

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of )  
 )  
Telecommunications Relay Services and ) CG Docket No. 03-123  
Speech-to-Speech Services for Individuals with )  
Hearing and Speech Disabilities )

**COMMENTS OF  
THE UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTelecom)<sup>1</sup> submits these comments in response to the Federal Communications Commission's (Commission) December 18, 2015 Public Notice (Notice) in the above-referenced proceeding.<sup>2</sup> The Commission seeks comment on a petition for rulemaking filed by IDT Telecom, Inc. (IDT) that requests implementation of a contribution methodology that includes intrastate revenue within the Telecommunications Relay Service (TRS) Fund contribution base.<sup>3</sup>

USTelecom and its members have a long history of supporting communications access for people with disabilities that reaches back to the very foundations of our industry. In addition to participating in the establishment and deployment of TRS, many of our members provide specialized offerings to members of the disability community, including free directory

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

<sup>2</sup> See, Public Notice, *Request for Comment on Petition for Rulemaking Filed by IDT Telecom, Inc., Regarding Interstate Telecommunications Relay Service Fund Contribution*, DA 15-1453 (December 18, 2015) (*Notice*).

<sup>3</sup> In addition, IDT requests that the Commission remove the rule provision requiring that video relay service costs shall be recovered from only interstate and international revenue.

assistance, operator assistance or text- and data-only plans, so that people who are deaf or have hearing loss will not pay for voice communications services they are unable to use.<sup>4</sup>

The Commission should refrain for the time being from making any adjustments to the calculation of the contribution base for the TRS Fund without a thorough review of the legal and policy implications, including the impact on industry participants. Without taking any formal position on the IDT petition, USTelecom maintains that given the ongoing and comprehensive evolution of the broader Universal Service Fund (USF) program, now is not the time for the Commission to consider substantive changes to the contribution methodology for the TRS fund. The timing of annual changes to the TRS contribution factor continues to be problematic for the industry, and USTelecom urges the Commission to accelerate its timeline for adopting the annual TRS contribution factor rather than considering changes that would only serve to delay the process.

**I. The Current Scheduling of the Proposed TRS Contribution Factor Remains Problematic for the Commission and Industry.**

Regardless of the merits of the petition, an ongoing and more problematic issue in the TRS program continues to be the timing of annual changes to the contribution factor. Over the last several years, USTelecom and others have continuously sought reforms to the substantial problems resulting from the Commission's current TRS contribution factor schedule.<sup>5</sup> Both the

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<sup>4</sup> See, Testimony of Walter B. McCormick, Jr., President and CEO, United States Telecom Association before the House Committee on Energy and Commerce Subcommittee on Communications, Technology and the Internet, *The Twenty-First Century Communications and Video Accessibility Act of 2009*, June 10, 2010.

<sup>5</sup> See e.g., Reply Comments of USTelecom, CG Docket No. 10-51, CG Docket No. 03-123 (submitted June 11, 2015); Comptel Comments, CG Docket No. 03-123, CG Docket No. 10-51, p. 3 (submitted June 4, 2015); Comments of USTelecom, CG Docket No. 10-51, CG Docket No. 03-123 (submitted May 31, 2013).

Commission's order announcing the rate increase and its effective date generally occur on or around the same date (*i.e.*, approximately July 1), after the mid-June tariff filing deadline.

In addition to providing limited time for a complete assessment and analysis of the significant increase in the contribution factor, carriers are essentially be forced to either increase their customers' fees by amending previously filed tariffs, or "eat the cost of the increase where their contracts or other billing arrangements preclude raising interstate service rates."<sup>6</sup> The Commission should therefore consider altering the timeline for determining the TRS contribution factor.

## **II. The Commission Should Alter The Timeline For Adopting TRS Rates, Fund Size, And Contribution Factor.**

As USTelecom and others have previously proposed, the Commission should consider accelerating the timeline for the adoption of the TRS reimbursement rates, funding requirements, and contribution factor. Carriers generally recover TRS contributions through their rates established in their annual price cap tariff filings. These annual price cap tariff filings are due every year in mid-June for a July 1 effective date, while the Commission's Form 499A – which is the basis for the TRS contribution factor – is due on April 1 of each year. However, TRS contribution requirements are usually not adopted until very close to July 1 each year.

This process is complicated for carriers and Commission staff when the proposed TRS contribution rates are not settled and estimates can vary widely. This uncertainty creates significant administrative burdens for both the Commission and carriers, when previously filed tariffs must be amended and refiled to reflect changes in the TRS contribution factor.

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<sup>6</sup> Comptel Comments, CG Docket No. 03-123, CG Docket No. 10-51, p. 3 (submitted June 4, 2015).

Accordingly, the Commission should adjust the process to adopt the TRS contribution factor well in advance of the mid-June annual access filing period. The effective date for the TRS rates and contribution factor could remain July 1 as long as the final official factor is available prior to the mid-June tariff filing deadline.

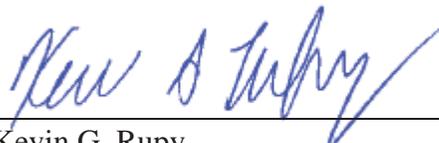
One possible approach could involve the Commission expediting analysis of the Form 499A submissions. Since the Commission receives the data from Form 499A on April 1 of each year, it could strive to issue a proposed TRS contribution factor by May 1. That would enable the Commission to adopt a TRS contribution factor by the end of May each year, which would allow carriers to adjust their tariff filings in time for the mid-June filing deadline. While we recognize that the Commission and the Administrator must obtain and analyze certain input data, calculating the factor earlier in the year and giving the public more time to comment and consider proposals would make the process more efficient and fair for the carriers and the Commission.

### **III. Conclusion**

USTelecom fully supports the TRS Fund's financial integrity. However, for the sake of consumers and carrier contribution planning, the Commission should move to adjust the final adoption date of the annual TRS fund size, rates and contribution factor well in advance of the annual access tariff filing period. In contrast to the USF, there is a general lack of consumer awareness surrounding the TRS contribution factor, despite its importance. Absent a scheduling adjustment by the Commission, consumer frustration surrounding sudden increases in bill fees is exacerbated by this lack of awareness. The Commission should therefore adjust the timing of its annual TRS fund determination.

Respectfully submitted,

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