

**Interstate TRS Advisory Council  
Draft Meeting Minutes October 17, 2013  
Albuquerque, New Mexico**

**Attendees:**

***Council Members***

Kelby Brick, Chair, TRS providers  
Jim House, TDI, representing Sheila Conlon-Mentkowsky, Vice-Chair, Deaf and hard of hearing community  
Jack Cassell - State relay administration  
Andrew Phillips – TRS users  
Al Sonnenstrahl - Deaf and hard of hearing community  
Mark Tauscher - TRS providers  
Celia Nogales - Interstate telecommunications service providers  
Brenda Kelly-Frey - State relay administration  
Tim Schram – State Representative  
Phillip Hupf- Interstate telecommunications service providers  
Amy Ignatius - State Representative  
BJ Gallagher - Hearing/Speech disability community  
Ron Bibler – TRS users

***RLSA***

David Rolka  
Peter Bluhm  
Mandalyn McGrath

**CONVENE**

Kelby Brick, Council Chair, called the meeting to order and asked for Council members and other attendees to introduce themselves. He indicated that due to the government shut down, FCC staff would not be able to participate. The Chair then introduced Lisa Dignan, Interim Executive Director of the New Mexico Commission for the Deaf and Hard of Hearing, and invited her to provide a report on relay services in New Mexico and to share any particular challenges she encounters in her position. Ms. Dignan stated that because New Mexico is such a rural state, availability and price are the biggest challenges. Others include "connectivity", the existence of 19 Pueblos and Navajo Nation each with their own language, the fact that many residents speak Spanish as a first language, and the lack of an intrastate surcharge contribution for VoIP lines where one exists for wireless and wireline services. She also spoke about the success of the iPad distribution pilot program and invited Council members to check the Commission's website for more information about it. Ms. Dignan also shared a map of New Mexico that provided the availability of broadband and DSL in the state. There was a brief Q & A period following her presentation.

**APRIL 16, 2013 MINUTES**

After a brief discussion regarding a motion on costs of outreach and marketing reflected in the draft April meeting, it was determined that the vote count in question would be removed since the motion had failed. It was moved, seconded and approved that the minutes of the April 16, 2013 meeting be accepted as revised.

**SUBCOMMITTEE REPORTS**

Councilmember Nogales provided a very brief report on the monthly Health of Fund subcommittee calls with the Fund Administrator. Councilmember Tauscher did the same for the monthly Providers subcommittee calls. Both agreed that these are very helpful and informative for all participants and will be continued for the foreseeable future.

**ADMINISTRATOR'S REPORT**

Dave Rolka commended the participation of the Health of Fund and the Providers subcommittee members. He indicated that RLSA had been seeking a more effective means of communicating with all providers and the monthly calls have been very productive for all involved. With the close of the federal fiscal year on September 30<sup>th</sup>, TRS Fund financials are supposed to be reported to the FCC within a few days of that close. In addition, multiple audit teams had the same end of fiscal year deadline for their respective audits. One of the audits was a statistical analysis of RLSA's error rate which reported an extremely low error rate. Most of the audits were directed at the management performance of the Administrator and not the finances of the TRS Fund. The service providers' audits have been completed but the FCC has not authorized release of any audit information to the

public or the Council – only to the service providers. RLSA will be issuing an RFP for the second round of service providers' audits which will focus on the IT infrastructure being used to provide the documentation supporting the requests for reimbursement. Due to the government shutdown, RLSA has had very little contact with the FCC since 9/30/13.

In April, the Administrator standardized the format used to report CDRs. After much discussion during the aforementioned Providers' monthly calls, everyone agreed and RLSA concurred with the recommendation to begin collecting the electronic serial numbers (ESN) associated with the equipment being used.

With the increase in volume driven by IPCTS, RLSA advised providers that it would need more time to review for compliance so it extended reimbursements by two weeks in April and May. Consequently, RLSA made only 11 distributions rather than 12 during the program year. RLSA is confident it will be making 13 payments in this program year in order to catch up but will not make that decision until mid-2014.

At the spring 2013 meeting, the Administrator had reported the budget recommendation for \$1.5B it would be submitting to the FCC for the program year commencing on July 1, 2013. The FCC did not adopt the Administrator's recommendation, cutting it by one-third, and instead approved a budget of \$995,000,000.00 for the TRS Fund. The FCC accepted the demand projections of the industry for IPCTS which were significantly different than the demand projections Dave Rolka had presented. The budget recommendation submitted by the Administrator had not taken into account the impact of the interim restrictions on IPCTS. A chart was shown which illustrated the decrease in IPCTS minutes to below 4M when the interim rules became effective likely caused by the inability of some providers to comply with the "captions off" provision. The current increase in IPCTS minutes is assumed to be associated with the providers' ability now to comply. Dave Rolka was asked what would happen if RLSA's projections were ultimately more accurate and he responded that it would be a difficult year.

Dave Rolka provided a brief explanation of RLSA's financial operational processes and provided a brief tutorial on how to read the monthly financial reports posted on its website. He explained that changes to the format were necessary due to the need for confidentiality. In the case where only two providers are requesting and receiving reimbursement for minutes for a specific relay service, RLSA is precluded from making that information public. He went on to report that between the time of the Administrator's budget recommendation submission and the beginning of the new program year, the FCC issued a VRS Reform Order which among other things, not only adjusted VRS tiers but also made changes to outreach reimbursement. As to the latter, the FCC decreased the IP Relay rate by the cost of outreach which it calculated to be 2.44 cents. The FCC Order did not appear in the Federal Register until mid-month so there was no easy way to implement changes. Ultimately, RLSA opted to put these changes in place as of September 2013. Councilmembers Tauscher and Sonnenstrahl questioned who was responsible for outreach in light of the reduction in rate specific to outreach. Dave Rolka responded that while the FCC does not preclude a provider from doing outreach, it appeared that the FCC wants more control over outreach and established a tentative budget of \$3M a year. In the VRS Reform Order the FCC proposes issuing RFPs for a number of initiatives including national outreach and education. It is believed that the FCC's Managing Director and the TRS Administration Coordinator (David Schmidt in the Office of the Managing Director) are coordinating the RFPs.

Councilmember Bibler commented that in the FCC's Reform Order there was also a discussion of the role of the TRS Advisory Council and inquired if RLSA planned to submit comments. Dave Rolka responded that the Health of Fund subcommittee members had taken on this task, to draft comments on behalf of the Council. He explained that RLSA serves as advisors to the FCC and thus only files when directed by the Commission. Dave Rolka went on to discuss the process for filling vacancies on the Council such as the anticipated departure of Councilmembers Kelby Brick and Sheila Conlon-Mentkowski. He also shared information about the proposed changes in the FCC's Reform Order regarding speed of answer and concerns he has relating to compliance with existing and proposed policies. Dave Rolka expressed a desire to see a subcommittee established to discuss SOA with a cross section of Council members in opposition to understand the nuances.

Peter Bluhm then provided a brief summary of a USF project in the northeast states which surveys fixed wireless services and whether those services are contributing to the TRS Fund. He indicated he hopes to discuss this topic with service providers.

Dave Rolka presented a brief summary of the FCC's NDBEDP which is also administered by RLSA with TRS Funds. The FCC allocated \$10M initially for a two year pilot program for equipment distribution. It certified 53 entities (and the Perkins School which is responsible for outreach and education) to receive funding. In the first NDBEDP pilot year only \$7M was requested with \$3M going unrequested. He is concerned that this is "use or lose" monies so once the time has expired, will be lost. In addition, he is aware that even financially strapped certified entities are not submitting required documentation for reimbursement. He shared that Betsey McGinnity at the Perkins School, Director of Training and Education, hosts monthly calls and that additional information may be obtained by contacting her at 617/972-7519. Asked if any funding had been included for research and development, he responded that none had. Dave Rolka went on to explain that early on in the pilot year, there had been unexpectedly long periods of time for reimbursement approvals primarily because, unlike TRS reimbursements, in this case, RLSA has less autonomy and the FCC must approve each and every request. Due to criticism of the delays, RLSA obtained more control from the FCC in order to clear up the backlog. Asked if there are any metrics as to the effectiveness of the program he responded that RLSA and the certified entities must submit a report to the FCC every six months but none of that information is public. The start of the second NDBEDP pilot year has been slow with only eight requests submitted in August.

Dave Rolka went on to inform the Advisory Council of Matt Saltzer's departure and other RLSA personnel changes. In concluding his report, he indicated that even though the FCC has prescribed VRS rates for the next several years, RLSA will still be asking for cost data from the service providers. Continuing issues of concern include the impact of the IP transition on relay services and the ever present state/federal jurisdiction question.

#### **NEW BUSINESS**

Council members discussed and agreed to provide FCC staff with a letter since they were unable to participate due to the government shutdown summarizing our discussion specific to outreach and including the need for multilingual outreach. Councilmember Kelly-Frey moved, and Councilmember Sonnenstrahl seconded a motion encouraging the FCC to contract a 3<sup>rd</sup> party to conduct outreach for speech-to-speech relay services and that it be awarded no later than the next fiscal year. In addition, as to the composition of the Advisory Council, it was recommended that expanding the membership to include service providers and equipment distribution program representatives (TEDPA) would be a positive move. A brief discussion followed regarding potential dates and location of future Council meetings. The next meeting of the Advisory Council is in April 2014 and Councilmember Bibler recommended it be held at RLSA headquarters.

#### **PUBLIC COMMENT**

Jeremy Jack, Global VRS, provided comments regarding the detrimental impact of new speed of answer standards. He also pointed out that interpreters are not represented on the Council. John Goodman, Purple, commended Dave Rolka and RLSA but also expressed concern when new interpretation of existing rules – or new rules – cause impact to the schedule of payments to service providers. He also believes that the FCC is trying to regulate as a result of the actions of a single provider but the impact is felt by all other service providers and IPCTS was a perfect example. Other issues of concern expressed included an undetermined timeline for interoperability, a rate schedule that appears intent on putting existing providers out of business, a draconian SOA standard, and a proposal for a new video relay platform, developed and operated by the FCC potentially leading to a nationalized VRS program. He urged providers to be vocal and apply congressional pressure when appropriate. Finally, he also expressed his thanks to Kelby Brick for his service and contributions.

#### **ELECTION OF OFFICERS**

Councilmembers Mark Tauscher, Ron Bibler and Celia Nogales were elected, respectively, Chair, Vice-Chair and Secretary of the TRS Advisory Council. Dave Rolka expressed his appreciation to outgoing Chair Brick for the guidance and assistance over the last two years. He also announced that Peter Bluhm was scaling back his responsibilities and roles with respect to the Council and that Mandy McGrath would be acquiring those responsibilities going forward.

#### **CLOSING COMMENTS/ADJOURNMENT**

Outgoing Council Chair Kelby Brick provided closing comments saying that the Advisory Council services as an early alert system for potential issues but that we are also an irritant because we do bring certain matters to the FCC's attention or caution them to certain emerging issues. He said that because of the vitality of this group, the shared perspective and variety of experiences, we can effectively flag issues of concern. He went on to say that it's true that quite often the Commission disregards us – perhaps it's inherent with any bureaucracy. However, he believes this Council has made a difference and that if a new Council is created from scratch, it may neutralize the impact of the work of the Council for years. He urges members not

to regress or lose their voice at the Commission. He expressed pride at the opportunity to serve and believes that by demanding that our voice be heard at the table, the Commission will ultimately give the Advisory Council the attention it deserves. He expressed his thanks to everyone, particularly during the transition from NECA to RLSA. Councilmember Ignatius expressed the gratitude and thanks to Kelby Brick on behalf of all Councilmembers present and absent. She said Kelby was fair, evenhanded, always sought out the views of all Councilmembers, never pushing his own agenda or that of his company, all of which send a powerful message about his integrity. He was presented with a small token of the Councilmembers' appreciation for his great service.

The meeting was adjourned at 4:00 p.m.