

Consumer Advisory Committee  
Recommendation: role of Interstate TRS Fund Advisory Council

**WRITTEN EX PARTE PRESENTATION**

Telecommunications Relay Services and Speech-to-Speech Services  
for Individuals with Hearing and Speech Disabilities  
CG Docket No. 03-123

The Commission has requested comments regarding the role of the Interstate TRS Fund Advisory Council (“Council”), and the ways in which the Council may play a more productive role. This letter is submitted by the Consumer Advisory Committee (the “CAC”) in the Commission's above-captioned proceeding regarding that role.<sup>1</sup>

The CAC believes that the Interstate TRS Fund Council should play a stronger role, fiscally, operationally, and administratively, in regards to the Interstate TRS Fund. The CAC believes that the Council can ensure proper spending, cost recovery, and rate setting if it is given the ability to exercise full authority. As set forth below, the CAC believes that the current advisory role of the Council should be strengthened so that its conclusions about TRS rates and the TRS program in general will be taken seriously by the Interstate TRS Fund Administrator and the Commission.

For the reasons set forth below, the CAC urges the Commission to reaffirm and clarify the important “safeguard” responsibility of the Council in administration of the Interstate TRS Fund, and to direct that the Interstate TRS Fund Administrator provide all relevant data to the Council in a timely manner, so that the Council may carry out its critical role.

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<sup>1</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration and Further

The mission of the Council is to “advise the interstate TRS Fund Administrator on interstate TRS cost recovery matters.”<sup>2</sup> The Council’s authority in this regard is embodied in the Commission’s rules, as follows:

The administrator shall establish a non-paid voluntary advisory committee of persons from the hearing and speech disability community, TRS users (voice and text telephone), interstate service providers, state representatives, and TRS providers, which will meet at reasonable intervals (at least semi-annually) in order to *monitor* TRS cost recovery matters.<sup>3</sup>

From these regulations, it is clear that the role of the Council is to serve in an independent advisory capacity, in order to ensure the integrity of the Interstate TRS Fund. To carry out that critical role, it must be provided with the tools to do so. Without meaningful data, the Council lacks the information necessary to formulate informed recommendations to the TRS Fund Administrator and the Commission.

Access to information is also essential to ensure that the Council fulfills its consumer “safeguard” mission. The Commission viewed the Council as necessary to act as a safeguard to the integrity of the TRS system. Specifically, the Commission stated:

We find that as part of its administrative function, NECA should establish such a committee and consider guidance from its members on TRS issues. Therefore, we further direct NECA to establish a non-paid, voluntary advisory committee of persons from the hearing and speech disability community, TRS users (voice and

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Notice of Proposed Rulemaking, CC Docket Nos. 90-571, 98-67, CG Docket No. 03-123, 19 FCC Rcd 12475, para. 251 (rel. June 30, 2004) (“2004 Order”).

<sup>2</sup> By-Laws of the Interstate TRS Fund Advisory Council, adopted March 1995. In addition to monitoring the fund, the Council has worked with the Interstate TRS Fund Administrator to propose funding mechanisms for the various forms of TRS.

<sup>3</sup> 47 C.F.R. § 64.604(c)(5)(iii)(H) (emphasis added).

text telephone), interstate service providers, state representatives, and TRS providers. The committee will meet at reasonable intervals (at least semi-annually) in order to monitor TRS cost recovery matters. NECA's annual report to the Commission shall include a discussion of advisory committee deliberations. We find that with these additional safeguards in place, NECA is uniquely placed to effectuate timely and efficient implementation of the TRS Fund.<sup>4</sup>

The Commission further stated that the Council “would be a safeguard in view of comments noting that NECA was associated with one specific industry group, local exchange carriers.” The CAC believes that the TRS Fund Administrator has not involved the Council in a meaningful way with respect to monitoring the Interstate TRS Fund. Accordingly, the CAC requests that the Commission clarify the important role of the Council and direct the TRS Fund Administrator to provide relevant TRS data to the Council so that the Council may serve as the “safeguard” that the Commission envisioned.

The CAC asks that the Commission clarify that the responsibility of the Interstate TRS Fund Council is to be as concerned with how funds are spent as it is with cost recovery and to ask hard questions and request and receive documentation. This is especially critical in light of the fact that the Commission is depending on self-reporting of TRS Providers.

Towards this end, the CAC believes that the Council can and should perform a meaningful role in assisting the Commission’s enforcement efforts. Specifically, as part of its mission to “monitor” the TRS Fund, the CAC believes that the Council should request and review available performance data to ensure that payments from the

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<sup>4</sup> *Telecommunications Relay Services, and the Americans with Disabilities Act of 1990*, Third

Interstate TRS Fund are made only to those providers that are meeting the Commission's mandatory minimum standards.<sup>5</sup> The Council would then make recommendations to the Commission's Enforcement Bureau as necessary based upon the Council's review of the data.

This filing is made in accordance with Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1).

In the event that there are any questions concerning this matter, please contact the undersigned.

Adopted: July 21, 2006.

Respectfully submitted,

Shirley L. Rooker, Chair  
FCC Consumer Advisory Committee

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Report and Order, CC Docket No. 90-571, 8 FCC Rcd 5300, para. 8 (1993).

<sup>5</sup> 47 C.F.R. § 64.604.