



# PUBLIC NOTICE

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DA 24-448

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## ROLKA LOUBE ASSOCIATES SUBMITS PAYMENT FORMULAS AND FUNDING REQUIREMENTS FOR THE TELECOMMUNICATIONS RELAY SERVICES FUND

CG Docket No. 03-123

Comments Due: May 28, 2024

Reply Comments Due: June 7, 2024

The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (Commission) seeks comment on the Telecommunications Relay Services (TRS) Fund administrator's proposed provider compensation formulas, funding requirements, and contribution factors for the period from July 1, 2024, through June 30, 2025 (2024-25 Fund Year).<sup>1</sup>

### TRS Using MARS Plan Formula

Rolka Loube Associates LLC (Rolka Loube), the TRS Fund administrator, proposes per-minute compensation formulas for services subject to the Multi-state Average Rate Structure (MARS) plan methodology,<sup>2</sup> as follows: \$6.1229 for interstate traditional TRS; \$7.2539 for interstate speech-to-speech relay service (STS); and \$2.7867 for interstate captioned telephone service (CTS).<sup>3</sup> We seek comment on whether these proposed formulas correctly apply the MARS formula.

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<sup>1</sup> See Rolka Loube Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51 (filed May 1, 2024), <https://www.fcc.gov/ecfs/document/10506289045837/1> (2024 TRS Report); see also 47 CFR § 64.604(c)(5)(iii)(H).

<sup>2</sup> Under the MARS plan methodology, *interstate* TRS Fund compensation formulas for relay services provided through state TRS programs are calculated based on a weighted average of the per-minute *intrastate* compensation paid by state TRS programs for the same or a similar relay service. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20151-58, paras. 16-37 (2007) (*2007 TRS Compensation Methodology Order*).

<sup>3</sup> 2024 TRS Report at 5. The current compensation levels for these services are as follows: \$5.7204 per minute for interstate traditional TRS; \$6.8514 per minute for interstate STS; and \$2.6619 per minute for interstate CTS. 2024 TRS Report at 6-8.

Internet Protocol Relay Service (IP Relay)

Pursuant to the *2022 IP Relay Compensation Order*,<sup>4</sup> Rolka Loube recommends a compensation amount of \$2.1252 per minute, calculated as 103.77% of the prior Fund year's amount (\$2.0480).<sup>5</sup> We seek comment on whether the recommendation correctly applies the *2022 IP Relay Compensation Order*.

Video Relay Service (VRS)

Pursuant to the *2023 VRS Compensation Order*,<sup>6</sup> Rolka Loube recommends the following per-minute compensation rates: \$8.06 for small providers, who provide 1 million monthly minutes or fewer; \$6.51 for Tier 1, applicable to a provider's first 1 million monthly minutes; \$4.07 for Tier II, applicable to a provider's monthly minutes in excess of 1 million; and a \$0.20 additive rate for Video-Text service.<sup>7</sup> We seek comment on whether the recommendation correctly applies the *2023 VRS Compensation Order*.

Internet Protocol Captioned Telephone Service (IP CTS)

The Commission will address compensation for IP CTS in the relevant rulemaking proceeding.<sup>8</sup>

Funding Requirement and Contribution Factors

Comment is invited on Rolka Loube's demand projections and funding requirements for the various relay services supported by the Fund.<sup>9</sup> For purposes of calculating funding requirements and contribution formulas, Rolka Loube assumes continued application of the current compensation formula for IP CTS.<sup>10</sup>

We also seek comment on Rolka Loube's estimates and recommendations for disbursements under the National Deaf-Blind Equipment Distribution Program (\$10,000,000) and for funding to cover TRS research and administration (\$27,487,224), including allowances for database administration, Fund administration, data collection agent costs, the TRS Fund Advisory Council, service provider audits, bankruptcy representation, an independent financial audit of the Fund, development and implementation of a Payment Integrity Information Act audit plan, and user identity verification.<sup>11</sup> In addition, we seek

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<sup>4</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition for Rulemaking of Sprint Corporation*, CG Docket No. 03-123 and RM-11820, Report and Order, 37 FCC Rcd 8009 (2022) (*2022 IP Relay Compensation Order*) (adopting compensation plan for IP Relay).

<sup>5</sup> 2024 TRS Report at 9-10.

<sup>6</sup> *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, Report and Order and Further Notice of Proposed Rulemaking, FCC 23-78, 2023 WL 6372857 (Sept. 28, 2023) (*2023 VRS Compensation Order*) (adopting compensation plan for VRS).

<sup>7</sup> 2024 TRS Report at 13-15. These rates are calculated as 103.77% of the prior Fund year's amounts, which are as follows: \$7.77 for small providers, \$6.27 for Tier I, \$3.92 for Tier II, and a \$0.19 additive rate for Video-Text service. *See id.* at 15.

<sup>8</sup> *See Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for 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, 37 FCC Rcd 15243 (2022) (proposing compensation plan for IP CTS).

<sup>9</sup> 2024 TRS Report at 16-18 & Exh. 2.

<sup>10</sup> *Id.* at 3-4. The current compensation level for IP CTS is \$1.30 per minute. *Misuse of Internet Protocol (IP) Captioned Telephone Service; 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. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866 (2020).

<sup>11</sup> 2024 TRS Report at 16-18 & Exh. 2.

comment on Rolka Loube's recommendation to include a two-month payment reserve, totaling \$238,032,972, in the overall funding requirement for the coming year.<sup>12</sup>

Rolka Loube proposes a total Fund requirement of \$1,690,582,564 for the 2024-25 Fund Year.<sup>13</sup> Rolka Loube anticipates that there will be a budget surplus of approximately \$200,000,000 for the 2023-24 Fund Year.<sup>14</sup> Deducting last year's surplus from the total Fund requirement, Rolka Loube proposes a net Fund requirement of \$1,490,582,564.<sup>15</sup>

In June 2022, the Commission modified the TRS Fund contribution rules to provide that contributions to support all IP-based relay services are determined based on Fund contributors' interstate and intrastate end-user revenues.<sup>16</sup> Pursuant to the *2022 TRS Fund Contributions Order*, Rolka Loube estimates a contribution factor of 0.01992 for support of IP-based relay services, to be applied to contributors' interstate and intrastate end-user revenues, and a contribution factor of 0.00025 for support of other relay services, to be applied to contributors' interstate end-user revenues.<sup>17</sup> We seek comment on the proposed contribution factors.

*Filing Requirements.* Interested parties may file comments on the 2024 TRS Report on or before the date indicated on the first page of this document.<sup>18</sup> All filings must reference CG Docket No. 03-123. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>19</sup>

- 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.
  - 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.
  - 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 must be addressed to 45 L Street, NE, Washington, DC 20554.

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<sup>12</sup> *Id.* at 17 & Exh. 2. This amount is the total of \$1,219,843 for non-Internet Protocol (IP) services and \$236,813,129 for IP-based services. *See id.*

<sup>13</sup> *Id.* at 18 & Exh. 2.

<sup>14</sup> *Id.* at 15.

<sup>15</sup> *Id.*

<sup>16</sup> *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 Relay Service*, CG Docket Nos. 03-123, 10-51, and 12-38, Report and Order, 37 FCC Rcd 8037 (2022) (*2022 TRS Fund Contributions Order*); *see also* 47 CFR § 64.604(c)(5)(iii)(A). Previously, IP CTS was supported from contributors' interstate and intrastate end-user revenues, and all other services were supported from contributors' interstate end-user revenues. *See Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24, and 03-123, Report and Order, 34 FCC Rcd 11265 (2019).

<sup>17</sup> 2024 TRS Report at 18-19 & Exh. 2.

<sup>18</sup> *See* 47 CFR §§ 1.1, 1.45, 1.49.

<sup>19</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand delivered 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.<sup>20</sup>

*Ex Parte Requirements.* The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>21</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

*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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

For further information, please contact Stephen Wang at (202) 418-1634 or by e-mail at [Stephen.Wang@fcc.gov](mailto:Stephen.Wang@fcc.gov).

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<sup>20</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

<sup>21</sup> 47 CFR §§ 1.1200 *et seq.*