iTRS Advisory Council Meeting
DRAFT Meeting Minutes for April 9th, 2019

The AT&T Forum
601 New Jersey Avenue NW
5th Floor
Washington DC

ATTENDEES

iTRS Council
Ron Bibler, Chair TRS User
Zainab Alkebsi, Vice Chair, TRS User Representative
Shannon Smith, Secretary, Deaf and Hard of Hearing Representative
Linda Vandeloop, Contributors
Steve Stovall for Tim Schram, State Regulators
Sarah Hofmann, State Regulators
Phil Hupf, Contributors
Bryen Yunashko, DeafBlind Representative
Mark Tauscher, TRS Providers
Al Sonnenstrahl, Deaf and Hard of Hearing Representative
Steve Peck, State Relay Administrators
Jeff Rosen, TRS Providers
Holly Bise for BJ Gallagher, Speech Representative

RLSA
Dave Rolka
Mary Beth O'Hara Osborne
Joy McGrath
Garrett McGrath
Kelly Kearn
Amanda Coby

FCC
Eliot Greenwald
Michael Scott

CONVENE

Chairperson Ron Bibler greeted audience and called to order the Spring meeting of the iTRS Advisory Council at 9:01 a.m. Chairperson Ron Bibler, Vice-Chairperson Zainab Alkebsi and Councilmember Jeff Rosen also established effective communication rules: timing protocols for interpreter switches;

accessible materials for individuals who are blind, low-vision or DeafBlind; and the need to identify yourself when speaking.

AGENDA
The Spring 2019 agenda was reviewed, revised and approved. An agenda item was added to discuss filling the vacancy of 2nd Vice-Chairperson with the retirement of Brenda Kelly-Frey.
The agenda was approved with a motion by Vice-Chair Zainab Alkebsi and seconded by Councilmember Sarah Hoffman.

MEETING MINUTES
The Fall 2018 minutes were reviewed, revised and approved.
The minutes were approved with a motion by Councilmember Steve Peck and seconded by Vice-Chairperson Zainab Alkebsi.

CHAIRPERSON REPORT
The Chairperson Report was provided by Chairperson Ron Bibler. Mr. Bibler stated that the Council has been busy since the last meeting in Fall 2018. Council had an Ex Parte motion to form a subcommittee to examine cost data in connection with the FNPRM issued by the FCC. Subcommittee met with the providers via conference call and in person in Harrisburg in November 2018. The subcommittee drafted the Ex Parte, the subcommittee reviewed, revised and approved and then sent to the Council, who approved. It was filed.

Council organized the Stakeholder Presentation yesterday. As part of the Stakeholder Presentation yesterday, the Council first toured the Sorenson VRS Center in Maryland and then received a presentation from Council Member Bryen Yunashko on DeafBlind Telecommunications technology.

Chairperson Bibler then had Vice-Chair Alkebsi provide information on a newly established consumer group named Clear2Connect. Vice-Chairperson Alkebsi shared that Clear2Connect Coalition is a coalition of various stakeholders in the hearing loss community to "preserve the right to communicate via IP CTS." Goal is to combine advocacy to file FCC documents and strengthen advocacy for IPCTS and is led by HLAA & Lise Hamlin.

FCC UPDATE
Eliot Greenwald and Michael Scott provided several updates.
- IP CTS Report and Order, FNPRM, and Order
    - On February 14, 2019, the Commission adopted a Report and Order, Further Notice of Proposed Rulemaking, and Order addressing IP CTS.

- o The Report and Order expands the User Registration Database to encompass IP CTS.
- o The Further Notice proposes to:
    - Require IP CTS providers to include unique user account identifiers in monthly call detail records submitted for compensation
    - Allow new and porting IP CTS user access to service for up to two weeks pending verification in the user registration database
    - Simplify the handling of 911 calls placed by IP CTS users who connect to an IP CTS provider via the Internet in order to place a call
- o Comments are due on April 15, and replies are due on April 29
- o The Order, pending completion of the rulemaking, grants waiver of most of these emergency call-handling requirements to IP CTS providers that assign their users such callback numbers.
- IP CTS ASR Applications
    - o The Commission has received two applications for certification to provide IP CTS using ASR
- VRS At-home Call Handling Pilot Program
    - o The Commission is considering whether to extend the pilot program and allow additional providers to participate in the pilot program
    - o The Commission may soon seek comment on whether to make the at-home call handling program permanent
- RUE Profile Compliance
    - o The Commission is considering whether to extend the compliance deadline for VRS providers
- Additional VRS Issues
    - o The Commission may soon address issues concerning:
        - Direct video calling (DVC) provider access to the TRS Numbering Database
        - Per call validation database querying
        - Enterprise and public videophone registration in the user registration database
        - Non-service-related inducements
        - Non-compete agreements
    - o The Commission may soon seek comment on issues concerning:
        - Consumer access to VRS pending verification in the user registration database
        - A log-in requirement for enterprise and public videophones
- IP Relay Compensation Rate
    - o On November 1, 2019, Sprint filed a petition for rulemaking to establish a new ratemaking methodology for IP Relay service

- o On March 21, 2019, Sprint filed a request for interim waivers of the Commission's rules to the extent necessary to permit Sprint to:
    - Be compensated for specified costs incurred in the provision of IP Relay for outreach, indirect overhead, and research and development, and
    - Receive a reasonable operating margin for the 2019-20 TRS Fund Year
  - o The Commission released a public notice seeking comment on the waivers. Opening comments were due April 8, 2019, and reply comments are due April 15, 2019
- TRS Equal Access and Billing Options
  - o The Commission may soon seek comment on whether to relieve providers of the requirements to offer consumers their choice of long-distance carrier (equal access rule) and multiple billing options for long distance calls, as long as the providers do not charge for long distance service
  - o The Commission may also consider whether an extension of the waivers granted to Sprint and Hamilton Relay would be needed pending completion of a rulemaking proceeding
- Internet Telephone & Telecommunications Alliance (ITTA) Petition
  - o On May 18, 2018, the Commission sought comment on a petition from ITTA seeking a declaratory ruling that it is permissible for a carrier recovering TRS Fund contributions via an end user cost recovery fee line item (or the like) on customers' bills to include TRS, among other references, in line item descriptions
  - o The Commission may address this petition in the coming months
- TRS Rate Order
  - o The Consumer and Governmental Affairs Bureau anticipates following the usual timeline when adopting an Order establishing per-minute TRS compensation rates, the TRS Fund revenue requirement, and a carrier contribution factor for the Fund Year beginning July 1, 2019 and ending June 30, 2020
  - o The Fund administrator's report is due on May 1
  - o The Bureau would issue a Public Notice seeking comment on the report
  - o An order would be adopted before the end of June
- North American Numbering Council (NANC) Interoperable Video Calling (IVC) Working Group
  - o The IVC Working Group is exploring how to facilitate the provision of interoperable telephone number-based video calling, allowing service providers to voluntarily offer, to any customer, the capability to make or receive a video call between 10-digit telephone numbers

- o The IVC Working Group meets weekly to prepare and ideally submit a final report to the NANC for approval that will:
    - Provide options for, and analyses of, any changes necessary in numbering or numbering administration to allow and encourage the deployment of telephone number-based interoperable video calling, including any changes to Commission rules, and any change, migration, or consolidation of existing numbering directories, including the TRS Numbering Directory;
    - Describe any recommended developments in technology, standards, or operations required to promote the deployment of telephone number-based interoperable video calling, including the incorporation of interoperable video calling in the implementation of NG911; and
    - Recommend next steps the Commission and industry should take to promote interoperable video calling services
- DAC 3
  - o The first meeting of the third term of the Disability Advisory Committee (DAC 3) will be held on April 10, 2019

The FCC fielded questions from the iTRS Council.
- Chairperson Ron Bibler asked for clarification on the responsibilities and assignment of the DAC 3 members.
  - o Michael Scott responded the DAC will be having ad hoc working groups formed. This time around they will be tackling a limited number of issues at a time. Primarily one working group will likely be covering communication related issues and the other, working group will be covering video related issues.
- Council Member Bryen Yunashko expressed his concern about the lack of DeafBlind representation on the DAC.
  - o Michael Scott responded that there is a DeafBlind representative on the DAC.
- Vice-Chairperson Zainab Alkebsi added that the representative is Amita from DeafBlind Citizens in Action.
- Council Member Rosen asked what the FCC is doing to address robo calls, specific to the Relay community.
  - o Eliot Greenwald responded that one of the FCC Chairman's highest priorities is combating robo calls.
  - o Council Member Linda Vandeloop also offered assistance, as AT&T is actively working on combating robo calls.
- Council Member Mark Tauscher asked what the status of the vacant position that was previously occupied by Karen Peltz Strauss.

- o Eliot Greenwald shared that the Bureau Chief, Patrick Weber, has identified someone and the FCC is working through the process of filling the vacancy.
- Chairperson Ron Bibler asked if the structure of the Disability Rights Office would remain the same.
  - o Mr. Greenwald stated that it would with Bob Aldrich in the front office, and that Barbara Esbin, Deputy Chief of the Consumer and Governmental Affairs Bureau, is working temporarily with the DRO.
- Council Member Al Sonnenstrahl asked about training and interaction with the community from the FCC and DRO.
  - o Mr. Greenwald stated this was a purpose of the DAC.
- Chairperson Ron Bibler asked if the FCC would continue to encourage the iTRS Advisory Council to provide comments on rule proceedings, and if there were specific proceedings to focus on?
  - o Mr. Greenwald responded that the iTRS Advisory Council is an advisory council to the Fund Administrator, whereas policy issues are addressed by the DAC.
  - o Dave Schmidt from the FCC added comments to address various questions from the Council, including:
    - ▪ that the FCC is willing to meet with anyone at anytime;
    - ▪ that the FCC intends to drive DeafBlind issues this year via a research project; and
    - ▪ and that real training occurs by being allowed access to Call Centers to understand the true processing.
- Chairperson Ron Bibler asked if the FCC was looking into the recommendation from the Council that RL, in addition to the Advisory Council, be assigned the task of looking into various rate methodologies.
  - o Eliot Greenwald responded that the Commission established interim rates for IP CTS while it takes a harder look at the methodology for determining IP CTS rates in addition to the FCC moving forward with reexamining the whole methodology for the IP relay rate. The FCC is also looking at an interim rate for IP relay, and has in place a four-year rate plan for VRS. For the interstate component of state services, the FCC continues to use the MARS plan.
- Council member Jeff Rosen commented that one of the challenges to the TRS fund is that the number of contributors is shrinking and has shrunk over time, and that RL has made a lot of comments to that end and made a lot of analysis. Is there any further discussion at the Commission on expanding the contributor base?
  - o Eliot Greenwald responded that in the IP CTS rulemaking item adopted in June, the FCC took comment on whether for IP CTS, the Commission should expand the contribution base to include intrastate services. In terms of bigger picture, this is of concern, because not only is the interstate contribution base shrinking for TRS, but also for universal

service, which is a much bigger fund than the TRS Fund. For universal service, the contribution rate has become very high--it's approaching 20%. The Commission is concerned about both.

ROLKA LOUBE REPORT

The Rolka Loube update was provided by Mary Beth Osborne, COO of RL. Ms. Osborne also explained that RL was going to have various RL team members, including Garrett McGrath and Amanda Coby, present.

Garret McGrath and Amanda Coby presented the below information, and fielded questions from the Council members.

- MARS-based Services
  - Rate Development Process
    - Mr. McGrath explained that this is the MARS-based rate calculation. As you can see in the example, it takes the conversation minutes of the interstate services submitted by the states and by the providers as well as the session minutes.
  - Calculation I was Traditional TRS and Speech to Speech combined, with per minute rates at:
    - TRS = #3.1099
    - STS = $4.2409
  - Calculation II was Caption Telephone alone, with the per minute rate at:
    - CTS = $2.2770
- Current versus Proposed Rates/Demand Table
  - With the demand forecast, MARS based Services Tariff Year Fund Requirement is dropping from $14.5M to $11.5M.
- Demand Trend Charts
  - The TRS Forecast continues to decrease and follow the forecast, with a 14% decrease.
  - The STS Forecast is fairly stable and follows the forecast, with a 17% decrease.
  - The CTS Forecast continues to decrease and follow the forecast, with a 25% decrease.
- IP CTS
  - Cost Trends
    - CA related and indirect costs are the only ones increasing over the years.
  - Demand Trend
    - IPCTS history of demand shows expansive growth and is in line with the Provider's forecast.
- IP Relay
  - Rate Overview

- Sprint is the sole provider of IP Relay. The current rate is $1.40, and Sprint is requesting a rate of $1.85.
- Video Relay Service
  - Cost Trends
  - Demand Trend
    - The VRS Forecast is fairly stable and follows the forecast, with growth in use.
- Fund Requirements
  - The TRS Budget Year fund requirement is as follows:
  - MARS Based Services - $11,548,331
  - IPCTS at $1.58 - $912.900,123
  - IP Relay at $1.40 - $8,598,739
  - VRS - $481.730.233
  - Other Admin - $29,515,800
  - Other 2 Month Reserve - $245,619,681
  - Total - $1,689,912,906

Discussion throughout the RL presentation included how to maintain provider confidentiality while providing the Council with as much detail in cost models as possible to make recommendations to RL.
- Chairperson Ron Bibler recommended adding footnotes that say, by the way, that for four of the five providers, as we pointed to in the Ex Parte filing, their costs are higher than the rate being proposed.
- Council Member Linda Vandeloop asked if this characterization of the data is just for the Advisory Council, and if RL provides more detail to the FCC?
  - Garrett McGrath responded that additional detail is provided to the FCC, and Eliot Greenwald confirmed.
- Council Member Hupf asked if there are other costs included that have been shared with the subcommittee but not written on this report?
  - Garrett McGrath deferred to Dave Rolka, and Dave responded that almost all the providers granted access to their filings, but that a combination of events limited the amount of time to review the data.
- Vice-Chairperson Zainab Alkebsi commented that the Council's role is to make recommendations on rates, for example, and we can't really base our recommendations on this chart as presented since it does not give the full picture. The Sub-Committee with access to the full data would make a recommendation to the full Council, and the full Council would vote on the recommendation as opposed to using the data in the chart.
- In addition, Vice-Chairperson Zainab Alkebsi asked what is captured in the "Other" category.
  - Robert Loube responded "other" is mostly the subcontractor costs. A number of the providers hire contractors, and that is the overwhelming majority of the costs in the "other" category.
- Vice-Chairperson Zainab Alkebsi asked if licensing is a part of other.

- o   Robert Loube responded it is not.
- Council Member Steve Stovall asked if is there any way for future evaluation by the Council, is there a way to add a line item that says all other cost categories not included above, just so we have some idea how you get from 1.3879 even to 1.58?
  - o   Garrett McGrath responded that this was possible.
- Council Member Mark Tauscher asked for a better understanding of the history behind the establishment of disallowing certain costs like research and development, like installation of equipment.
  - o   Eliot Greenwald responded that this comes from various FCC orders, including the way the FCC has read section 255 of the Communications Act, which includes service and not equipment. Eliot continued that in regard to R&D, the FCC adopted the policy that if it's designed to meet or continue to meet or improve meeting mandatory minimum standards, then it's covered. But if it is for something unrelated to meeting mandatory minimum standards, it's not covered. The analysis as to why marketing is covered but outreach is not has to do with outreach being more of an industry-wide effort and the FCC having, in the various services, industry-wide outreach programs. The thought is that marketing is brand specific and therefore would be allowable by particular providers doing their brand-specific work. Lastly, in terms of intellectual property and licensing, the FCC addressed that in the IP CTS order last June, and the concern was about a provider paying an intellectual property fee to itself, which the FCC disallowed because it's not an out-of-pocket cost. But the FCC did ask in the further notice questions about what would be reasonable IP licensing fees paid to third parties, because the FCC is concerned that the licensing fees may be excessive and wants to look at that in the rulemaking to basically safeguard the fund.

LUNCH
The Council broke for lunch at 11:50am and reconvened at approximately 1:30pm.

ROLKA LOUBE REPORT CONTINUED
Mary Beth Osborne provided a detailed update on internal and external updates to RL personnel, policy, security, information technology and procedures to grow and enhance RL's services. From creating Disaster Recovery Plans, to locating back up servers in various regions of the country, to upgrading internet connectivity – and the probability of relocating the main RL office, RL is making infrastructure improvements to enhance services.

NEW BUSINESS

Chairperson Ron Bibler added to the Agenda a New Business item to fill the 2nd Vice-Chairperson vacancy from Brenda Kelly-Frey retiring. Chairperson Ron Bibler proposed that Secretary Shannon Smith move into the vacant 2nd Vice-Chair, and Council Member Linda Vandeloop become the Secretary again.

- The vacancies were approved with a motion by Council-Member Sarah Hoffman and seconded by Vice-Chairperson Alkebsi.

Chairperson Bibler addressed the iTRS Council IP CTS Subcommittee New Ex Parte Filing that was needed, as the filing in December was done with one comment that was incorrect/misleading. Council Member Linda Vandeloop stated her concern that the Council was moving from advisory to advocacy and that the Council needed to remove the statement in the draft that says the Advisory Council is composed of stakeholders representing consumer groups, TRS providers, and iTRS contributors. The draft should note that most council member supported and approved it, but not all. Chairperson Ron Bibler responded that the actual vote could be listed, including individuals who abstained. Chairperson Ron Bibler also stated that he will make two corrections to the filing: the cover letter will note that the Ex Parte filing was not unanimous, and that the last sentence will be removed.

Dave Rolka added that one, the FCC requested the specific vote on the filing that was made with the FCC, and that he referred the FCC to the minutes of the meeting as he could not tell them the specifics of the vote. Two, Mr. Rolka asked that all observe the FCC left the room at the beginning of this discussion. Council Member Mark Tauscher added the for future practice, the Council needed to document the results of votes. Council Member Phillip Hupf also added that the email vote in the last 6 months be documented in this set of minutes.

Chairperson Ron Bibler stated he will one, document the last electronic vote for the Ex Parte, two, revise the Ex Parte, send for review, document the vote on the revised Ex Parte, and three, file the revision.

Chairperson Ron Bibler initiated the next part of new business – the Sprint IP Relay Petition. Chairperson Ron Bibler respectfully asked that Council Member Mark Tauscher recuse himself from the discussion. Discussion ensued regarding the Council stating support for IP Relay services continuing, while increasing the rate while balancing the viability of the service.

Chairperson Ron Bibler announced that the Fall meeting will be held on September 14th and September 15th, 2019 (between the TEDPA and NASRA Conferences) in Phoenix, Arizona. Chairperson Ron Bibler also stated he is seeking recommendations on the stakeholder presentation and mentioned that the Council has not had a presentation from Sprint in the past. In addition,

Chairperson Ron Bibler stated the Spring 2020 meeting dates were not established yet, but the meeting would occur later in April and in Harrisburg, Pennsylvania.

PUBLIC COMMENT

Lise Hamlin of HLAA posed a question and suggestion. The question was regarding how RL processes iTRS Advisory Council recommendations. Lise Hamlin also suggested that additional information regarding meeting dates, times and locations be posted on the RL website for greater information access for attendees. Dave Rolka responded that RL uses the CART transcript to note, review, revise and potentially implement Council recommendations.

Mike Strecker of ClearCaptions asked if the IPCTS use was growing exponentially or slowing or if RL was seeing some normalization. Dave Rolka responded that RL is still seeing fairly aggressive growth. Mike Strecker further commented that in order to assist the entire TRS Fund Advisory Council to better understand the industry costs for IP CTS, RL could also provide average provider cost data vs the currently displayed Industry Average Weighted Costs. RL could also provide average data for the cost breakout (e.g. CA Costs, Other, Depreciation, etc.) vs only showing weighted average cost data. Strecker went on to further explain that showing an average of providers costs better displays industry data vs the currently shown weighted average cost data.

Mike Maddix of Sorenson/CaptionCall added that there is a need for transparency and the RolkaLoube should indicate in their filing the IP CTS costs that are deemed allowable and specifically identify the provider costs that are excluded from their cost calculation. Further, it would aid transparency if RL would indicate how much their rate recommendation would increase if each category of disallowed cost were accepted. Mr. Maddix indicated This calculation would be best shown by category and not in aggregate.

Dixie Ziegler of Hamilton commented that the reason it is hard to find information about what costs are to be included for IPCTS is because there has been no rulemaking ever completed on what costs are allowed.

Dave Rolka commented that he recognized and understood the disconnect between what the presentations show, and what the subcommittee learned. Dave added that he is pleased that the Advisory Council no longer sits and listens without constructive feedback. Mr. Rolka concluded with how glad he is that the Council is interested in getting more and more detail and more information about the real issues, and that the Council is not happy with the simple averages.

ADJOURNMENT
Chair Bibler adjourned the meeting at 3:35pm.