



PUBLIC NOTICE

Federal Communications Commission
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DA 17-448

Released: May 10, 2017

UPDATED VIDEO RELAY SERVICE PROVIDER FINANCIAL DATA TO BE PLACED INTO THE RECORD – SUBJECT TO SECOND PROTECTIVE ORDER

CG Docket No. 10-51
CG Docket No. 03-123

On March 23, 2017, the Federal Communications Commission (FCC or Commission) adopted a Further Notice of Proposed Rulemaking (FNPRM) proposing, among other things, a new four-year provider compensation plan for video relay service (VRS).¹ Comments on the compensation portion of the FNPRM were due April 24, 2017, and reply comments were due May 4, 2017. On April 25, 2017, the Commission placed in the record of that rulemaking a summary of information submitted by each VRS provider in 2016 to Rolka Loube, LLC (Rolka Loube), the telecommunications relay service fund (TRS Fund) administrator, by each VRS provider in 2016 reporting the provider's total allowable expenses, return on investment, minutes of service, and revenues for the years 2014 (actual), 2015 (actual), and 2016 (projected).² Since then, Rolka Loube has filed recommendations regarding VRS compensation rates, based on updated aggregate cost and demand information reported by the VRS providers in 2017, for the years 2015-18. In addition, in comments filed in response to the FNPRM, some VRS providers have referred to updated information regarding their individual costs.³

To ensure a fuller record for decision making, the Commission intends to place into the record of the above-captioned proceeding summaries of each provider's updated cost and demand information reported in 2017 for the years 2015 (actual),⁴ 2016 (actual), 2017 (projected), and 2018 (projected) (Updated VRS Provider Cost and Demand Data), so that parties may examine this information, subject to protection for confidentiality, and submit brief ex parte submissions, to the extent warranted, regarding any information not previously discussed in their comments. To ensure that any portion of such data that may warrant confidentiality protection is protected to the maximum extent consistent with appropriate access by representatives of the parties, we will treat the Updated VRS Provider Cost and Demand Data as Highly Confidential Information subject to the terms of the *Second Protective Order* in this

¹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436 (2017).

² Letter from Eliot Greenwald, Deputy Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau, FCC, to Marlene Dortch, Secretary, FCC (Apr. 25, 2017); *see also Summary Video Relay Service Provider Financial Data Prepared By The Telecommunications Relay Service Fund Administrator To Be Placed Into The Record, Subject To Second Protective Order*, Public Notice, DA 17-337 (Apr. 6, 2017).

³ *See, e.g.*, Comments of Sorenson Communications, LLC, Regarding Section V.A-B and F of the Further Notice of Proposed Rulemaking at 20-35 (filed Apr. 24, 2017).

⁴ Although this data previously was placed in the record of this proceeding, we are adding the most recent data available for 2015 actual costs and demand in case providers have made any corrections to their original filings.

proceeding.⁵ Highly Confidential Information is defined as:

Information that is not otherwise available from publicly available sources; that the Submitting Party has kept strictly confidential; that is subject to protection under FOIA and the Commission's implementing rules; that the Submitting Party claims constitutes some of its most sensitive business data which, if released to competitors or those with whom the Submitting Party does business, would allow those persons to gain a significant advantage in the marketplace or in negotiations; and that is described in Appendix A to this Second Protective Order, as the same may be amended from time to time.⁶

Persons seeking to review the Updated VRS Provider Cost and Demand Data may do so only for purposes of participating in this proceeding. Pursuant to the *Second Protective Order*, outside persons participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgment of Confidentiality attached to the *Second Protective Order* may review the Updated VRS Provider Cost and Demand Data.⁷ We emphasize that persons seeking to review the Updated VRS Provider Cost and Demand Data must have adequate protections in place to prevent improper use or disclosure of the information.⁸

Affected parties have until **May 17, 2017** to oppose placing the Updated VRS Provider Cost and Demand Data into the record, subject to the *Second Protective Order*. In addition, affected parties have five business days after the filing of an Acknowledgment of Confidentiality to object to the release of the data to a particular person who requests permission to review it.⁹

If the Commission receives no opposition from affected parties by May 17, 2017, the Commission will place the Updated VRS Provider Cost and Demand Data into the record subject to the safeguards contained in the *Second Protective Order*. If disclosure is opposed, the procedures set forth in 47 CFR § 0.461(i) shall apply. All filings should refer to CG Docket No. 10-51 and CG Docket No. 03-123.

Under the Commission's current procedures for the submission of filings and other documents, submissions in this matter may be filed electronically (i.e., through ECFS) or by hand delivery to the Commission.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the

⁵ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Protective Order, 27 FCC Rcd 5914 (CGB 2012) (*Second Protective Order*).

⁶ *Id.* at 5915, para. 2 (CGB 2012) (*Second Protective Order*); *see also id.* at 5921, Appendix A.

⁷ *See id.* at 5922, Appendix B.

⁸ *See id.* at 5919, para. 14.

⁹ *See id.* at 5917, para. 7.

Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

This action is taken pursuant to sections 4(i) and 310(d) of the Communications Act, 47 U.S.C. §§ 154(i), 310(d), section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.361 of the Commission's rules, 47 CFR § 0.361, and is effective upon its adoption.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For further information, contact Robert Aldrich, Consumer and Governmental Affairs Bureau, at Robert.aldrich@fcc.gov or (202) 418-0996, or Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at Eliot.greenwald@fcc.gov or (202) 418-2235.

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