

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Telecommunications Relay Services and Speech-)
to-Speech Services for Individuals with Hearing) CG Docket No. 03-123
and Speech Disabilities)
Structure and Practices of the Video Relay Service) CG Docket No. 10-51
Program)

ORDER

Adopted: June 30, 2022

Released: June 30, 2022

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this Order, the Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (Commission) sets per-minute provider compensation for certain telecommunications relay services (TRS) supported by the Interstate Telecommunications Relay Services Fund (TRS Fund, or Fund) for the Fund Year beginning July 1, 2022, and ending June 30, 2023 (2022-23 Fund Year).¹ For Fund Year 2022-23, the per-minute compensation for interstate TRS provided through state programs shall be: (1) for traditional (TTY-based) TRS, \$4.5098; (2) for speech-to-speech relay service (STS), \$5.6408; and (3) for captioned telephone service (CTS), \$2.3419. Pursuant to the Commission’s Report and Order adopted June 25, 2022, per-minute compensation for IP Relay for Fund Year 2022-23 shall be \$1.9576 per minute.²

2. We also grant, on our own motion, a limited waiver of the June 30, 2022 expiration of the current TRS Fund compensation formulas for Video Relay Service (VRS) and Internet Protocol Captioned Telephone Service (IP CTS). The current compensation formulas for VRS and IP CTS are each extended through the earlier of June 30, 2023, or the effective date of Commission action establishing a compensation plan for that service.

3. Until such time, for VRS providers with more than 500,000 monthly minutes as of July 1, 2017, the applicable per-minute VRS compensation levels for the 2022-23 Fund Year are: \$4.82 per minute for a provider’s first 1,000,000 monthly minutes (Tier I); \$3.97 per minute for a provider’s monthly minutes between 1,000,001 and 2,500,000 (Tier II); and \$2.63 per minute for a provider’s

¹ TRS enables an individual who is deaf, hard of hearing, or deafblind or who has a speech disability to communicate by telephone or other device through the telephone system. See 47 U.S.C. § 225(a)(3). TRS is provided in a variety of ways. Currently, interstate TRS calls and all Internet Protocol (IP) based TRS calls, both intrastate and interstate, are supported by the Fund. See 47 CFR § 64.604(c)(5)(ii).

² Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition for Rulemaking of Sprint Corporation, CG Docket No. 03-123 and RM-11820, Report and Order, FCC 22-48, para. 9 (rel. June 30, 2022).

monthly minutes exceeding 2,500,000 (Tier III).³ For VRS providers with 500,000 or fewer monthly minutes as of July 1, 2017, the applicable per-minute VRS compensation for the 2022-23 Fund Year is \$5.29 per minute (Emergent Tier) for the first 500,000 minutes, and the otherwise applicable tiered formula for monthly minutes exceeding 500,000.⁴ For IP CTS providers, the compensation formula shall be \$1.30 per minute.⁵

4. In addition, we determine the total TRS funding requirement and contribution factors that determine the amounts that telecommunications carriers and other covered service providers must contribute to the Fund. Based on the above compensation formulas, projected demand for each service, projected Fund administration expenses, and application of the projected surplus from the previous Fund year, the total funding requirement is \$979,283,478. For support of non-IP CTS TRS, we approve a carrier contribution factor of 0.01125, applied to contributors' interstate and international end-user revenues. For support of IP CTS, we approve a carrier contribution factor of 0.00653, applied to contributors' intrastate, interstate, and international end-user revenues.⁶

II. BACKGROUND

A. Rolka Loube Recommendations for Provider Compensation, TRS Fund Budget, and Contribution Factors

5. On May 2, 2022, Rolka Loube submitted an annual report on the TRS Fund with recommendations for provider compensation, the TRS Fund budget, and contribution factors for the 2022-23 Fund Year.⁷ On May 16, 2022, the Bureau sought comment on the administrator's recommendations.⁸ On May 20, 2022, Rolka Loube filed a supplement to its report submitting a

³ *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, Report and Order and Order, 32 FCC Rcd 5891, 5934, Appx. A (2017) (*2017 VRS Compensation Order*).

⁴ *Id.* at 5916-17, paras. 49-50.

⁵ *See Misuse of Internet Protocol (IP) Captioned Telephone Service; 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. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10870, para. 10 (2020) (*2020 IP CTS Compensation Order*); *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, 36 FCC Rcd 10194, 10197, para. 7 (CGB 2021) (*2021 TRS Compensation Order*) (setting IP Relay compensation).

⁶ *See Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order, 34 FCC Rcd 11265, 11268-70, paras. 7-12 (2019) (*2019 IP CTS Contribution Base Order*) (including intrastate revenues in contribution base for IP CTS).

⁷ Rolka Loube Associates LLC, *Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate*, CG Docket Nos. 03-123 and 10-51 (filed May 2, 2022), <https://files.fcc.gov/ecfs/download/f2c9b5a4-8238-40e6-b900-c165d2950812.pdf?orig=true&pk=cb77b2ec-1a58-dbc6-139b-ad192cfd5d9b> (2022 TRS Fund Report). Each May, the Fund administrator recommends TRS payment formulas and revenue requirements for the next Fund Year. 47 CFR § 64.604(c)(5)(iii)(E), (H).

⁸ *Rolka Loube Associates Submits Payment Formulas and Funding Requirements for the Interstate Telecommunications Relay Services Fund for the 2021-2022 Fund Year*, Public Notice, DA 22-534 (CGB 2022) (*2022 TRS Report Public Notice*). The Commission received comments on May 31, 2022, from Hamilton Relay, Inc. (Hamilton) (Hamilton Comments). On June 7, 2022, USTelecom- The Broadband Association (US Telecom) filed reply comments (USTelecom Reply Comments).

statement of the TRS Fund Advisory Council.⁹ On June 16, 2022, Rolka Loube filed a second supplement to its report updating the proposed budget for the TRS Fund year and the contribution factor for non-IP CTS TRS.¹⁰

B. Commission Proceedings

6. The current compensation formula for IP Relay expires June 30, 2022.¹¹ In an August 2021 notice of proposed rulemaking, the Commission proposed a revised compensation plan for the next period.¹² On June 25, 2022, the Commission adopted a revised plan, setting per-minute compensation of \$1.9576 per minute for Fund Year 2022-23.¹³

7. The current tiered compensation formulas for VRS, adopted by the Commission in 2017, initially were set to expire June 30, 2021.¹⁴ In a notice of proposed rulemaking adopted in March 2021, the Commission sought comment on setting VRS compensation for the next period.¹⁵ To allow time for the completion of this rulemaking, the Commission waived the June 30, 2021 expiration date, extending the compensation plan through December 31, 2021.¹⁶ On November 12, 2021, the Bureau found good cause to grant a further waiver, extending the current VRS compensation plan through June 30, 2022.¹⁷ As of the date of this Order, the Commission has not acted to set VRS compensation for the 2022-23 period.

8. The current compensation formula for IP CTS, established by the Commission in 2020, also expires June 30, 2022.¹⁸ To date, the Commission has not acted to determine a compensation formula applicable to the 2022-23 Fund Year.

⁹ Rolka Loube Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate Supplemental Comment, CG Docket Nos. 03-123 and 10-51 (filed May 20, 2022), <https://files.fcc.gov/ecfs/download/7feb33a4-d75c-4501-86f6-95dbf6269794?orig=true&pk=cb77b2ec-1a58-dbc6-139b-ad192cfd5d9b> (2022 TRS Fund Report Supplement).

¹⁰ Rolka Loube Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate Supplemental Comment, CG Docket Nos. 03-123 and 10-51 (filed June 16, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/106161071911406> (2022 TRS Fund Report Second Supplement).

¹¹ See *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, 34 FCC Rcd 5171, 5174-75, para. 8 (CGB 2019) (2019 TRS Compensation Order).

¹² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition for Rulemaking of Sprint Corporation*, CG Docket No. 03-123 and RM-11820, Notice of Proposed Rulemaking, 36 FCC Rcd 12943 (2021) (2021 IP Relay Compensation Notice).

¹³ *June 2022 IP Relay Compensation Order*, para. 9.

¹⁴ *2017 VRS Compensation Order*, 32 FCC Rcd 5925.

¹⁵ See *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, 36 FCC Rcd 8802 (2021) (2021 VRS Compensation Notice).

¹⁶ *Id.* at 8817, para. 40.

¹⁷ See *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, Order, DA 21-1417 (CGB Nov. 12, 2021).

¹⁸ *2020 IP CTS Compensation Order*, 35 FCC Rcd at 10870, para. 10.

III. DISCUSSION

A. Compensation for Traditional TRS, STS, CTS, and IP Relay

9. For traditional TRS, STS, and CTS, we approve Rolka Loube's per-minute compensation recommendations for the 2022-23 Fund Year: \$4.5098 for interstate traditional TRS; \$5.6408 for interstate STS; and \$2.3419 for interstate CTS. These compensation levels represent an increase of approximately 7.5% for traditional TRS and 5.9% for STS, and a decrease of approximately 1% for CTS, relative to the 2021-22 Fund Year compensation levels for those services.¹⁹ Under the Multi-State Average Rate Structure (MARS) methodology adopted by the Commission in 2007, per-minute compensation for interstate use of these relay services is determined by aggregating each state program's payments for intrastate use of the relay service in the previous Fund Year and dividing total state payments by total intrastate minutes.²⁰ The calculation of MARS support levels for the current year is shown in Rolka Loube's report.²¹ Hamilton supports and no commenters oppose the administrator's proposed rates for traditional TRS, STS, and CTS.²² We conclude that Rolka Loube's recommended amounts correctly apply the MARS methodology, and we therefore adopt those formulas for the 2022-23 Fund Year.

10. For IP Relay, per-minute compensation for Fund Year 2022-23 shall be paid according to the \$1.9576 per minute formula adopted by the Commission.²³

B. Compensation for VRS and IP CTS

11. We grant, on our own motion, temporary waivers of the June 30, 2022 expiration of the current TRS Fund compensation formulas for VRS and IP CTS.²⁴ We extend each compensation formula through June 30, 2023, unless the Commission sets compensation with an earlier effective date for any of these services. This action will ensure that the continued provision of VRS and IP CTS is supported, without disruption.

12. *Waiver Standard.* A Commission rule may be waived for good cause shown.²⁵ In particular, waiver of a rule is appropriate where the particular facts make strict enforcement of a rule inconsistent with the public interest.²⁶ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²⁷ Waiver of a rule is appropriate if special circumstances warrant a deviation from the general rule and such deviation will

¹⁹ 2022 TRS Fund Report at 7-8. Consistent with previous compensation determinations, the STS plan includes a supplemental per-minute amount (\$1.1311) to be used for STS outreach. *Id.*; see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20170, para. 57 (2007) (*2007 TRS Compensation Methodology Order*).

²⁰ See *2007 TRS Compensation Methodology Order*, 22 FCC Rcd at 20151-61, paras. 16-38.

²¹ 2022 TRS Fund Report at 7-8, Exh. 1-1.

²² Hamilton Comments at 1-3.

²³ *June 2022 IP Relay Compensation Order*, para. 9.

²⁴ Hamilton urges CGB to extend the current IP CTS compensation formula pending further action by the Commission to adopt a new compensation plan for IP CTS. Hamilton Comments at 3-5. USTelecom urges the Commission to ensure compensation formulas for IP CTS reflect costs and to consider a separate, lower compensation level for ASR-only IP CTS. USTelecom Reply Comments at 2-4. The issues raised by USTelecom are beyond the scope of this Order.

²⁵ 47 CFR § 1.3 (providing for suspension, amendment, or waiver of Commission rules, in whole or in part, for good cause shown).

²⁶ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

serve the public interest and will not undermine the policy underlying the rule.²⁸

13. *Discussion.* We find good cause to waive the expiration date of the current compensation formulas for VRS and IP CTS. Establishing a methodology and compensation level for each of the various relay services is inherently complex,²⁹ and the Commission has not yet completed the necessary proceedings to establish revised compensation plans for all services.³⁰ Continuing the current compensation levels for VRS and IP CTS will provide certainty and stability to TRS providers pending final Commission action. If we were to let the current compensation plans expire without providing for interim payments, these services would cease to be available to consumers with disabilities who rely on them for functionally equivalent communication.³¹ Under such circumstances, it is administratively efficient and consistent with prior practice to extend the current compensation formulas, pending further Commission action.

14. Therefore, we direct the TRS Fund administrator to continue compensating providers of VRS and IP CTS under the current compensation formulas for each service, until the earlier of June 30, 2023, or the effective date of further action by the Commission revising the applicable formula. While this Order provides certainty to VRS providers regarding compensation formulas for another year, it is our expectation that the Commission will adopt an order setting VRS rates and settling other outstanding VRS compensation questions during the pendency of this extension period. This action does not preclude a true-up of compensation, should the Commission deem that necessary after determining compensation formulas for VRS or IP CTS.³²

C. Funding Requirement and Carrier Contribution Factors

15. To calculate the annual funding requirement, the Fund administrator sums the projected payments to TRS providers for each form of TRS (determined by multiplying the proposed compensation plan for each service category by the projected minutes of use for that category), adds administrative expenses and other funding requirements, and subtracts the projected surplus from the previous Fund

²⁸ *Northeast Cellular*, 897 F.2d at 1166; *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127-128 (D.C. Cir. 2008).

²⁹ See *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, Order, 35 FCC Rcd 5469 (CGB 2020) (*2020 IP CTS Compensation Waiver Order*) (extending IP CTS compensation levels for three months to allow the submission of additional data for the Commission to reach an informed decision on IP CTS compensation); see also *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, Order, 32 FCC Rcd 5142, 5147, para. 15 (CGB 2017) (extending the compensation period for VRS pending further action by Commission to establish a new compensation methodology); *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, Order, 26 FCC Rcd 9972, 9980-81, paras. 22-23 (2011) (adopting interim VRS compensation levels pending Commission completion of a proceeding addressing VRS market structure and compensation methodology issues); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 21 FCC Rcd 7018, 7027, paras. 28-29 (CGB 2006) (extending the VRS compensation levels for one year or until the Commission adopts new VRS compensation levels pursuant to new cost recovery rules); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Order, 18 FCC Rcd 12823, 12832-33, paras. 24, 26, 28 (CGB 2003) (adopting interim cost recovery compensation levels for TRS providers subject to modification pending further analysis of relevant cost data).

³⁰ See *supra* paras. 7-8.

³¹ See *2021 VRS Compensation Notice* at 8818, para. 43.

³² See *2017 VRS Compensation Order*, 32 FCC Rcd at 5147, para. 15; *2020 IP CTS Compensation Waiver Order*, 35 FCC Rcd at 5473, para. 11.

Year.³³

16. For traditional TRS, STS, and CTS, Rolka Loube projects demand using recent historical data, an approach that has provided reasonably accurate results for these services.³⁴ For VRS, IP Relay, and IP CTS, Rolka Loube takes as a starting point the providers' aggregate demand projections for 2022-23, which in recent years have generally produced reasonably accurate results.³⁵ We find that Rolka Loube's TRS demand projections are reasonable for budgeting purposes.

17. We approve Rolka Loube's proposed funding requirement for relay services that use the MARS methodology—traditional TRS, STS, and CTS—which total \$10,259,804.³⁶ We also approve the proposed funding requirements of \$527,875,719 for VRS, and \$718,523,203 for IP CTS.³⁷ We modify Rolka Loube's proposed funding requirement for IP Relay to reflect the extension in this Order of the IP Relay compensation level. The revised funding requirement for IP Relay is \$12,523,491. The total revised funding requirement for payments to TRS providers is \$1,269,182,217.

18. In addition to projected payments for TRS, Rolka Loube includes in its proposed funding requirement a \$10,000,000 funding allocation for the National Deaf-Blind Equipment Distribution Program (NDBEDP).³⁸ Rolka Loube recommends a total of \$22,889,979 for Fund administrative costs, including expenditures for VRS reform implementation, database administration, Fund administration, the data collection agent, the Interstate TRS Fund Advisory Council, service provider audits, bankruptcy representation, an independent financial audit of the Fund, the development and implementation of an improper-payments audit plan approved by the Office of Management and Budget, and TRS user identity verification.³⁹ No comments were received regarding these allocations. We find the recommended expenditures to be fair and consistent with prior year Fund administrative expenses.⁴⁰

19. Rolka Loube also recommends a two-month payment reserve, totaling \$121,244,282 for IP CTS and \$90,876,095 for other TRS, for a total reserve of \$212,120,377.⁴¹ Hamilton supports the recommendation to maintain a two-month reserve.⁴² We find that a two-month reserve, which has been maintained for the past eight Fund Years,⁴³ is a reasonable precautionary measure to guard against the

³³ See 2022 TRS Fund Report at 17-18.

³⁴ *Id.* at 16.

³⁵ *Id.* at 16-17.

³⁶ 2022 TRS Fund Report Second Supplement, Exh. 2, revised.

³⁷ *Id.*

³⁸ 2022 TRS Fund Report at 17; TRS Fund Report Second Supplement at Exh. 2, revised; *see also* 47 CFR §§ 64.6201-.6219.

³⁹ 2022 TRS Fund Report at 17; TRS Fund Report Second Supplement at Exh. 2, revised.

⁴⁰ *See, e.g., 2021 TRS Fund Compensation Order*, 36 FCC Rcd at 10201, para. 19; *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, Order, 35 FCC Rcd 6649, 6658, para. 23 (CGB 2020) (*2020 TRS Compensation Order*); *2019 TRS Compensation Order*, 34 FCC Rcd at 5181-82, para. 24; *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, Order, 33 FCC Rcd 6300, 6306-07, para. 18 (CGB 2018).

⁴¹ 2022 TRS Fund Report at 17; TRS Fund Report Second Supplement at Exh. 2, revised.

⁴² Hamilton Comments at 5-6

⁴³ *See, e.g., 2020 TRS Compensation Order*, 35 FCC Rcd at 6658, para. 24; *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, Order, 29 FCC Rcd 8044, 8053, para. 23 (CGB 2014).

possibility of unanticipated demand for TRS that could unexpectedly increase the need for Fund payments in the course of a Fund Year.⁴⁴ To the extent that all or some of the reserve goes unused, the payment reserve is not wasted but is turned over for use in the next Fund Year.⁴⁵ We approve the two-month budgetary reserve for IP CTS, but modify the payment reserve for other TRS services to reflect the changes to funding required for IP Relay. As adjusted, the reserve for other TRS is \$90,967,000, and the total reserve is \$212,211,282.

20. In summary, we conclude that Rolka Loube's demand projections are reasonable and that, subject to the adjustments discussed above, its funding proposals are consistent with the Commission's rules on contribution computations.⁴⁶ We therefore adopt a total funding requirement of \$979,283,478 (after subtracting the estimated surplus from the current year).

21. *Contribution Factors.* Rolka Loube proposes TRS Fund contribution factors of 0.00653 for IP CTS and 0.01124 for non-IP CTS TRS for the 2022-23 TRS Fund Year.⁴⁷ The use of two different contribution factors is mandated by the Commission's *2019 IP CTS Contribution Base Order*.⁴⁸ The IP CTS contribution factor, which is applicable to intrastate, interstate, and international revenues, is the ratio of the estimated IP CTS funding requirement to the total intrastate, interstate, and international end-user revenues for the prior calendar year.⁴⁹ The non-IP CTS contribution factor, which is applicable to interstate and international end-user revenues, is the ratio of the estimated non-IP CTS funding requirement to total interstate and international end-user revenues for the prior calendar year.⁵⁰ Hamilton supports the proposed contribution factors.⁵¹ We approve the proposed contribution factor for IP CTS. Reflecting the revised funding requirement for IP Relay, discussed above, we adopt a slightly adjusted contribution factor of 0.01125 for non-IP CTS TRS.

IV. PROCEDURAL MATTERS

22. *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 or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

⁴⁴ See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703, 707 n.20 (2013) (noting that the Anti-Deficiency Act, 31 U.S.C. § 1341(a)(1)(A), provides that an officer or employee of the federal government may not make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation).

⁴⁵ See 47 CFR § 64.604(c)(5)(iii)(B).

⁴⁶ *Id.* § 64.604(c)(5)(iii)(A), (B).

⁴⁷ 2022 TRS Fund Report Supplement at Exh. 2, revised.

⁴⁸ *IP CTS Contribution Base Order*, 34 FCC Rcd at 11273-74, para. 21 & n.57.

⁴⁹ 2022 TRS Fund Report Supplement at Exh. 2, revised. The IP CTS funding requirement includes the portion of the reserve requirement attributable to IP CTS. *Id.*

⁵⁰ The Commission recently amended its rules to provide that contributions for the support of VRS and IP Relay shall be determined based on each contributor's total intrastate, interstate, and international end-user revenues—in the same way that contributions for support of IP CTS are currently calculated. However, this change will not be implemented until the 2023-24 Fund Year. See *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 Relay Service*, CG Docket Nos. 03-123, 10-51 and 12-38, Report and Order, FCC 22-49, para. 23 (rel. June 30, 2022).

⁵¹ Hamilton Comments at 5.

V. ORDERING CLAUSES

23. Accordingly, IT IS ORDERED, pursuant to section 225 of the Communications Act of 1934, as amended, 47 U.S.C. § 225, and section 64.604(c)(5)(iii) of the Commission's rules, 47 CFR § 64.604(c)(5)(iii), that this ORDER IS hereby ADOPTED.

24. IT IS FURTHER ORDERED that the TRS Fund administrator shall compensate eligible providers of interstate traditional TRS, for the period from July 1, 2022, through June 30, 2023, in the amount of \$4.5098 per interstate conversation minute.

25. IT IS FURTHER ORDERED that the TRS Fund administrator shall compensate eligible providers of interstate STS, for the period from July 1, 2022, through June 30, 2023, in the amount of \$5.6408 per interstate conversation minute.

26. IT IS FURTHER ORDERED that the TRS Fund administrator shall compensate eligible providers of interstate CTS, for the period from July 1, 2022, through June 30, 2023, in the amount of \$2.3419 per conversation minute.

27. IT IS FURTHER ORDERED that the TRS Fund administrator shall compensate eligible providers of IP Relay in the amount of \$1.9576 per conversation minute, for the period from July 1, 2022, through June 30, 2023.

28. IT IS FURTHER ORDERED that the TRS Fund administrator shall compensate eligible providers of IP CTS in the amount of \$1.30 per conversation minute, for the period from July 1, 2022, through the earlier of June 30, 2023, or the effective date of Commission action establishing a revised compensation formula for that service.

29. IT IS FURTHER ORDERED that the TRS Fund administrator shall compensate eligible providers of VRS in accordance with the tiered formulas applicable on June 30, 2022, for the period from July 1, 2022, through the earlier of June 30, 2023, or the effective date of Commission action establishing revised compensation formulas for that service.

30. IT IS FURTHER ORDERED that the TRS Fund revenue requirement for Fund Year 2022-23 shall be \$977,692,766, and the TRS Fund carrier contribution factors shall be 0.01125 for non-IP CTS TRS and 0.00653 for IP CTS.

31. IT IS FURTHER ORDERED that this Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark, Chief
Consumer and Governmental Affairs Bureau