



PUBLIC NOTICE

Federal Communications Commission
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DA 23-1017

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INTERNET PROTOCOL CAPTIONED TELEPHONE SERVICE PROVIDERS' COST AND DEMAND DATA TO BE PLACED IN THE RECORD

CG Docket Nos. 22-408, 13-24, and 03-123

Oppositions Due: November 3, 2023

On December 21, 2022, the Federal Communications Commission (Commission) adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on Telecommunications Relay Services (TRS) Fund compensation for the provision of Internet Protocol Captioned Telephone Service (IP CTS).¹ The current compensation plan for IP CTS expires November 30, 2023.²

To assist the Commission's consideration of compensation options, the Consumer and Governmental Affairs Bureau (CGB or Bureau) intends to place in the record of this rulemaking proceeding certain worksheets from each IP CTS provider's completed TRS Fund Annual Provider Form for 2023, i.e., the worksheets of historical and projected expenses and demand for the provision of IP CTS for the years 2021 through 2024, filed this year by each IP CTS provider with the Interstate TRS Fund administrator. In addition, CGB intends to place in the record certain information contained in TRS Fund Annual Provider Form Appendix, certain information contained in individual providers' TRS Fund Annual Provider Form Appendix, which may help clarify aspects of individual providers' cost reports. The above information (2023 IP CTS Provider Cost and Demand Data) will be designated as Highly Confidential Information subject to the terms of the *Third Protective Order* and will not be available to the general public, but may be examined by appropriate persons on behalf of interested parties, subject to protections for confidentiality.³

Affected parties have until November 3, 2023, to oppose placing the 2023 IP CTS Provider Cost and Demand Data in the record, subject to the *Third Protective Order*. If submission of the data into the record is opposed, the procedures set forth in 47 CFR § 0.461(i) shall apply. All filings should refer to CG Docket Nos. 22-408, 13-24, and 03-123.

After the 2023 IP CTS Provider Cost and Demand Data is placed in the record, outside persons participating or intending to participate in the proceeding who are not involved in competitive decision-

¹ *Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services of Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 22-408, 03-123, and 13-24, Notice of Proposed Rulemaking and Order on Reconsideration, FCC 22-97 (Dec. 21, 2022) (*Notice*).

² See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 23-577, para. 14 (CGB June 30, 2023).

³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 03-123, 10-51, and 13-24, Order and Third Protective Order, 33 FCC Rcd 6802 (CGB 2018) (*Third Protective Order*).

making activities and who have signed the Acknowledgment of Confidentiality attached to the *Third Protective Order* may review the 2023 IP CTS Provider Cost and Demand Data in accordance with the terms of the *Third Protective Order*.⁴ We emphasize that persons seeking to review the 2023 IP CTS Provider Cost and Demand Data may do so only for purposes of participating in this proceeding and must have adequate protections in place to prevent improper use or disclosure of the information.⁵

Reviewing Parties should request the 2023 IP CTS Provider Cost and Demand Data from the Bureau via email to Michael Scott, Attorney Advisor, Disability Rights Office, Consumer and Governmental Affairs Bureau at Michael.Scott@fcc.gov. Reviewing parties shall include with their email requests to the Bureau a copy of the executed Acknowledgment agreeing to be bound by the terms and conditions of this Protective Order.⁶ A Reviewing Party also shall deliver a copy of the Acknowledgment to each of the relevant Third-Party Interest Holders through its Counsel of Record so that it is received at least five business days prior to such Reviewing Party reviewing or having access to the Highly Confidential Information.⁷ A Third-Party Interest Holder must file, and serve on counsel for the Reviewing Party, any objection to a Reviewing Party's access within three business days after receiving a copy of the Acknowledgment.⁸ Reviewing Parties shall not have access to Confidential Information or Highly Confidential Information before the period for filing objections has passed, unless both the Bureau and the Third-Party Interest Holders waive this requirement.⁹ The Bureau will make the data available in an electronic format and will transmit the data electronically.¹⁰

Under the Commission's current procedures for the submission of filings and other documents, submissions in this matter may be filed electronically (i.e., through ECFS) or on paper to the Commission.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- Paper Filers:
 - Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.¹¹

⁴ See *id.* at 6815, Appx. C.

⁵ See *id.* at 6811, Appx. A, para. 14.

⁶ See *id.* at 6809, Appx. A, para. 6; *id.* at 6815, Appx. C.

⁷ See *id.* at 6809, Appx. A, para. 6.

⁸ See *id.* at 6809, Appx. A, para. 7.

⁹ See *id.*

¹⁰ See *id.* at 6810, Appx. A, para. 9.

¹¹ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail may be addressed to 45 L Street, NE, Washington, DC 20554.

Accessible Materials. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

For further information, contact Michael Scott, Disability Rights Office, Consumer and Governmental Affairs Bureau, at michael.scott@fcc.gov or (202) 418-1264.

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