

Interstate TRS Advisory Council
Meeting Minutes for April 13, 2022
Teleconference

ATTENDEES

Zainab Alkebsi, Chair, Deaf Consumers
Shannon Smith, Vice Chair, Hard of Hearing Community
Linda Vandeloop, Secretary, Interstate Telecommunications Providers/Contributors
Ron Bibler, TRS Users
Honorable Tim Schram, State Representative
Al Sonnenstrahl, Deaf Consumers
Jeff Rosen, TRS Providers
Bryen Yunashko, Deafblind Consumers
Phillip Hupf, Interstate Telecommunications Providers/Contributors
Honorable Andrew Fay, State Representative
Mark Tauscher, TRS Providers
Andrew Fitzenrider, Speech disabled Community
Holly Bise, NASRA

RLSA
Bob Loube
Brenda Kelly-Frey
Garrett McGrath
Amanda Coby

FCC
Eliot Greenwald
Michael Scott

CONVENE

Chairperson Alkebsi greeted audience and called to order the Spring meeting of the TRS Advisory Council at 11:00 a.m. EDT.

October 1, 2021 Minutes

Bryen moved to approve the minutes

Holly seconded

The October 1, 2021 Minutes were unanimously approved

FCC PRESENTATION

Eliot Greenwald

On October 8, 2021, CGB granted a petition from the General Services Administration (“GSA”) for a partial waiver of the user registration requirements for IP relay and IP CTS to permit enterprise registration similar to enterprise registration requirements for VRS to facilitate GSA’s transitioning federal workers to TRS in place of most Fed Relay services and applies only to federal government employees and on-premises contractors. This gives federal agencies the ability to do enterprise registration for IP relay and IP CTS.

On November 12, 2021, CGB adopted an order extending the then current compensation levels for VRS through June 30 of this year.

On December 29, 2021, CGB sought comment on Sorenson's petition for declaratory ruling that the FCC's rules treat those costs associated with a VRS provider's field staff to the extent that they are performing tasks that are service related as allowable costs.

On December 20, 2021, CGB granted Convo's application for recertification as a VRS provider.

On March 23, 2022, CGB granted additional certifications to Sorenson and CaptionCall as providers of VRS and IP CTS respectively after its acquisition of Ariel Alternatives, LLC, allowing the providers to continue receiving TRS fund compensation after Ariel becomes the owner of the companies, and Sorenson and CaptionCall have notified us that that transaction has closed.

On December 30, 2021, and then again on March 31, 2022, CGB extended the pandemic waivers for TRS. Current waivers expire on June 30, 2022.

CGB issued several public notices regarding applications to provide IP CTS. CGB sought comment on an application from NexTalk, Inc. on February 17, 2022, an application from Rogervoice on March 14, 2022, and an application from Global Caption, Inc on March 7, 2022. The comment period for Global Caption, Inc. is still pending.

On November 18, 2021, the FCC adopted an order requiring covered text providers to support text messaging to 988, which is the National Suicide Prevention Lifeline, and they must do that by July 16, 2022.

On January 28, 2022, CGB granted the application of nWise for access to the TRS numbering directory as a qualified direct video entity to support direct video customer call centers. There are now three entities - ETC Secure, CSD, and nWise - that can provide that type of support to consumer call centers.

Michael Scott

September 29, 2021, the Enforcement Bureau resolved an investigation into whether Pluto and its parent company violated the FCC's accessibility rules pertaining to closed captioning of internet-delivered video programming. The company has agreed to implement a compliance plan and pay a \$3.5 million civil penalty. The media bureau also granted Pluto's request to withdraw its petition seeking waiver of the IP closed captioning rules.

On November 29, 2021, the Enforcement Bureau enforced a compliance order against ViaTalk, an interconnected VoIP provider, requiring them to meet with an individual with disabilities and that individual's representative to provide accessible product support information and guidance on restoring service and make system-wide changes that would resolve responsiveness to complaints from individuals with disabilities.

On December 3, 2021, the Enforcement Bureau resolved investigations into whether CaptionCall violated TRS rules by providing incentives to hearing health professionals to refer users for service for the TRS Fund Administrator for reimbursement and failing to collect documents to validate identity and attest to user eligibility to use IP CTS. CaptionCall will implement a compliance plan as well as reimburse the TRS fund and pay a civil penalty.

On September 30, 2021, the FCC adopted an NPRM proposing and seeking comment on ways to improve the reliability and resiliency of communication networks during emergencies, ensuring that communication services remain operational when disaster strikes, and improving the availability of information and communication services to persons with disabilities before and during emergencies.

On December 14, 2021, the FCC adopted an NPRM proposing to improve the clarity and accessibility of the emergency alert system visual messages, especially for persons unable to access the emergency alert system audio message. The FCC also adopted a notice of inquiry seeking comment on how the legacy emergency alert system architecture can be modified, augmented, or redesigned to enable originators to relay visual text that matches the audio messaging and enable more functionality in the system as a whole.

December 30, 2021, the FCC released a report about the results of the August 11, 2021 emergency alert system nationwide test. The report identified concerns received about adequate audio quality, appropriate call speed for readability, high contrast text and background colors, in addition to crawls for closed captioning.

The Commission will consider a further notice of proposed rulemaking proposing methods by which wireless service providers can enhance wireless emergency alerts at its April 21, 2022 Commission Meeting.

The Media Bureau sought comment on a petition from Peloton requesting waiver of the rules requiring accessibility of user interfaces covering digital apparatus until Peloton can do upgrades.

On January 21, 2022, the Media Bureau issued a public notice reminding about audio description rules extending to DMAs 71 through 80.

On January 10, 2022, the Media Bureau sought to refresh the record on proposals that would require manufacturers of covered apparatus and multichannel video programming distributors to make closed captioning display settings readily accessible.

A forum regarding closed captioning available for online video programming was held and discussing ways to enhance accessibility.

In March 2022, the Commission held a forum to explore the state of audio description availability for online technical issues.

The Affordable Connectivity Program, launched on December 31st, 2021, will provide a discount of up to \$30 a month for eligible households and \$75 a month for households on qualifying tribal lands. Eligible households can receive a one-time discount of up to \$100 to purchase a laptop, desktop, computer, or tablet.

On January 14, 2022, the FCC adopted rules to implement the Affordable Connectivity Program and sought comment on a grant program for consumer outreach determining the application of the enhanced benefit for those serving high cost areas and a pilot program on increasing awareness and enrollment of eligible households participating in federal public housing assistance programs.

On January 27, 2022, the FCC adopted a NPRM inviting comment on proposed rules that would require broadband providers to display accessible, easy-to-understand labels, to allow consumers to comparison shop for broadband services. The FCC is also committing to hold public hearings on

broadband labels, the first held two held on March 11, 2022 and April 7, 2022, with more to be scheduled in the near future.

On March 16, 2022, the FCC adopted a notice of inquiry seeking comment on implementation of section 60506 of the Infrastructure Act that directs the Commission to take steps to ensure that all people in the United States benefit from equal access to broadband internet and access service and prevent discrimination.

On February 16th, the Consumer and Governmental Affairs Bureau released public notice seeking comment on the accessibility of communication technologies to prepare the CVAA biennial report to Congress.

On December 1, 2021, the FCC announced the 2021 winners of the FCC Chair's awards for advancements in accessibility, the AAA awards. Those winners were Accessible Pharmacy Services for the Blind, Apple iOS 14, and the Communication Services for the Deaf - COVID ASL hotline.

On February 24th, 2022, the Disability Advisory Committee held their most recent meeting with the members discussing a working group report and recommendation regarding the use of real-time text on wire line networks and a working group report recommendation on using TRS on videoconferencing platforms.

ASR Discussion

The council had questions about service quality as more providers use ASR technology. Eliot said that the FCC has not seen an uptick in complaints since providers have started introducing ASR. Also, the MITRE testing in general has shown ASR quality to be more accurate than CA-Assisted quality. The FCC has a pending metrics proceeding but there is no timetable for that yet. MITRE continues to do testing and continues to see better and better results over time. Providers can voluntarily ask MITRE to do testing but it is not a requirement.

In response to a question about 911 standards when a caller using ASR, Eliot explained that the FCC has no rules about whether an IP CTS call will be handled by ASR or by CAs. However, the FCC has a next available CA rule when a call comes in. This is especially important when a 911 call comes in. Also in response to a question about interoperability of equipment to access 911, Eliot said that there has been a lot of interoperability research and testing by MITRE and the Commission will continue to address interoperability issues.

ROLKA LOUBE PRESENTATION

(Bob Loube)

MARS Based Rates

The Traditional TRS rate increased to \$4.51 per minute. The Speech to Speech rate, which is based on the TRS rate plus \$1.13 for outreach is \$5.64. Caption Telephone Services rate is \$2.34. More states are going to a fixed rate which can increase the per minute rate when volumes are falling.

IP CTS

Total IP CTS cost includes facilities, CA related, non-CA relay center, indirect (e.g., legal, finance, engineering, or research and development), depreciation, marketing, outreach, subcontractors, third party license fees, other, plus a 10% operating margin. CA Related and ASR IP CTS costs were calculated separately. ASR costs are lower than CA Related. The biggest cost component for CA provided IP CTS is the CA Related cost. The biggest cost components for ASR provided IP CTS are the Indirect and Marketing costs.

Concern was expressed that one IP CTS rate for both CA and ASR is incenting ASR over CA based IP CTS.

The IPCTS rate is not expected to change and will continue at \$1.30 for the year beginning July 1st. The operating margins based on the rate of \$1.30 per minute are calculated to be 100% for ASR, 19% for CA and approximately 38% overall. The rate for ASR is twice the average cost of service.

Video Relay

Current rates and tiers

Emergent - Less than 500,000	\$5.29
Tier 1: 0- 1 million	\$4.82
Tier 2: 1-2.5 million	\$3.97
Tier 3: Greater than 2.5 million	\$2.63

Video Relay includes the same cost categories as IP CTS. CA related costs per minute increased substantially from \$1.34 in 2021 to \$1.53 in 2022 due to wage increases. Also, indirect costs per minute went up by about 16 cents.

The 13.73% operating margin for the tariff year 2022-23 is slightly higher than the FCC's reasonable range of 7.6 - 12.35%.

2022/2023 Budget year Fund Requirement

After current year ending balance the net fund requirement is \$999.

Contribution Factor

The Non-IPCTS contribution factor is 0.01116. The contribution factor for IP CTS is 0.0069. However, there has been no decision by the FCC on the VRS or IP CTS rates for the upcoming fund year.

2022/2023 Rate Recommendation

The FCC did not ask RolkaLoubé for a recommendation for VRS or IP CTS rates but the iTRS Advisory Council is free to make a recommendation.

NDBEDP

As of March 31, for the NDBEDP, RolkaLoubé has allocated \$4.8 million leaving \$5.2 million available for allocation. There are states that file quarterly as well as monthly, it is anticipated that more claims will be processed in April. For the prior year there was a remaining balance of \$729,000 of the \$10 million that was available.

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SUBCOMMITTEE

URD

The committee has not been active and Bryen recently resigned as chair. Zainab asked that anyone interested in becoming chair of the URD subcommittee to let her know.

Bylaws

The subcommittee has been meeting since September and is focusing on the creation of a policies and procedures manual (PPM), with various policies such as a conflict of interest, social media, accessibility, onboarding, and member conduct. Once the PPM is drafted, it will be submitted to the council for input.

Rates

The rates subcommittee has been unable to obtain certain information from RL staff necessary for its analysis of the rate data. A new NDA was developed this year which should minimize the need

to sign NDAs every year. But it took longer than normal for providers to approve the NDA. It was recommended that the subcommittee draft a letter that the Council can send to RolkaLoubé noting the many competing concerns with respect to the rates and recommend that at a minimum to rates should not decrease.

Jeff Rosen moved that the Council provide a letter to Rolka that says that a minimum should be held to the rates, VRS rates specifically, and we encourage in fact increases to meet functional equivalency, and Rolka can in turn make that letter an appendix to their filing to the FCC.

Tim Schram seconded the motion.

The motion carried. Linda Vandeloop was not present for the vote.

OTHER BUSINESS

It was suggested that the Council keep a parking list of issues or questions that they believe need to be addressed. The Chair agreed to start an e-mail conversation to brainstorm and get an initial list of questions/issues. Parking lot ideas mentioned during the discussion include reasons consumers are using TRS less, impact on people with secondary disabilities, impact of RTT on relay, access to interpreters with Zoom, and how can a wider set of consumers be educated on the availability of IP CTS.

The next meeting has not yet been set and will be communicated via e-mail in the near future.

PUBLIC COMMENT

Mike Strecker, ClearCaptions, recommended that footnotes be added to presentations for clarification such as how operating margin is calculated. He also recommended that data trends be longer than two years. Lastly, he recommended that discussions about IP CTS rates consider the fact that rate reductions could be a disincentive for adopting a new technology.

Greg Hlibok, ZVRS, noted support for Sorenson employees who were hospitalized after being hit by a truck recently. Greg recommended that the council encourage functional equivalency for location accuracy for VRS users.

Chairperson Alkebsi adjourned the meeting at 4 pm.