

Interstate TRS Advisory Council
Meeting Minutes for April 20, 2023
Washington DC

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
Mike Strecker, TRS Providers
Andrew Fitzenrider, Speech disabled Community
Holly Bise, NASRA

RLSA

Bob Loube
Joseph Cook
Sean Bull
Garrett McGrath
Amanda Coby
AnMarie Jezorski
Jim Skjeveland
Stacy Hines

FCC

Eliot Greenwald
Michael Scott

CONVENE

Chairperson Alkebsi greeted audience and called to order the Spring meeting of the iTRS Advisory Council at 9:09 a.m. EDT.

MINUTES

Linda Vandeloop presented the October 2022 minutes for approval. Al Sonnenstrahl moved to approve the minutes; Holly Bise seconded. The minutes were approved with 11 members voting yes, no votes in opposition and no abstentions.

FCC PRESENTATION

Eliot Greenwald

On April 3, 2023, the FCC released a public notice (“PN”) announcing the appointments of members and co-chairs of the fifth term of the Disability Advisory Committee (“DAC”). The first meeting will be held virtually on April 26th from 1:00-3:15 pm EDT.

On November 4, 2022, the FCC released a PN seeking comment on the accessibility of the FCC's programs and activities. The FCC rules require it to review its accessibility policies and practices at least every 3 years. The comment cycle closed December 30.

On January 12, 2023, the FCC released a PN seeking comment on a petition filed by Sorenson seeking waiver of the VRS privacy screen rule so that VRS users on videoconferencing calls are allowed to turn off their video connections when not presenting or for other reasons not related to inactivity. The comment cycle closed February 28th.

On February 1, 2023, the FCC issued a PN announcing comment dates for a petition filed by Sorenson for partial reconsideration requirement that providers terminate service to users who cannot complete the VRS or IP CTS registration process within a 2-week grace period. The comment cycle closed February 27th.

On January 27, 2023, the FCC released a PN seeking comment on five Petitions for Reconsideration. The comment cycle closed on March 6th.

- Hamilton seeks clarification that the FCC's rule requiring TRS providers to update the incarcerated person's registration within 30 days is contingent upon receiving written notification from such person or correctional authority of such change in registration information.

- NCIC Inmate Communications seeks reconsideration of the FCC's rules requiring ICS providers to make available TRS and related communications services regardless of whether such services are available from third-party vendors by the January 1, 2024, deadline.
- The Mayor's Office of Deaf, Deafblind, and Hard of Hearing for the District of Columbia seeks reconsideration to the extent the FCC's rules allow ICS providers to charge individuals who are Deaf, deafblind, Deaf disabled, hard of hearing, and late deafened for point-to-point video service calls and calls using captioned telephone services.

On March 17, 2023 the FCC released a notice of proposed rulemaking (“NPRM”) related to implementation of the Martha Wright-Reed Just and Reasonable Communications Act which requires just and reasonable rates and charges for an incarcerated persons' audio and video communications services. Comments are due May 8th and reply comments are due June 6th.

On December 22, 2022 the FCC released a NPRM seeking comment on a proposed plan to compensate IP CTS Providers based on different rates for fully automated services and services provided with the help of communications assistants. The FCC also sought comment to clarify how compensation should be adjusted for inflation. The comment cycle closed April 3rd.

On April 4, 2023 the FCC issued a PN seeking comment on the petition of GlobalVRS for exogenous cost reimbursement for the provision of VRS to people who are deafblind. Comments are due 14 days after publication in the Federal Register, and reply comments are due 24 days after the date of publication. It should be published shortly.

On April 4, 2023, the FCC released an order granting ClearCaptions full certification as a provider of IP CTS, effective through April 3, 2028.

On December 9, 2022, the FCC released an order granting InnoCaption full certification as a provider of IP CTS, effective through December 8, 2027.

On November 2, 2022 the FCC released a PN seeking comment on an application filed by InnoCaption for certification to provide IP relay. The comment cycle closed on December 19th.

On March 14, 2023, the FCC issued a PN seeking comment on an application filed by Hamilton for full certification to provide IP CTS. The comment cycle closed on April 10th.

On March 31, 2023 the FCC issued a PN announcing the deadlines for filing comments on applications for renewal of certification for state TRS programs. Comments are due May 1st. Reply comments are due May 16th. State certifications expire late July.

On January 6, 2023 the FCC released a NPRM that seeks to update and strengthen the FCC's rules concerning data breaches implicating customer proprietary information, including breaches impacting TRS providers. The comment Cycle closed March 24th.

Michael Scott

On November 17, 2022, the FCC held a hearing on the impact of two hurricanes on communications and the recovery effort to explore lessons learned and inform commission actions promoting the availability of critical communications services following disasters, including accessibility for people with disabilities.

On April 20, 2023, the Commission will vote on further notice of proposed rulemaking (“FNPRM”) seeking comment on how wireless emergency alerts might be improved to provide support for American Sign Language; whether they could support a new text to speech functionality to accommodate individuals with vision disabilities; whether to require WEAs to support certain multimedia alerts, such as symbol sets; and whether to amend the definition of mobile devices to include others such as data plan-enabled tablets that may accommodate individuals with mobility or dexterity disabilities.

On November 17, 2022, the FCC released a FNPRM that required broadband internet access service providers to display easy to understand labels to assist consumers when comparison shopping for broadband services. The further notice sought comment on additional ways to improve accessibility of broadband labels, such as video calling services to provide customer services in ASL, and whether to mandate any specific Web Content Accessibility Guidelines suggestions. The comment cycle closed on March 16th, 2023.

On December 21, the FCC adopted a NPRM related to preventing and eliminating digital discrimination of access to broadband. On January 25, the FCC's task force to prevent digital discrimination announced that it is offering consumers an opportunity to share their stories and experiences in obtaining broadband internet access. On March 17, the FCC released an order granting an extension of time in which to file reply comments in response to the NPRM. Reply comments are now due April 20, 2023.

On March 10th, 2023, the FCC announced the recipients of \$66 million of awards for the affordable connectivity outreach grant program to facilitate the awareness of and participation in the Affordable Connectivity Program. More information can be found on the FCC's website, [FCC.gov/acp](https://www.fcc.gov/acp) for Affordable Connectivity Program.

On March 23, 2023, the FCC released a PN seeking comment on a report filed by the hearing aid compatibility task force regarding its recommendations for achieving 100% hearing aid compatibility on wireless handsets. Comments are due April 24, reply comments are due May 8.

On March 23, 2023, the FCC released a PN seeking comment on a petition from the Alliance for Telecommunications Industry Solutions, ATIS, on behalf of the covered entities of the hearing aid compatibility task force, request that the FCC allow wireless handsets to satisfy a reduced volume control testing methodology instead of the methodology contained in the existing standards in order to be certified as hearing aid compatible. Comments are due May 3, reply comments are due May 18. On April 14th, the FCC released an order to extend the effective date of the hearing aid compatibility rule to December 5, 2023 so that this petition can be resolved.

On February 17, 2023, the FCC released a NPRM proposing to implement key provisions in the Safe Connections Act to support survivors of domestic abuse and other related crimes seeking to maintain critical connections to access communications services. The comment cycle closes on May 11, 2023.

On January 24, 2023 the FCC released a PN seeking comment on a consumer coalition proposal regarding the accessibility of closed captioning display settings. In determining whether closed captioning display settings are readily accessible, the proposal recommends that the FCC consider four factors: Proximity, discoverability, preview-ability, and consistency and persistence. The comment cycle closed on March 20, 2023

On December 1, 2022, the FCC released a PN reminding broadcast television stations that the Commission's audio description requirements extend to DMAs 81 through 90 as of January 1, 2023.

On March 17, 2023 the FCC released a FNPRM to expand the availability of programming with audio description to an additional 10 DMAs per year until audio description is required to be available in all DMAs in 2035. Comments are due on April 28th, reply comments are due May 15th.

On April 10, the FCC released a PN seeking comment on a petition to waive certain accessibility requirements for emergency information. The National Association of Broadcasters requested an extension of its existing waiver of the requirement that broadcasters provide an aural representation of visual, nontextual, emergency information such as radar maps or other graphics on the secondary audio stream of video broadcasts. Comments are due April 24th, reply comments are due May 1st.

ROLKA LOUBE PRESENTATION

Bob Loube – Health of the Fund

MARS

Rolka Loube collected the per minute rate the state paid a provider in 2022 and whether the rate is a conversation minute or session minute. Some states pay a flat rate per month. States also pay other costs like outreach. Total costs paid providers divided by the conversation minutes results in a rate per minute.

TTY - \$5.66 up from \$4.50

Speech to Speech – \$6.79

CTS - \$2.31

TTY volumes continue to decline. STS volumes are relatively flat but there was a spike in fourth quarter due to a change in the way calls were handled in correctional facilities in California which allowed inmates to make free collect calls using STS. Once that was corrected volumes were reduced. CTS volumes also continue to decline but at a slower rate than prior periods.

IP Relay

Currently there is one provider so data is not provided. The FCC issued a multiyear order that started with an established year's costs and then increased them every year based a Department of Labor, DOL, employment cost index. The calculation results in a 6.9% increase. In the FCC's NPRM the FCC proposes an alternative way of calculating the percentage change – calculate the difference between two fourth quarters and divide by the value of the index in the fourth quarter of the year before.

IPCTS

The 2024 total allowable cost per minute including the 10% operating margin is projected to be \$1.0636 compared to \$0.9074 in 2022.

The 2024 CA only total allowable cost per minute including the 10% operating margin is projected to be \$1.6706 compared to \$1.1096 in 2022.

The 2024 ASR only total allowable cost per minute including the 10% operating margin is projected to be \$0.8360 compared to \$0.6449 in 2022.

The current \$1.30 rate per minute was used to calculate the IPCTS \$735M budget.

MITRE is doing a study on the accuracy of IP-CTS.

VRS

There are four service providers.

CA costs are the dominant costs of providing VRS. Total cost per minute based on actual 2022 and projected 2023 is \$3.56

The FCC was provided information about the costs at different time periods in the projections for each provider and the difference in costs among the providers. The FCC was also provided different scenarios with different rate elements, to show what different rates would do to different companies and what the outcomes in terms of operating margins would be for the different companies under the different scenarios.

The demand is leveling off to slightly higher than pre COVID levels and is expected to remain relatively flat.

If rates remain the same the operating margin will be 4.76%.

Based on all the projections the analog contribution factor is 0.00022 and the IP-Based contribution factor is 0.01556.

NEW BUSINESS

Rates Subcommittee report – Ron Bibler

The NDA signed last year was sufficient for this year with no provider concerns. However, the rate data was not provided by all providers in a timely fashion. A couple of providers reached out directly to the subcommittee to clarify some of the things they submitted. The subcommittee did not make a rate recommendation, partly because of the delay in receiving the data. The subcommittee will look at disallowed costs including research and development.

Motions

Mike Strecker moved: The Council recommends that a data subcommittee be established to develop a desired list of business analytics or additional data elements that could improve the overall effectiveness of the iTRS advisory council as part of their fall and spring meetings in order to effectively monitor TRS cost recovery matters and better advise the Fund Administrator. Linda Vandeloop seconded the motion. The motion was approved unanimously.

Jeff Rosen moved: The iTRS advisory council's rate subcommittee prepare a letter for the TRS Fund Administrator to submit to the FCC generally describing the circumstances impacting the rate compensation structure for iTRS providers. Bryen Yunashko seconded. The motion was approved unanimously.

Ron Bibler moved: The iTRS advisory council recommends that the TRS Fund Administrator request permission from the FCC to share the final rate recommendation report and any corresponding analysis sheets with the rate subcommittee members who currently have an NDA on file. Al Sonnenstrahl seconded. Tim Schram was not present for the vote. All other members present voted yes.

Fall Meeting

Shannon (Vice Chair, acting as Chair during Chair Alkebsi's upcoming maternity leave) will work with Rolka Loube to set a date and Washington DC location targeting the third week in October. Linda will check on the availability of the AT&T facility.

PUBLIC COMMENTS

Karen Peltz-Strauss noted that a request had been made to the FCC and will continue to be made to allow three-digit numbers to be entered into the TRS numbering database specifically for the purpose of enabling people who use sign language to directly access ASL users for customer service agents in help lines such as suicide prevention lines.

The meeting was adjourned at 4:03 pm. EDT