
*Presentation to Michelle Carey, Office of
Chairman Kevin J. Martin on*
**Proposed Video Relay Service
Reimbursement Rate 2006-07**

May 23, 2006

Ronald E. Obray, President, Hands On Video Relay
Services, Inc.

George L. Lyon, Jr., Lukas Nace Gutierrez & Sachs,
Chartered

Hands on Video Relay Services, Inc.

- Certified VRS provider under State of Washington's TRS Program
- Contract supplier of VRS to AT&T
- Call centers in Vancouver, WA; Rocklin, CA; Oakland, CA; Temecula, CA; Orlando, FL
- Supplying more than ~~DELETED~~ minutes of VRS per month

FCC is to be commended for its consumer friendly actions in the past year

- Adoption of speed of answer standards
- Reinstatement of Spanish language VRS
- Mandating VRS equipment interoperability
- Adoption of alternative rate methodology for 2005-06 Funding Year
- Addressing issues of TRS/VRS fraud
- Adoption of provider certification rules

*FCC action is needed to remedy
problems with NECA's 2006-07
TRS rate proposals*

- Problems persist in the rate setting process
- Problems persist in NECA's evaluation of individual rate elements, especially with respect to VRS

2006-07 VRS Rate Proposal

- Current VRS rate is \$6.644 per minute
- NECA's proposed VRS rate for 2006-07 is \$6.138
- NECA's proposed rate results from deletion of all funds for marketing/advertising; certified deaf interpreters; and elimination of Sorenson's rural outreach program
- NECA also eliminated AT&T's entire cost estimate

Problems with the rate process

- Continues to suffer from lack of transparency
- NECA fails to follow its announced procedures
- NECA withholds information from its own TRS Advisory Council
- NECA apparently acts on non-record instructions from the Bureau
- Key rule changes have occurred in the past year that increase providers' costs

The rate setting process lacks transparency

- Each year NECA supplies less and less data on rate inputs
- It is impossible for the public to verify data NECA receives and how NECA uses it
- Errors could exist which may not be detected, such as NECA's mistaken calculation of rate of return this year

NECA failed to follow its announced procedures

- NECA's announced procedure is to discuss cost disallowances with providers prior to submission of its proposed rates to the FCC; this year it did not
- NECA's announced procedure is to present the final rate recommendation to its TRS Advisory Council in advance of submission to the FCC; this year it did not

NECA withholds information from its TRS Advisory Council

- The TRS Advisory Council was denied substantial information on NECA's rate methodology and inputs prior to its April meeting
- The TRS Advisory Council asked for and was promised additional information, but NECA did not provide it
- NECA essentially now disregards input from the TRS Advisory Council on rate issues

NECA apparently acts on non-record instructions from the Bureau

- NECA appears responsive now largely to non-record, non-published contacts with CGB
- NECA substantially revised its rate recommendation after presentation to the TRS Advisory Council apparently on instructions from the Bureau

Key rule changes have occurred in the last year that increased costs

- Requirement for 24/7 operation
- Answer speed requirement
- Spanish language VRS
- All three – necessary for functional equivalence increase cost of operation
- The Commission's interoperability decision also significantly affects providers' demand estimates and costs

Many of NECA's VRS rate exclusions are unjustified

- Certified deaf interpreters are required to achieve effective and accurate communication in certain circumstances
- Rural outreach proposal appears a legitimate outreach program
- Elimination of AT&T's cost estimate is unjustified
- Several problems exist with elimination of marketing/advertising costs

Certified Deaf Interpreters are necessary for effective interpreting

- The rules require effective and accurate interpreting
- CDIs are native deaf signers and are steeped in deaf culture
- CDIs are specially trained to interpret in difficult situations
- CDIs are necessary for effective, accurate interpreting in certain difficult circumstances, e.g., foreign born, low language skills, stressful situations such as emergency calls
- Use of CDIs is well established in the interpreting industry

Sorenson's rural outreach program appears to be reasonable outreach

- Providers are required to engage in outreach
- Only an estimated 10 percent of ASL literate deaf persons currently use VRS
- Existing outreach efforts have focused on urban areas with substantial broadband penetration, and organized deaf groups
- Rural and isolated communities in particular require outreach efforts as broadband technologies open these areas for VRS
- Deaf persons in rural areas are least likely to be involved in deaf community groups

Elimination of ATT's cost and demand estimates is unjustified

- NECA eliminated ATT's cost and demand estimates for "lack of disaggregation"
- Hands On provides turn-key VRS service for ATT
- ATT's costs were solely subcontractor costs from Hands On
- ATT fully complied with the instructions in NECA's cost collection form by reporting its subcontractor costs
- Nothing in the form required subcontractor costs to be disaggregated
- If NECA needed to disaggregate Hands On's costs it had them since Hands On separately reported

Elimination of marketing costs is highly problematic

- Marketing costs have consistently been accepted as reasonable relay expenses
- Marketing costs were not questioned in the September 2004 provider/FCC/NECA training session
- NECA's collection form defined marketing costs in terms indistinguishable from outreach
- NECA included marketing costs in its presentation to the TRS Advisory Council
- NECA now has redefined marketing costs and disallowed them ex post facto

Elimination of marketing costs is highly problematic, continued

- Providers, including, Hands On did not distinguish marketing costs from outreach
- NECA's assumption that marketing expense amounts solely to brand distinction is fallacious
- Hands On's marketing costs are largely outreach expenditures
- Elimination of marketing costs and cuts in outreach are inconsistent with NECA's estimate that VRS will continue to grow at present rates

Hands On's marketing costs are largely outreach expenditures

- DELETED

The 2006-07 rate order is not appropriate to change policy

- Changes to long standing cost recovery methodology should be made in notice and comment rulemaking proceedings, not on an ad hoc basis
- Public and providers have a right to comment on policy changes after notice
- NECA should not promulgate policy in its rate recommendation either on the FCC's instructions or its own initiative

Consumers express concern over rate methodology

- See Comments of Telecommunications For the Deaf, Inc. et al, Docket 03-123 (May 17, 2006)
- No one who commented on the VRS rate supported its adoption without modification or subsequent revision

*Hand On requests the Commission
to take the following action*

- Include cost for CDIs
- Include ATT's cost and demand estimates
- Include costs for Sorenson's rural outreach program
- Reinstate marketing costs
- Refresh the record in the VRS cost recovery proceeding and issue a decision without further substantial delay

*Presentation to Scott Bergmann, Office of
Commission Jonathan Adelstein on*
**Proposed Video Relay Service
Reimbursement Rate 2006-07**

May 23, 2006

Ronald E. O Bray, President, Hands On Video Relay
Services, Inc.

George L. Lyon, Jr., Lukas Nace Gutierrez & Sachs,
Chartered

Hands on Video Relay Services, Inc.

- Certified VRS provider under State of Washington's TRS Program
- Contract supplier of VRS to AT&T
- Call centers in Vancouver, WA; Rocklin, CA; Oakland, CA; Temecula, CA; Oriando, FL
- Supplying more than ~~DELETED~~ minutes of VRS per month

FCC is to be commended for its consumer friendly actions in the past year

- Adoption of speed of answer standards
- Reinstatement of Spanish language VRS
- Mandating VRS equipment interoperability
- Adoption of alternative rate methodology for 2005-06 Funding Year
- Addressing issues of TRS/VRS fraud
- Adoption of provider certification rules

*FCC action is needed to remedy
problems with NECA's 2006-07
TRS rate proposals*

- Problems persist in the rate setting process
- Problems persist in NECA's evaluation of individual rate elements, especially with respect to VRS

2006-07 VRS Rate Proposal

- Current VRS rate is \$6.644 per minute
- NECA's proposed VRS rate for 2006-07 is \$6.138
- NECA's proposed rate results from deletion of all funds for marketing/advertising; certified deaf interpreters; and elimination of Sorenson's rural outreach program
- NECA also eliminated AT&T's entire cost estimate

Problems with the rate process

- Continues to suffer from lack of transparency
- NECA fails to follow its announced procedures
- NECA withholds information from its own TRS Advisory Council
- NECA apparently acts on non-record instructions from the Bureau
- Key rule changes have occurred in the past year that increase providers' costs

The rate setting process lacks transparency

- Each year NECA supplies less and less data on rate inputs
- It is impossible for the public to verify data NECA receives and how NECA uses it
- Errors could exist which may not be detected, such as NECA's mistaken calculation of rate of return this year

NECA failed to follow its announced procedures

- NECA's announced procedure is to discuss cost disallowances with providers prior to submission of its proposed rates to the FCC; this year it did not
- NECA's announced procedure is to present the final rate recommendation to its TRS Advisory Council in advance of submission to the FCC; this year it did not

NECA withholds information from its TRS Advisory Council

- The TRS Advisory Council was denied substantial information on NECA's rate methodology and inputs prior to its April meeting
- The TRS Advisory Council asked for and was promised additional information, but NECA did not provide it
- NECA essentially now disregards input from the TRS Advisory Council on rate issues

NECA apparently acts on non-record instructions from the Bureau

- NECA appears responsive now largely to non-record, non-published contacts with CGB
- NECA substantially revised its rate recommendation after presentation to the TRS Advisory Council apparently on instructions from the Bureau

Key rule changes have occurred in the last year that increased costs

- Requirement for 24/7 operation
- Answer speed requirement
- Spanish language VRS
- All three – necessary for functional equivalence increase cost of operation
- The Commission's interoperability decision also significantly affects providers' demand estimates and costs

Many of NECA's VRS rate exclusions are unjustified

- Certified deaf interpreters are required to achieve effective and accurate communication in certain circumstances
- Rural outreach proposal appears a legitimate outreach program
- Elimination of AT&T's cost estimate is unjustified
- Several problems exist with elimination of marketing/advertising costs

Certified Deaf Interpreters are necessary for effective interpreting

- The rules require effective and accurate interpreting
- CDIs are native deaf signers and are steeped in deaf culture
- CDIs are specially trained to interpret in difficult situations
- CDIs are necessary for effective, accurate interpreting in certain difficult circumstances, e.g., foreign born, low language skills, stressful situations such as emergency calls
- Use of CDIs is well established in the interpreting industry

Sorenson's rural outreach program appears to be reasonable outreach

- Providers are required to engage in outreach
- Only an estimated 10 percent of ASL literate deaf persons currently use VRS
- Existing outreach efforts have focused on urban areas with substantial broadband penetration, and organized deaf groups
- Rural and isolated communities in particular require outreach efforts as broadband technologies open these areas for VRS
- Deaf persons in rural areas are least likely to be involved in deaf community groups

Elimination of ATT's cost and demand estimates is unjustified

- NECA eliminated ATT's cost and demand estimates for "lack of disaggregation"
- Hands On provides turn-key VRS service for ATT
- ATT's costs were solely subcontractor costs from Hands On
- ATT fully complied with the instructions in NECA's cost collection form by reporting its subcontractor costs
- Nothing in the form required subcontractor costs to be disaggregated
- If NECA needed to disaggregate Hands On's costs it had them since Hands On separately reported

Elimination of marketing costs is highly problematic

- Marketing costs have consistently been accepted as reasonable relay expenses
- Marketing costs were not questioned in the September 2004 provider/FCC/NECA training session
- NECA's collection form defined marketing costs in terms indistinguishable from outreach
- NECA included marketing costs in its presentation to the TRS Advisory Council
- NECA now has redefined marketing costs and disallowed them ex post facto

Elimination of marketing costs is highly problematic, continued

- Providers, including, Hands On did not distinguish marketing costs from outreach
- NECA's assumption that marketing expense amounts solely to brand distinction is fallacious
- Hands On's marketing costs are largely outreach expenditures
- Elimination of marketing costs and cuts in outreach are inconsistent with NECA's estimate that VRS will continue to grow at present rates

Hands On's marketing costs are largely outreach expenditures

- DELETED

The 2006-07 rate order is not appropriate to change policy

- Changes to long standing cost recovery methodology should be made in notice and comment rulemaking proceedings, not on an ad hoc basis
- Public and providers have a right to comment on policy changes after notice
- NECA should not promulgate policy in its rate recommendation either on the FCC's instructions or its own initiative

Consumers express concern over rate methodology

- *See* Comments of Telecommunications For the Deaf, Inc. et al, Docket 03-123 (May 17, 2006)
- No one who commented on the VRS rate supported its adoption without modification or subsequent revision

*Hand On requests the Commission
to take the following action*

- Include cost for CDIs
- Include ATT's cost and demand estimates
- Include costs for Sorenson's rural outreach program
- Reinstate marketing costs
- Refresh the record in the VRS cost recovery proceeding and issue a decision without further substantial delay

*Presentation to Jessica Rosenworcel, Office
of Commissioner Michael Copps on*
**Proposed Video Relay Service
Reimbursement Rate 2006-07**

May 23, 2006

Ronald E. Obray, President, Hands On Video Relay
Services, Inc.

George L. Lyon, Jr., Lukas Nace Gutierrez & Sachs,
Chartered

Hands on Video Relay Services, Inc.

- Certified VRS provider under State of Washington's TRS Program
- Contract supplier of VRS to AT&T
- Call centers in Vancouver, WA; Rocklin, CA; Oakland, CA; Temecula, CA; Orlando, FL
- Supplying more than ~~DELETED~~ minutes of VRS per month

FCC is to be commended for its consumer friendly actions in the past year

- Adoption of speed of answer standards
- Reinstatement of Spanish language VRS
- Mandating VRS equipment interoperability
- Adoption of alternative rate methodology for 2005-06 Funding Year
- Addressing issues of TRS/VRS fraud
- Adoption of provider certification rules

*FCC action is needed to remedy
problems with NECA's 2006-07
TRS rate proposals*

- Problems persist in the rate setting process
- Problems persist in NECA's evaluation of individual rate elements, especially with respect to VRS

2006-07 VRS Rate Proposal

- Current VRS rate is \$6.644 per minute
- NECA's proposed VRS rate for 2006-07 is \$6.138
- NECA's proposed rate results from deletion of all funds for marketing/advertising; certified deaf interpreters; and elimination of Sorenson's rural outreach program
- NECA also eliminated AT&T's entire cost estimate

Problems with the rate process

- Continues to suffer from lack of transparency
- NECA fails to follow its announced procedures
- NECA withholds information from its own TRS Advisory Council
- NECA apparently acts on non-record instructions from the Bureau
- Key rule changes have occurred in the past year that increase providers' costs

The rate setting process lacks transparency

- Each year NECA supplies less and less data on rate inputs
- It is impossible for the public to verify data NECA receives and how NECA uses it
- Errors could exist which may not be detected, such as NECA's mistaken calculation of rate of return this year

NECA failed to follow its announced procedures

- NECA's announced procedure is to discuss cost disallowances with providers prior to submission of its proposed rates to the FCC; this year it did not
- NECA's announced procedure is to present the final rate recommendation to its TRS Advisory Council in advance of submission to the FCC; this year it did not

NECA withholds information from its TRS Advisory Council

- The TRS Advisory Council was denied substantial information on NECA's rate methodology and inputs prior to its April meeting
- The TRS Advisory Council asked for and was promised additional information, but NECA did not provide it
- NECA essentially now disregards input from the TRS Advisory Council on rate issues

NECA apparently acts on non-record instructions from the Bureau

- NECA appears responsive now largely to non-record, non-published contacts with CGB
- NECA substantially revised its rate recommendation after presentation to the TRS Advisory Council apparently on instructions from the Bureau

Key rule changes have occurred in the last year that increased costs

- Requirement for 24/7 operation
- Answer speed requirement
- Spanish language VRS
- All three – necessary for functional equivalence increase cost of operation
- The Commission's interoperability decision also significantly affects providers' demand estimates and costs

Many of NECA's VRS rate exclusions are unjustified

- Certified deaf interpreters are required to achieve effective and accurate communication in certain circumstances
- Rural outreach proposal appears a legitimate outreach program
- Elimination of AT&T's cost estimate is unjustified
- Several problems exist with elimination of marketing/advertising costs

Certified Deaf Interpreters are necessary for effective interpreting

- The rules require effective and accurate interpreting
- CDIs are native deaf signers and are steeped in deaf culture
- CDIs are specially trained to interpret in difficult situations
- CDIs are necessary for effective, accurate interpreting in certain difficult circumstances, e.g., foreign born, low language skills, stressful situations such as emergency calls
- Use of CDIs is well established in the interpreting industry

Sorenson's rural outreach program appears to be reasonable outreach

- Providers are required to engage in outreach
- Only an estimated 10 percent of ASL literate deaf persons currently use VRS
- Existing outreach efforts have focused on urban areas with substantial broadband penetration, and organized deaf groups
- Rural and isolated communities in particular require outreach efforts as broadband technologies open these areas for VRS
- Deaf persons in rural areas are least likely to be involved in deaf community groups

Elimination of ATT's cost and demand estimates is unjustified

- NECA eliminated ATT's cost and demand estimates for "lack of disaggregation"
- Hands On provides turn-key VRS service for ATT
- ATT's costs were solely subcontractor costs from Hands On
- ATT fully complied with the instructions in NECA's cost collection form by reporting its subcontractor costs
- Nothing in the form required subcontractor costs to be disaggregated
- If NECA needed to disaggregate Hands On's costs it had them since Hands On separately reported

Elimination of marketing costs is highly problematic

- Marketing costs have consistently been accepted as reasonable relay expenses
- Marketing costs were not questioned in the September 2004 provider/FCC/NECA training session
- NECA's collection form defined marketing costs in terms indistinguishable from outreach
- NECA included marketing costs in its presentation to the TRS Advisory Council
- NECA now has redefined marketing costs and disallowed them ex post facto

Elimination of marketing costs is highly problematic, continued

- Providers, including, Hands On did not distinguish marketing costs from outreach
- NECA's assumption that marketing expense amounts solely to brand distinction is fallacious
- Hands On's marketing costs are largely outreach expenditures
- Elimination of marketing costs and cuts in outreach are inconsistent with NECA's estimate that VRS will continue to grow at present rates

Hands On's marketing costs are largely outreach expenditures

- DELETED

The 2006-07 rate order is not appropriate to change policy

- Changes to long standing cost recovery methodology should be made in notice and comment rulemaking proceedings, not on an ad hoc basis
- Public and providers have a right to comment on policy changes after notice
- NECA should not promulgate policy in its rate recommendation either on the FCC's instructions or its own initiative

Consumers express concern over rate methodology

- *See* Comments of Telecommunications For the Deaf, Inc. et al, Docket 03-123 (May 17, 2006)
- No one who commented on the VRS rate supported its adoption without modification or subsequent revision

*Hand On requests the Commission
to take the following action*

- Include cost for CDIs
- Include ATT's cost and demand estimates
- Include costs for Sorenson's rural outreach program
- Reinstate marketing costs
- Refresh the record in the VRS cost recovery proceeding and issue a decision without further substantial delay

*Presentation to Jessica Rosenworcel, Office
of Commissioner Michael Copps on*
**Proposed Video Relay Service
Reimbursement Rate 2006-07**

May 23, 2006

Ronald E. Obray, President, Hands On Video Relay
Services, Inc.

George L. Lyon, Jr., Lukas Nace Gutierrez & Sachs,
Chartered

Hands on Video Relay Services, Inc.

- Certified VRS provider under State of Washington's TRS Program
- Contract supplier of VRS to AT&T
- Call centers in Vancouver, WA; Rocklin, CA; Oakland, CA; Temecula, CA; Orlando, FL
- Supplying more than ~~DELETED~~ minutes of VRS per month

FCC is to be commended for its consumer friendly actions in the past year

- Adoption of speed of answer standards
- Reinstatement of Spanish language VRS
- Mandating VRS equipment interoperability
- Adoption of alternative rate methodology for 2005-06 Funding Year
- Addressing issues of TRS/VRS fraud
- Adoption of provider certification rules

*FCC action is needed to remedy
problems with NECA's 2006-07
TRS rate proposals*

- Problems persist in the rate setting process
- Problems persist in NECA's evaluation of individual rate elements, especially with respect to VRS

2006-07 VRS Rate Proposal

- Current VRS rate is \$6.644 per minute
- NECA's proposed VRS rate for 2006-07 is \$6.138
- NECA's proposed rate results from deletion of all funds for marketing/advertising; certified deaf interpreters; and elimination of Sorenson's rural outreach program
- NECA also eliminated AT&T's entire cost estimate

Problems with the rate process

- Continues to suffer from lack of transparency
- NECA fails to follow its announced procedures
- NECA withholds information from its own TRS Advisory Council
- NECA apparently acts on non-record instructions from the Bureau
- Key rule changes have occurred in the past year that increase providers' costs

The rate setting process lacks transparency

- Each year NECA supplies less and less data on rate inputs
- It is impossible for the public to verify data NECA receives and how NECA uses it
- Errors could exist which may not be detected, such as NECA's mistaken calculation of rate of return this year

NECA failed to follow its announced procedures

- NECA's announced procedure is to discuss cost disallowances with providers prior to submission of its proposed rates to the FCC; this year it did not
- NECA's announced procedure is to present the final rate recommendation to its TRS Advisory Council in advance of submission to the FCC; this year it did not

NECA withholds information from its TRS Advisory Council

- The TRS Advisory Council was denied substantial information on NECA's rate methodology and inputs prior to its April meeting
- The TRS Advisory Council asked for and was promised additional information, but NECA did not provide it
- NECA essentially now disregards input from the TRS Advisory Council on rate issues

NECA apparently acts on non-record instructions from the Bureau

- NECA appears responsive now largely to non-record, non-published contacts with CGB
- NECA substantially revised its rate recommendation after presentation to the TRS Advisory Council apparently on instructions from the Bureau

Key rule changes have occurred in the last year that increased costs

- Requirement for 24/7 operation
- Answer speed requirement
- Spanish language VRS
- All three – necessary for functional equivalence increase cost of operation
- The Commission's interoperability decision also significantly affects providers' demand estimates and costs

Many of NECA's VRS rate exclusions are unjustified

- Certified deaf interpreters are required to achieve effective and accurate communication in certain circumstances
- Rural outreach proposal appears a legitimate outreach program
- Elimination of AT&T's cost estimate is unjustified
- Several problems exist with elimination of marketing/advertising costs

Certified Deaf Interpreters are necessary for effective interpreting

- The rules require effective and accurate interpreting
- CDIs are native deaf signers and are steeped in deaf culture
- CDIs are specially trained to interpret in difficult situations
- CDIs are necessary for effective, accurate interpreting in certain difficult circumstances, e.g., foreign born, low language skills, stressful situations such as emergency calls
- Use of CDIs is well established in the interpreting industry

Sorenson's rural outreach program appears to be reasonable outreach

- Providers are required to engage in outreach
- Only an estimated 10 percent of ASL literate deaf persons currently use VRS
- Existing outreach efforts have focused on urban areas with substantial broadband penetration, and organized deaf groups
- Rural and isolated communities in particular require outreach efforts as broadband technologies open these areas for VRS
- Deaf persons in rural areas are least likely to be involved in deaf community groups

Elimination of ATT's cost and demand estimates is unjustified

- NECA eliminated ATT's cost and demand estimates for "lack of disaggregation"
- Hands On provides turn-key VRS service for ATT
- ATT's costs were solely subcontractor costs from Hands On
- ATT fully complied with the instructions in NECA's cost collection form by reporting its subcontractor costs
- Nothing in the form required subcontractor costs to be disaggregated
- If NECA needed to disaggregate Hands On's costs it had them since Hands On separately reported

Elimination of marketing costs is highly problematic

- Marketing costs have consistently been accepted as reasonable relay expenses
- Marketing costs were not questioned in the September 2004 provider/FCC/NECA training session
- NECA's collection form defined marketing costs in terms indistinguishable from outreach
- NECA included marketing costs in its presentation to the TRS Advisory Council
- NECA now has redefined marketing costs and disallowed them ex post facto

Elimination of marketing costs is highly problematic, continued

- Providers, including, Hands On did not distinguish marketing costs from outreach
- NECA's assumption that marketing expense amounts solely to brand distinction is fallacious
- Hands On's marketing costs are largely outreach expenditures
- Elimination of marketing costs and cuts in outreach are inconsistent with NECA's estimate that VRS will continue to grow at present rates

Hands On's marketing costs are largely outreach expenditures

- DELETED

The 2006-07 rate order is not appropriate to change policy

- Changes to long standing cost recovery methodology should be made in notice and comment rulemaking proceedings, not on an ad hoc basis
- Public and providers have a right to comment on policy changes after notice
- NECA should not promulgate policy in its rate recommendation either on the FCC's instructions or its own initiative

Consumers express concern over rate methodology

- *See* Comments of Telecommunications For the Deaf, Inc. et al, Docket 03-123 (May 17, 2006)
- No one who commented on the VRS rate supported its adoption without modification or subsequent revision

*Hand On requests the Commission
to take the following action*

- Include cost for CDIs
- Include ATT's cost and demand estimates
- Include costs for Sorenson's rural outreach program
- Reinstate marketing costs
- Refresh the record in the VRS cost recovery proceeding and issue a decision without further substantial delay