



# PUBLIC NOTICE

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## VRS PROVIDER COST AND DEMAND DATA TO BE PLACED IN THE RECORD

### For consideration in the VRS Compensation Rulemaking, Subject to the Third Protective Order

#### CG Docket Nos. 03-123 and 10-51

On May 20, 2021, the Federal Communications Commission (Commission) adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on Telecommunications Relay Services (TRS) Fund compensation for the provision of video relay service (VRS). Comments are due by July 15, 2021, and reply comments are due by July 30, 2021.<sup>1</sup>

To assist its consideration of compensation options, the Commission intends to examine cost and demand data for each VRS provider, filed annually with the Interstate Telecommunications Relay Service (TRS) Fund administrator (VRS Provider Cost and Demand Data).

Therefore, the Commission intends to place this information in the record of the above-captioned rulemaking proceeding, so that the information may be examined by appropriate persons on behalf of commenting parties, subject to protection for confidentiality. Specifically, the Commission intends to place in the record: (1) the most up-to-date information submitted by each VRS provider on its annual expenses for calendar years 2018 through 2022, in each expense category included in the Video Relay Service Expense and Capital Investments Data worksheet; and (2) the most up-to-date monthly conversation minutes submitted by each VRS provider for calendar years 2018 through 2022 in the Annual VRS Demand Data worksheet.<sup>2</sup> The Commission has recognized that such detailed cost data generally should be treated as confidential and exempt from public disclosure under 5 U.S.C. § 552(b)(4). Therefore, the VRS Provider Cost and Demand Data will be designated as Highly Confidential Information subject to the terms of the *Third Protective Order* and will not be available to the general public.<sup>3</sup>

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<sup>1</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Notice of Proposed Rulemaking and Order, FCC 21-61, 2021 WL 2070457 (May 21, 2021) (*VRS Compensation NPRM*).

<sup>2</sup> The worksheets and instructions for completing them are included in an appendix to the TRS Fund administrator's annual TRS Fund report. See Rolka Loube Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate Supplement, CG Docket Nos. 03-123 and 10-51, Appx. B (filed May 27, 2021) <https://ecfsapi.fcc.gov/file/1052752135766/2021%20Supplemental%20TRS%20Fund%20Annual%20Report.pdf> (2021 TRS Fund Report Supplement). At this time, we do not intend to place in the record any information submitted by providers in appendices to these worksheets. See *id.*

<sup>3</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of Internet Protocol (IP)*

(continued....)

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 *Third Protective Order* may review the VRS Provider Cost and Demand Data only in accordance with the terms of the *Third Protective Order*.<sup>4</sup> We emphasize that persons seeking to review the VRS Provider Cost and Demand Data may do so only for purposes of participating in this proceeding and must have adequate protections in place to prevent improper use or disclosure of the information.<sup>5</sup> In addition, affected parties will 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.<sup>6</sup>

Affected parties have until June 28, 2021 to oppose placing the VRS Provider Cost and Demand Data into the record, subject to the *Third Protective Order*. If the Commission receives no opposition from affected parties by June 28, 2021, the Commission will place the VRS Provider Cost and Demand Data into the record subject to the safeguards contained in the *Third Protective Order*. If submission of the data into the record 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 on paper to the Commission.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- 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 Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Currently, the Commission does not accept any hand delivered or messenger delivered filings as a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. In the event that the Commission announces the lifting of COVID-19 restrictions, a filing window will be opened at the Commission's office located at 9050 Junction Drive, Annapolis Junction, Maryland 20701.<sup>7</sup>
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail may be addressed to 45 L Street, NE, Washington, DC 20554.

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*Captioned Telephone Service*, CG Docket Nos. 03-123, 10-51, and 13-24, Order and Third Protective Order, 33 FCC Rcd 6802 (CGB 2018) (*Third Protective Order*).

<sup>4</sup> See *id.* at 6815, Appx. C.

<sup>5</sup> See *id.* at 6811, Appx. A, para. 14.

<sup>6</sup> See *id.* at 6809, Appx. A, para. 7.

<sup>7</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

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.

*Accessible Materials.* 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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

For further information, contact Michael Scott, Disability Rights Office, Consumer and Governmental Affairs Bureau, at [michael.scott@fcc.gov](mailto:michael.scott@fcc.gov) or (202) 418-1264.

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