

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

In the Matter of)	
)	
Misuse of Internet Protocol (IP) Captioned Telephone Service)	CG Docket No. 13-24
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	

**REPLY COMMENTS OF THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Public Service Commission of the State of Missouri (“MoPSC”) submits reply comments for the Federal Communications Commission’s (FCC’s) inquiry of Internet Protocol Captioned Telephone Service (IP CTS).¹ The MoPSC’s reply comments are limited to issues relating to whether the FCC should require state relay programs to help finance and administer IP CTS.² These reply comments will respond to the initial comments filed by state commissions; however, the MoPSC will first provide some comments about Missouri’s relay program and funding mechanism.

Missouri’s Relay Program

Missouri’s relay program is authorized through state law.³ The program currently provides traditional telecommunications relay service (TRS) and captioned telephone

¹ Report and Order and Further Notice of Proposed Rulemaking; *In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service and Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; CG Docket No. 13-24 and CG Docket No. 13-123 (FCC 13-118); released August 26, 2013 (FNPRM).

² FNPRM; ¶131.

³ Section 209.253-260 RSMo.

service (CTS). A competitive bid process is used to select one provider for these services which also determines the reimbursement rate for TRS and CTS.⁴ The Relay Missouri Fund provides funding to Missouri's sole provider of TRS and CTS as well as the equipment distribution program that provides disabled consumers with assistive technologies. The MoPSC has oversight of the Relay Missouri Fund, TRS and CTS; however, the equipment distribution program is administered through a separate state agency.⁵ The fund is supported through a surcharge applied on a per line basis to landline voice service consumers.⁶

At this time the MoPSC is unable to analyze what changes will be necessary if the FCC ultimately decides to transfer to states the responsibility to help finance and administer IP CTS. Frankly the FCC fails to adequately describe how such a transfer of IP CTS responsibilities might work. Further and better explanation of the FCC's proposal would be beneficial followed by an additional opportunity for input.⁷ This discussion might be enhanced if the FCC reveals whether this type of proposal will ultimately extend to IP relay service.

Initial Comments Filed By State Commissions

Initial comments were filed by five state commissions plus the National Association of Regulatory Utility Commissioners (NARUC). The five state commissions are the Florida Public

⁴ This arrangement contrasts with the FCC's current provisioning of IP CTS where consumers have a choice in IP CTS providers.

⁵ Missouri Assistive Technology. See www.at.mo.gov.

⁶ The current surcharge is \$.08 per line. The surcharge has a cap of 100 lines per location for business consumers. Wireless consumers are not billed the surcharge. Missouri law places restrictions on how often the MoPSC may review the surcharge.

⁷ For instance if the FCC expects states to accommodate multiple IP CTS providers then the FCC should explain how such an arrangement should work. Such an explanation should also address how reimbursement rates for intrastate IP CTS might be determined.

Service Commission, the Kentucky Public Service Commission, Nebraska Public Service Commission, Public Service Commission of the District of Columbia and the California Public Utilities Commission. The MoPSC's reply comments attempt to summarize and concur with various comments submitted by these other state commissions. In general, state commissions seem to agree certain matters need to be addressed before serious consideration is given to shift IP CTS costs to state relay programs.

Jurisdictional issues need to be resolved.

States should not be assigned IP CTS financial responsibility if call jurisdiction cannot be determined in a reasonable manner. The California, Florida, and Kentucky state commissions raise concerns as to whether providers have the ability to separate IP CTS calls into interstate versus intrastate jurisdictions. The FCC assumes IP CTS providers can determine call jurisdiction but if this assumption is incorrect the FCC is seeking ways to allocate IP CTS calls.⁸ The ability to determine IP CTS call jurisdiction is important. If the FCC resorts to an allocation method then states should have the opportunity to provide additional input before finalizes such a decision.

Basic policy issues relating to the jurisdiction of services using broadband connections also need to be resolved. For example Florida, Nebraska and NARUC stress the FCC must first classify IP services as either a "telecommunications service" or "information service". Shifting IP CTS to the intrastate jurisdiction may only be permissible if the FCC finds IP-based voice calls are a telecommunications service and intrastate traffic can be identified. The Kentucky Commission and Nebraska

⁸ FNRPN; ¶136 makes this assumption. FNRPN ¶137 the FCC states, "...If we are incorrect in our assumption that IP CTS providers are able to discern the points of origination and destination of IP CTS calls in a manner that would allow them to determine which calls are interstate versus interstate, we seek input on other ways that we can allocate IP CTS compensation for intrastate and interstate calls between the states and the TRS Fund..."

Commission also point out assigning IP CTS responsibilities to the states appears contrary to prior FCC holdings because the FCC has generally held calls using broadband connections will be solely under the interstate jurisdiction. The MoPSC concurs that such issues need resolution before serious consideration is given to transferring administrative and oversight of IP CTS to state relay programs.

The problem of IP CTS usage by people without a hearing loss needs to be resolved.

The MoPSC agrees with comments by the Florida Commission and NARUC that the FCC must ensure IP CTS problems have been adequately corrected before mandating state funding for the service. The main specific problem is people without a hearing loss may be using IP CTS. Such unauthorized usage creates an unnecessary burden on funding IP CTS. The FCC suspects the significant growth of IP CTS is being caused by offering incentives for referrals to use the service as well as usage of the service by people without a hearing loss. Admittedly the FCC is attempting to address this problem but such problems need to be adequately resolved before serious consideration is given to the transfer of IP CTS responsibilities to states.

States need IP CTS call volumes and units so states can make informed decisions

The MoPSC shares the concerns raised by California, Florida, Kentucky, Nebraska and NARUC regarding the lack of IP CTS usage and customer information. Each state should be provided with access to the state's call volumes, the number of people using IP CTS and usage forecasts in order to evaluate the potential financial impact to a state relay fund. The failure to have access to such information makes it difficult for state commissions to evaluate the impact of transferring IP CTS responsibilities to states. The FCC should provide such information to states and allow

state commissions an additional opportunity to provide input before the FCC makes a decision to transfer IP CTS responsibilities to the states.

States should be provided with at least five years advance notice of assuming financial responsibility for intrastate IP CTS

The initial comments made by California, Florida, Nebraska and Kentucky state commissions indicate the need for significant advance notice to transfer financial responsibility of intrastate IP CTS traffic to states.⁹ The MoPSC concurs with such comments. States need time to evaluate what the program will look like and how to implement it. States also need time to evaluate the impact to a state fund and to adjust the corresponding assessment. Companies also require advance notice of assessment changes and it may take some time for a state fund to build a fund's balance if intrastate IP CTS costs are significant.

Summary

The MoPSC has provided relevant information regarding Missouri's existing relay program. If the FCC is seriously considering transferring IP CTS responsibilities to the states then the FCC should provide a better and more detailed explanation of the FCC's proposal and then provide additional opportunity for input. In addition, the FCC also needs to address many of the issues already raised by other state commissions, such as:

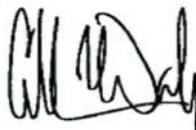
- Jurisdictional issues need to be resolved.
- The problem of IP CTS usage by people without a hearing loss needs to be adequately resolved.
- States need IP CTS call volumes and units so states can make informed decisions.
- States should be provided with at least five years advance notice of assuming financial responsibility for intrastate IP CTS.

⁹ Nebraska, Florida and Kentucky indicate needing five years advance notice while California describes a five-step process where each step could take 12 to 18 months.

Respectfully submitted,



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