

Appendix D

Interstate TRS Fund Advisory Council Meeting Minutes for September 13, 2018

Interstate TRS Advisory Council
Meeting Minutes for September 13th, 2018
Hyatt Regency Hotel
3200 East 81st Street
Bloomington, MN 55425
Stone Arch Room

ATTENDEES

ITRS Council

Ron Bibler, Chair, TRS User
Brenda Kelly-Frey, Vice-Chair, State Relay Administration
Zainab Alkebsi, Vice-Chair, TRS User (by Video)
Shannon Smith, Secretary, Deaf & Hard of Hearing Community
Mark Tauscher, TRS Providers
Linda Vandeloop, Interstate Telecommunications Providers/Contributors
Tim Schram, State Regulator Representative
Al Sonnenstrahl, Deaf and Hard of Hearing Community
Jeff Rosen, TRS Providers
Phillip Hupf, Interstate Telecommunications Providers/Contributors
Steve Peck, State Relay Administration
B. J. Gallagher, Individuals with Speech Disabilities

RLSA

Dave Rolka
Mary Beth O'Hara Osborne
Joy McGrath
Garrett McGrath
Kelly Kearn

FCC

Karen Peltz Strauss (by Video)
Eliot Greenwald (by Video)
Michael Scott (by Video)

CONVENE

Chairperson Bibler greeted audience and called to order the Fall meeting of the iTRS Advisory Council at 9:18 a.m.

MEETING MINUTES

The Spring 2018 minutes were reviewed, revised and approved via email immediately following the Spring 2018 meeting to be included in the FCC Filing.

The Fall 2018 minutes will be reviewed, revised and approved at the Spring 2019 meeting.

SUBCOMMITTEE REPORTS

TRS Security Concerns – Brenda Kelly-Frey, Co-Chair

This committee was established in response to Christian Vogler's presentation at the Spring 2018 meeting. Membership is being established, and once complete, meetings will begin.

IPCTS – Linda Vandeloop, Co-Chair

This committee was established at the April 2018 Council Meeting, with the responsibility of research and analysis of IP CTS rates and methodology.

A non-disclosure agreement was sent to the five providers, all but one stated they would not provide the data to certain members of the subcommittee for various reasons. The subcommittee discussed the responses and concluded that the subcommittee was established by the TRS Advisory Council, which is established by the FCC, to monitor cost recovery matters. In addition, the subcommittee was chosen to reflect a balance of experience and represented a cross section of the constituents identified by the FCC when they established the Council. The four providers who did not provide data were asked to reconsider and given a deadline of September 10th. Sprint responded and confirmed their original objections; the other three providers requested additional time.

The subcommittee is reviewing options and hopes to have more to report at the next meeting.

Chairperson Bibler recognized Council Member Rosen. Council Member Rosen provided comments from a provider perspective for the IP CTS Sub-Committee members the IP CTS providers objected to, to examine their participation, and recuse themselves for the "greater good".

Chairperson Bibler recognized Council Member Vandeloop. Council Member Vandeloop responded to Council Member Rosen that the Sub-Committee members, as a whole, had really examined themselves for potential conflict of interest, and would accept changes to the sub-committee membership as directed by the Chair, but no members would recuse themselves.

Chairperson Bibler recognized Council Member Tauscher. Council Member Tauscher provided comments supporting Council Member Rosen's position, stating that it is not about the actual conflict of interest, but the perception of a conflict of interest.

ROLKA LOUBE REPORT

Dave Rolka provided several updates:

- TRS Fund Finances
 - Projected Fund Requirements = \$1,671,087,417
 - 2017-2018 end of year balance = \$172,187,810
 - Projected 2017-2018 Interest = \$1,200,000
 - Net Fund Requirements = \$1,497,699,607
 - Estimated Contribution Base = \$53,467,000,000
 - Contribution Rate = 0.02801
- Where Will It Go?
 - The Service Providers
 - Traditional, STS & CTS = \$13.892 million
 - IP Relay = \$ 8.056 million
 - IP CTS = \$ 891.947 million
 - VRS = \$ 495.022 million
 - Other
 - NDBEDP = \$10.000 million
 - Misc. = \$17.349 million
 - Two Month Average Reserve = \$234.820 million
- What is Misc.?
 - Research = \$ 8.650 million
 - research that the FCC has contracted for and gets paid for from the fund
 - National Outreach = \$ 2.000 million
 - FCC has contracted with MITRE to do that.
 - TRS Administration = \$ 2.400 million
 - VRS URD = \$ 1.600 million
 - dedicated to the creation and operation and maintenance of the User Registration Database.
 - Audits = \$ 1.000 million
 - audits of the service providers.
 - iTRS Number Administration = \$ 1.005 million
 - IPERIA Plan & Testing = \$ 0.250 million
 - testing to make sure that we're following our procedures and we're doing our stuff on time and accurately.
 - Misc. Fees & Expenses = \$ 0.444 million
 - includes fees, bankruptcies, lawyers' fees, the money to pay for the expenses of the advisory council, etc., etc.
- Summary
 - Providers \$1,408 million
 - Reserve \$235 million
 - NDBEDP & Misc. \$ 27 million

- Subtotal \$ 1,671million
 - Less Interest on Investments \$1.2 million
 - Less Cash on Hand at YE \$172 million
 - Net TRS Fund Requirements \$1,498 million
- IP Relay Demand Trend
 - The demand for IP Relay service is hovering about a half a million minutes a month.
- VRS Demand Trend
 - The demand for Video Relay Service is 10-12 million minutes per month.
- IP CTS Demand Trend
 - The demand for IP CTS is 35-40 million minutes per month.
- VRS User Registration Database
 - The URD, the User Registration Database, opened up and started accepting registrations and doing identity validation on VRS users at the beginning of January. It was originally supposed to be open or what we refer to as a window for two months, which turned into four.
- Coordinate with the iTRS Number Admin.
 - All of the numbers in the iTRS Number Administrator's database are also in the URD database.
 - Earlier this year in cooperation with the iTRS Number Administrator the TDNs were synched and a purge of TDNs was implemented.
 - Inconsistencies result in reimbursement challenges.
 - Eventually they may lead to a denial of service.
- Improving D/R & Data Security
 - RL now hires an independent third party to do penetration testing on systems because they have more and more sensitive and confidential information, particularly personal information about users.
- Data Warehouse
 - The FCC is also encouraging RL to create what RL refers to as a data warehouse. RL is putting all that information together in one big warehouse, that allows them to do a lot of different types of analysis of that information and to generate reports and inquiries.
- IP CTS FNPRM & NOI
 - This year the FCC reacted to the things that RL has been doing over the last couple of years and issued an order, FCC 18-79 identifying a need for reform with respect to IP CTS, saying that they're, going forward, abandoning the MARS rules that describe how we calculated the pricing. Set a price for IP CTS that will run for 2 years. At the end of that 2 years they established a different price that was going to run for 2 more years.

- In that 4-year window, the FCC hoped to address the hundreds of issues that they identified in the report and order, proposed rulemaking, and notice of inquiry. The one document had three different components in it and set off three requests for lots of input, information, and such.
- Planning for the Next Budget Cycle
 - The TRS Advisory Council established a subcommittee to evaluate and consider making IP CTS rate recommendations.
 - The subcommittee is seeking the agreement of providers to gain access to the confidential provider cost submissions, and we thank the providers that have so far agreed.
 - The subcommittee also has plans to examine compensation plans and RL expects allocation proposals.
 - January 2019 - distribute the MARS data collection forms to each State program and Cost collection forms to each IP provider – expanded to collect subcontractor cost and license data.
 - February 2019 - collect the completed data and begin analysis for recommendations to the FCC
 - April 9, 2018 - Advisory Council Meeting in D.C.
 - May 1, 2018 - Recommendation to the FCC

Addition to ITRS Council of DeafBlind Representative.

This representative will be Bryen

If the FCC does not approve this position as a reimbursable seat, RL will fund this seat.

Mark Tauscher raised the question of if the Bylaws need to be amended to reflect the addition of a DeafBlind seat on the Council. Brenda Kelly-Frey raised the question of if the Bylaws were being amended, could a seat for the Telecommunications Equipment Distribution Program Association (TEDPA) also be established?

BREAK

The Council had a break at 10:50am and reconvened at 11:09am

ROLKA LOUBE REPORT (continued)

Phil Hupf inquired as to additional information on auditing providers being available.

Kelly Kemp responded that some are in process for VRS providers, this fall and winter.

Al Sonnenstrahl shared the history of data collection and working with the providers to analyze statistics and so forth. Over time the data went from being transparent to confidential and competitive.

NEW BUSINESS

Adjusting bylaws to add DeafBlind position/14th position on Council

Mark moved, Jeff seconded

Discussion, Discussion closed

Motion carries by unanimous vote

Establishing a Sub-Committee to Examine the Line Item Expenditures and Deliverables

Zainab moved, Brenda seconded

Discussion

Mark motioned to table this discussion until after the FCC report, Steve seconded.

Jeff motioned to un-table the motion, Brenda seconded

Motion carries by unanimous vote

LUNCH

The Council broke for lunch at 12:01pm and reconvened at 1:15pm

FCC PRESENTATION

Eliot Greenwald and Karen Peltz Strauss provided several updates, with Michael Scott also in attendance on behalf of the FCC:

- TRS Program Recertification
 - o On July 16, 2018, the Consumer and Government Affairs Bureau (CGB) released a public notice granting certification to each state and territory that sought to renew its TRS program.
- TRS Rate Order
 - o On June 29, 2018, CGB adopted an Order establishing per-minute compensation rates for TRS that are supported by the Interstate TRS Fund for the Fund Year beginning July 1, 2018 and ending June 30, 2019
 - o CGB also adopted a TRS funding requirement of \$1,497,699,377 and a carrier contribution factor of 0.02801 for the Fund Year
- TRS Equal Access and Billing Options Waivers
 - o On August 8, 2018, CGB released an Order extending waivers that were previously granted to Sprint Communications and Hamilton Relay Inc.
- At-Home VRS Calling Handling Pilot
 - o On October 31, 2017, the FCC released a public notice authorizing ZVRS and Purple to participate in the VRS at-home call handling pilot program
- TRS User Registration Database
 - o On June 26, 2018, CGB released a public notice inviting comment on a petition filed by five video relay service (VRS)

- o providers requesting a limited waiver of the Commission's rules to permit them to provide service to a new user, or to a user whose VRS telephone number has been ported from another provider, while that user's verification through the TRS-URD is pending, subject to the calls being compensable only if the user is verified
 - o The comment period closed on August 10, 2018, and the item is pending.
- Extending Deadline for RUE Profile Compliance
 - o The Interoperability Profile for Relay User Equipment (RUE Profile) is a technical standard incorporated into the FCC's rules to support VRS interoperability
 - o On April 26, 2018, CGB released an Order suspending for one year, until April 29, 2019, the deadline for video relay service (VRS) provider compliance with the RUE Profile
- Call Center Notification Waiver
 - o VRS providers are required to provide 30 day advanced notification to the FCC and the TRS Fund administrator when the provider opens, closes, or relocates a video relay service (VRS) call center
 - On August 30, 2018, CGB released an order granting ZVRS and Purple limited waivers of this rule and the compensation payment rule to allow the companies to be compensated for VRS calls handled at a relocated call center for which the companies gave advance notification to the FCC but not the TRS Fund administrator
- MITRE Assessment of IP CTS
 - o On April 11, 2018, the Managing Director and CGB announced the release of two summaries prepared by the MITRE Corporation detailing the results of the first two phases of independent testing performed to assess the quality and usability of Internet Protocol Captioned Telephone Service (IP CTS) devices and services, as well as automated speech-to-text (STT) technologies
- IP CTS Reform Order
 - o On June 7, 2018, the FCC adopted a Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry addressing IP CTS
 - In the Report and Order, the Commission revised the rate methodology to compensate IP CTS providers, set interim IP CTS provider compensation rates for the next two years, and adopted rules to limit unnecessary IP CTS use and waste of the TRS Fund
 - o In the Further Notice of Proposed Rulemaking, the Commission seeks additional comment on various aspects of the IP CTS program, including compensation, funding, administration, and provider practices

- o In the Notice of Inquiry, the Commission seeks comment on establishing IP CTS performance goals and metrics to ensure service quality for users and evaluate the efficacy of the IP CTS program
- o On August 6, 2018 CGB released a public notice seeking comment on:
 - § Sprint's petition for clarification, or in the alternative, partial reconsideration of the *2018 IP CTS Declaratory Ruling* on the use of automatic speech recognition; and
 - § Sprint's petition for reconsideration of interim compensation rates established in the *2018 IP CTS Report & Order*. Sprint requests that the Commission freeze the rate at the prior \$1.9467 level, pending resolution of the compensation issues raised in this proceeding
- o The comment period on these petitions closes September 17, 2018
- Real Time Text (RTT)
 - o CGB and the PSHSB, with the assistance of the DAC, will host a workshop for public safety answering points (PSAPs) about RTT on October 2, 2018, from 12:30 p.m. to 4:30 p.m. Eastern Time.
- Emergency Communications
 - o The FCC has held workshops, released reports, and adopted Notices of Inquiry, Notices of Proposed Rulemakings, Orders, and Public Notices that raised questions or addressed disability access including:
 - § Public Notices seeking to refresh the record on facilitating multimedia content in WEA
 - § A workshop to identify communication needs during disasters
 - § A report on the false emergency alert in Hawaii
 - § A roundtable on emergency alerting
 - § A report on the 2017 Nationwide test of EAS
 - o The FCC also issued the following, which raised questions or addressed disability access:
 - § An Order granting a temporary waiver of requirements for emergency information on television presented through graphics to be accessible through a visual means.
 - § Public Notice on the nationwide test of the WEA system and a nationwide test of EAS on September 20, 2018, with an alternate test date of October 3, 2018
 - § Public Notice reminders to make televised emergency information available
- Interoperable Video Calling Working Group
 - o On July 3, 2018, FCC Chairman Ajit Pai announced that the FCC is seeking nominations for membership on a new Interoperable Video Calling (IVC) Working Group (to be part of the North American

- Numbering Plan advisory committee) that will explore how to achieve interoperable video calling using 10-digit telephone numbers
- 2018 CVAA Biennial Report
 - o On August 9, 2018, CGB released a Public Notice seeking comment on tentative findings for the 2018 Twenty-First Century Communications and Video Accessibility Act (CVAA) Biennial Report. The report to Congress is due October 8, 2018.
- Disability Advisory Committee (DAC)
 - o On Monday, April 9, 2018, the Technology Transitions Subcommittee of the Disability Advisory Committee held an invitation-only roundtable at the FCC, on using RTT with refreshable Braille screen readers
 - o On August 21, 2018, the FCC released a Public Notice inviting application for membership for the next two year term of the DAC. Applications may be submitted through the online application portal at www.fcc.gov/dac/application (preferred), or by email to DAC@fcc.gov
 - o The final DAC Meeting of the current term will be held on October 3, 2018. It is anticipated the members will vote on recommendations concerning measures and metrics for TRS, RTT and refreshable Braille displays; RTT integration with TRS; and the availability of TRS in emergency shelters
- Chairman's Awards for Advancements in Accessibility
 - o Recognizes the efforts of individuals, organizations, academic institutions, companies, and government agencies that produce innovations to make communications tools more accessible to people with disabilities
 - o FCC Chairman Ajit Pai announced this year's winners at an awards ceremony at the M-Enabling Conference in Arlington, Va.
- ASL Video Library
 - o On February 9, 2018 DRO Launched a new ASL Video Library webpage
§ <https://www.fcc.gov/asl-video-library>

Chairperson Bibler recognized Council Member Kelly-Frey. Council Member Kelly-Frey inquired as to what specifically the Outreach & Advertising line item of the budget is for.

Karen Peltz Strauss responded there is a line item for outreach that is used for promotional activities associated with the FCC's direct video communications program. These activities are conducted by MITRE with the FCC's oversight. We have gotten clearance from our general counsel's office to encourage companies and government agencies to provide direct video

communication. There are some websites and materials that that money has been used for. I don't think the full amount has been used this year.

Chairperson Bibler recognized Council Member Alkebsi. Council Member Alkebsi inquired as to the planned reduction or downsizing of the DAC.

Karen Peltz Strauss responded this is just making it similar to other advisory committees here at the Commission, such as the Intergovernmental Advisory Committee and the Consumer Advisory Committee. These are the two other committees also administered through CGB. It's really also that we think it will function more efficiently if it's smaller. And in terms of not having standing subcommittees, sometimes in the past, the standing subcommittees of the DAC were looking for work, to keep them busy. We think this approach will be more productive. So, it's not going to diminish in any way the impact of the committee. If anything, it will make everybody's time more efficient.

Chairperson Bibler recognized Council Member Sonnenstrahl. Council Member Sonnenstrahl inquired about why the discrepancy between number of ASL users and the number of individuals in the TRS-URD. (Please note, Karen does not recall this question)

Chairperson Bibler asked Ms. Peltz Strauss for a clarification about a proposal in the IP CTS notice of proposed rulemaking for IP CTS users to re-certify every two years, because the CART transcriptist may have misunderstood a statement. Ms. Strauss clarified that the Commission is seeking comment on Consumer self-certification every two years and not Provider re-certification of the Consumer every two years.

NEW BUSINESS

Sub-Committee formed to explore the financial expenditures of certain line items of the TRS Fund.

Mark motion, Brenda second

Motion carries by unanimous vote

Ex-Parte Letter regarding Length of Time for Registration and Verification and if a Delay Impacts Access to Telecommunications

Jeff moved, Sonny seconded

There was an amendment to the motion from Linda

Jeff moved, Brenda seconded

Motion carries by unanimous vote

Brenda raised a question to VRS Providers, regarding if an individual is traveling, and changes their location, how fast does the update happen in the VRS Providers system?

Spring 2019 Meeting

The Spring 2019 meeting will take place on April 8th and 9th, 2019 at the AT&T Forum in Washington DC.

PUBLIC COMMENT

ADJOURN

The meeting adjourned at 330pm on Thursday, September 13th, 2018.