STS. She reminded the Council that there are a number of

variables in speech disabilities which would result in varying call volumes over time. She asked that the Council support the STS request to continue outreach funding for that service.

Kelby then commended Brenda Kelly Frey and her staff for having a special session the prior day on captioned telephone services for members of the Council.

FCC Update and Discussion

Karen Peltz Strauss gave a report from the FCC. She introduced staff present from the FCC at the meeting. She gave an overview of TRS issues. Since October 2012, there have been several new proceedings. The most important was first, the public notice seeking additional comment on the structure and practices of the VRS program and the proposed VRS compensation rate and second, a public notice seeking comment on a petition for rule making regarding recovery cost methodology for IP captioned telephone services. She also stated that the FCC has been looking at ways to have standards for interoperability of equipment, software, and mainstream access to technology, etc.

The public notice (PN) also sought comment on the research and development and outreach and marketing, whether they should be included in the rate of calculation for VRS or whether some of these should be done by an independent entity and the expenditures paid to that independent entity. The PN sought comment on whether the FCC should retain, modify, or eliminate the current TRS rate.

She stated that there is Order now that responds to all of the comments that they received and tries to achieve some of the things that the FCC sought in the NPRM. One goal is to achieve portability and interoperability through some type of technology reference platform, and be basically a standard for VRS technologies, equipment, and user technologies against which a provider could be tested to determine the compatibility.

There are multiple goals here:

1. To avoid a lock in effect to any one provider.
2. The FCC wants consumers to be able to port their equipment and be able to make point to point calls from one piece of equipment to another piece of equipment as well as be able to use multiple providers from a single piece of equipment.
3. The FCC wants consumers to be able to use mainstream technologies.
4. A centralized registration and certification process for VRS at first but then expand to other forms of relay service to prevent user fraud.

She stated these had not been voted on yet. Other items she discussed were research and development by using grants from the National Science Foundation and this is specifically research and development that would go beyond the mandatory minimum standards. The goal would be to include consumers extensively in helping to decide what that research should be, depending on what the communication needs are.

She touched on a national outreach program would that be more focused on the mainstream public and educate them about relay services.

The draft also talks about speed of answer for VRS as well as rates which she did not elaborate on. There is a Further Notice that asks for some additional information on the nature and composition

and functions of an advisory body to the commission. There will also be a Notice to allow hearing individuals to actually purchase an iTRS phone number for point to point calls. She stated that this draft will not be adopting a per user compensation or a TRS broadband program, not at this time.

She noted that IP CTS has experienced a tremendous growth and that the Commission adopted an interim order and NPRM in January 2013 to address certain practices related to the provision and marketing of this service. The interim rules are in effect until early September 2013. They do the following:

1. IP CTS providers may not offer any financial or other rewards or incentives to consumers or charitable organizations, audiologists, or other professionals for the referral and registration of new customers.
2. New IP CTS users are required to self certify that they have a hearing loss that necessitates the use of IP CTS
3. That the new IP CTS users understand that a live communications assistant is on the call
4. The new users understand that the costs for the service are paid out from a fund.

The interim rules also require that all IP CTS phones have a default setting with the captions turned off and that the captions be turned on for each call. The FCC has gotten a lot of feedback about this and realize that a large number of people are upset about this caption off default. The FCC is still very concerned about what a complete reversal of this rule would do so they are looking into different options. The NPRM asks whether to adopt the interim rules as permanent. She stated what we are seeing is an effort by the FCC to get the IP CTS program under control before it gets out of control.

She said the FCC is also looking at the STS program very closely. They are preparing documents for the need for a national outreach coordinator, the need for an IP version of this service, and including extending the CA time on calls and more easy access when you make a call.

In closing, Karen said she appreciated comments and feedback from the iTRS Council as well as consumers, providers, and the general public.

Greg Hlibok provided statistics from the iTRS database, noting that the numbers of registered users had decreased significantly in December of 2012 when the number of registered users changed from roughly 400,000 to about 287,000. Karen interjected, stating that by having a central database, the FCC is attempting to find out how many people really are using the various services.

Brenda Kelly-Frey asked if it were helpful to the FCC staff to have a meeting with the NASRA and TEDPA boards. Karen said it was very helpful to her and she would like to have more regular meetings with these two boards. She noted the FCC received feedback re the pilot National Deafblind Equipment Distribution Program (NDEDP) and IP CTS as well.

There are now about 15 people in the Disability Rights Office at the FCC. There will be an NPRM on IP CTS that will be asking questions about the quality of IP CTS currently. Karen encouraged the Council to look closely at some of the questions the FCC will be asking about revising the role of an advisory committee to the commission because oversight of the IP CTS might be some of the things that committee might address. She stated the FCC is looking at a new type of advisory committee that would be far more involved in issues that address research, development, and

quality of relay services as compared to focus on the reimbursement of relay services. This will be in the NPRM, not the Order.

RLSA Staff Reports

Dave Rolka and Bob Loube gave their reports. Bob went over the reimbursement rates, using Power Point slides that contained this information and were provided as handouts to the Council. There was a discussion of the numbers of minutes per Relay type of service. Traditional TRS is decreasing while IP CTS is growing exponentially. Last year's fund size recommendation for IP CTS was approximately \$130 million and the number Rolka is recommending now is \$750 million for reimbursements.

Dave Rolka stated that the monthly provider calls help to make the forecasts for the reimbursement rates on a more frequent basis since there are so many variables in the outcome of the projections.

There was a discussion on how the projections varied. With VRS it was easier to project usage because it was easier to see the total population of people who would use this service. This is harder to do with IP CTS because it's harder to estimate the total potential market for IP CTS as baby boomers lose their hearing; veterans returning from the wars experience hearing loss; and other factors.

Concern was expressed that the fund balance is getting smaller with the increased demand by the IP CTS. Rolka is wrestling with the proposal they need to recommend to the FCC, whether to make the traditional accrual recommendation or whether they make one that's more heavily influenced by the cash requirements of the fund and how do they actually represent the fact that the recommendation they expect to make has 13 months instead of 12.

Karen Peltz Strauss said that the current IP CTS rate was determined through MARS methodology and that decision to do that was adopted by Commission order. She said the Commission is not at liberty to use a cost base methodology without changing their rules. So this is something they have asked in the Public Notice in response to the Sorenson petition and may be asking about again because this is going to have to change via Commission order.

Dave then resumed and said that it is unknown how the IP CTS providers came up with their projections. Right now, there are only four IP CTS providers and he's not sure how significant an impact the tiers would have on the rates. There isn't much difference between the IP CTS providers at present.

Dave addressed the audits conducted last year which were wrapped up between September and November of last year. He will release those final reports to the companies that were audited. The FCC will make a decision as to whether the audits can be posted to the FCC website or the RLSA website.

Dave said there will be another round of audits soon but the schedule hasn't been established as yet.

Council Member Agenda Items/New Business

Brenda Kelly-Frey made a motion that hearing individuals who have the ability to sign be allowed to get 10 digit numbers from the numbering system because this will save the TRS Fund some

dollars. Jack Cassell seconded the motion. There was a discussion and a vote. The motion passed unanimously.

Ron Bibler made a motion asking whether there should be minimum quality standards for IP CTS. Jack Cassell seconded the motion. There was discussion on the motion. The motion was passed. A subcommittee will be established to study the quality as it relates to the reimbursement issue.

Kelby then led a discussion on the date and location of the next iTRS Council meeting. After some discussion of dates and proposed meeting locations, the discussion was tabled and deferred to Dave. Philip Hupf volunteered to have a demonstration of the CapTel device for anyone who wants to see how it works.

Brenda Kelly-Frey asked for a clarification about the iTRS role in regard to the NDBEDP and whether that is under the council's jurisdiction as she didn't see anything in the report that the fund is paying for those services.

Dave responded by stating that the FCC had authorized the NDBEDP as a two year pilot and specified a \$10 million budget for each of the two years. The \$10 million is use it or lose it so he didn't include a discussion because they had already prescribed what it was going to be. Kelby asked if in the next meeting if RLSA could provide a more detailed explanation of how the funding was used and how the money had been allocated as well as the reimbursement process. Dave said he would be glad to do that at the next meeting. He pointed out there is a spreadsheet on the RLSA website with not a lot of data because the program got off to a slow start, but there is a schedule that shows by site how much money has been requested and what they've been reimbursed.

Al Sonnenstrahl made a motion to have a subcommittee established that would look at VRS marketing and actual costs and reimbursable costs. Jack Cassell seconds. After discussion, there was a vote and the motion failed.

Public Comment

John Nakahata from Sorenson Communications who has the opinion that there are a lot of costs for providers that are not included in the costs that RLSA collects. In brief, he stated that it can be a somewhat misleading guide to what is a determination of a very difficult collection of what is a fair compensation rate for a VRS provider.

Connie Phelps from NASRA and TEDPA made a statement to the effect that their two boards met with the FCC. She said IP CTS was discussed and certification was brought up. The states have been very good at certifying who should have a captioned telephone, who should use one, and how those phones should be distributed. She noted that it is the telephone companies that are moving away from copper to fiber optics. This was brought up to the FCC who is aware of the issue. She said that TEDPA and NASRA would like to work with the FCC on these and other issues the TEDPA and NASRA administrators face daily in their home states.

The meeting adjourned at 3:15 pm.

Respectfully submitted,
By Ron Bibler, Secretary

