



# PUBLIC NOTICE

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DA 23-407

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## ROLKA LOUBE ASSOCIATES SUBMITS PAYMENT FORMULAS AND FUNDING REQUIREMENTS FOR THE TELECOMMUNICATIONS RELAY SERVICES FUND

CG Docket No. 03-123

Comments Due: May 26, 2023

Reply Comments Due: June 5, 2023

The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (Commission) seeks comment on the Telecommunications Relay Services (TRS) Fund administrator's proposed provider compensation formulas, funding requirements, and contribution factors for the period from July 1, 2023, through June 30, 2024 (2023-24 Fund Year).<sup>1</sup>

### TRS Using MARS Plan Formula

Rolka Loube Associates LLC (Rolka Loube), the TRS Fund administrator, proposes per-minute compensation formulas for services subject to the Multi-state Average Rate Structure (MARS) plan methodology,<sup>2</sup> as follows: \$5.7204 for interstate traditional TRS; \$6.8514 for interstate speech-to-speech relay service (STS); and \$2.6619 for interstate captioned telephone service (CTS).<sup>3</sup> We seek comment on whether these proposed formulas correctly apply the MARS formula.

### IP Relay

Pursuant to the *2022 IP Relay Compensation Order*,<sup>4</sup> Rolka Loube recommends a compensation amount of \$2.0927 per minute, calculated as 106.9% of the prior year's amount (\$1.9576). We seek comment on whether the recommendation correctly applies the *2022 IP Relay Compensation Order*.

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<sup>1</sup> See 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 1, 2023), <https://www.fcc.gov/ecfs/document/1050410304699/1> (2023 TRS Report); see also 47 CFR § 64.604(c)(5)(iii)(H).

<sup>2</sup> Under the MARS plan methodology, interstate TRS Fund compensation formulas for relay services provided through state TRS programs are calculated based on a weighted average of the per-minute intrastate compensation paid by state TRS programs for the same or a similar relay service. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20151-58, paras. 16-37 (2007) (*2007 TRS Compensation Methodology Order*).

<sup>3</sup> 2023 TRS Report at 5. The current compensation levels for these services are: \$4.5098 per minute for interstate traditional TRS; \$5.6408 per minute for interstate STS; and \$2.3419 per minute for interstate CTS. *Id.* at 5-7.

<sup>4</sup> *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, FCC 22-48 (June 30, 2022) (*2022 IP Relay Compensation Order*) (adopting compensation plan for IP Relay).

VRS and IP CTS

The Commission will address compensation for Video Relay Service (VRS) and Internet Protocol Captioned Telephone Service (IP CTS) in the relevant rulemaking proceedings.<sup>5</sup>

Funding Requirement and Contribution Factors

Comment is invited on Rolka Loube's demand projections and funding requirements for the various relay services supported by the Fund.<sup>6</sup> For purposes of calculating funding requirements and contribution formulas, Rolka Loube assumes continued application of the current compensation formulas for IP CTS and VRS.<sup>7</sup>

We also seek comment on Rolka Loube's estimates and recommendations for disbursements under the National Deaf-Blind Equipment Distribution Program (\$10,000,000) and for funding to cover TRS research and administration (\$55,287,515), including allowances for database administration, Fund administration, data collection agent costs, the TRS Fund Advisory Council, service provider audits, bankruptcy representation, an independent financial audit of the Fund, an improper-payments audit, and user identity verification.<sup>8</sup> In addition, we seek comment on Rolka Loube's recommendation, consistent with the practice in the past few years, to include a two-month payment reserve, totaling \$203,316,773, in the overall funding requirement for the coming year.<sup>9</sup>

Rolka Loube proposes a total Fund requirement of \$1,508,071,592 for the 2023-24 Fund Year.<sup>10</sup> Rolka Loube anticipates that there will be a budget surplus of approximately \$277,430,000 for the 2022-23 Fund Year.<sup>11</sup> Deducting last year's surplus from the total Fund requirement, Rolka Loube proposes a net Fund requirement of \$1,230,641,592.<sup>12</sup>

In June 2022, the Commission modified the TRS Fund contribution rules to provide that contributions to support all IP-based relay services are determined based on Fund contributors' interstate

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<sup>5</sup> 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) (proposing compensation plan for VRS); *Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 22-408, 03-123 and 13-24, Notice of Proposed Rulemaking and Order on Reconsideration, DA 22-97, 2022 WL 17958805 (2021) (proposing compensation plan for IP CTS).

<sup>6</sup> 2022 TRS Report at 13-14 & Exh. 2.

<sup>7</sup> *Id.* at 4. The current compensation level for IP CTS is \$1.30 per minute. *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 (2020). The current compensation levels for VRS are: for emergent providers, \$5.29 per minute; for Tier I (1<sup>st</sup> 1 million monthly minutes), \$4.82 per minute; for Tier II (next 1.5 million monthly minutes), \$3.97; for Tier III (monthly minutes over 2.5 million), \$2.63. *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Order, 32 FCC Rcd 5891, 5935, Appx. A (2017).

<sup>8</sup> 2023 TRS Report at 14-15 & Exh. 2.

<sup>9</sup> *Id.* at 14 & Exh. 2.

<sup>10</sup> *Id.* at 15 & Exh. 2.

<sup>11</sup> *Id.* at 15.

<sup>12</sup> *Id.*

and intrastate end-user revenues.<sup>13</sup> Pursuant to the *2022 TRS Fund Contributions Order*, Rolka Loube calculates a contribution factor of 0.01547 for support of IP-based relay services, to be applied to contributors' interstate and intrastate end-user revenues, and a contribution factor of 0.00024 for support of other relay services, to be applied to contributors' interstate end-user revenues.<sup>14</sup> We seek comment on the proposed contribution factors.

*Filing Requirements.* Interested parties may file comments on the 2023 TRS Report on or before the date indicated on the first page of this document.<sup>15</sup> All filings must reference CG Docket No. 03-123. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>16</sup>

- 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>17</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.
  - 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.

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<sup>13</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 Relay Service*, CG Docket Nos. 03-123, 10-51, and 12-38 Report and Order, FCC 22-49 (rel. June 30, 2022) (*2022 TRS Fund Contributions Order*); see also 47 CFR § 64.604(c)(5)(iii)(A). Previously, IP CTS was supported from contributors' interstate and intrastate end-user revenues, and all other services were supported from contributors' interstate end-user revenues. 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 (2019).

<sup>14</sup> 2023 TRS Report at 15-17 & Exh. 2.

<sup>15</sup> See 47 CFR §§ 1.1, 1.45, 1.49.

<sup>16</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

<sup>17</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

*Ex Parte Requirements.* The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>18</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

*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 (voice).

For further information, please contact Michael Scott at (202) 418-1264 or by e-mail at [Michael.Scott@fcc.gov](mailto:Michael.Scott@fcc.gov).

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<sup>18</sup> 47 CFR §§ 1.1200 *et seq.*