Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Telecommunications Relay Services and
Speech-to-Speech for Individuals with Hearing and Speech Disabilities
Structure and Practices of the Video Relay Service Program
Misuse of Internet Protocol Relay Service

Docket No. 03-123
Docket No. 10-51
Docket No. 12-38

Comments of

NTCA–THE RURAL BROADBAND ASSOCIATION

To the Commission:

I. INTRODUCTION

NTCA–The Rural Broadband Association (NTCA) hereby submits comments in the above-captioned docket. NTCA supports the Commission’s efforts to ensure access to critical telecommunications capabilities for individuals with hearing and speech disabilities. Unfettered access to telecommunications services is crucial to building and maintaining social capital that arises from the ability to communicate. These capabilities are to supporting access that enables personal, professional, and public safety communications. Accordingly, NTCA supports efforts to ensure that technologies that constitute the various elements of Telecommunications Relay Service (TRS), including Internet Protocol Captioned Telephone Service (IP-CTS), Video Relay Service (VRS), and Internet Protocol Relay Service (IP Relay) are deployed and available to all

---

1 NTCA represents approximately 850 independent, community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

who would benefit from those services – and that such services are supported through a
predictable mechanism that collects contributions on an equitable and nondiscriminatory basis.
However, as the Commission proposes to include intrastate voice communications revenues
within the contribution base for these services, NTCA recommends the Commission to take steps
to examine and mitigate the potentially sizeable shift in contributions to certain kinds of entities
and to ensure that cost recovery can be obtained by providers for any such contributions.

II. DISCUSSION

The Commission established the interstate TRS Fund in 1993. Interstate
telecommunications carriers, as well as providers of interconnected and non-interconnected VoIP
services, are required to contribute. In 2000, the Commission expanded the TRS program to
include internet-based services, namely, the aforementioned IP-CTS, VRS, and IP Relay. The
Commission included the costs of these services in the interstate TRS Fund and compensated
both the costs of interstate and intrastate TRS services from the TRS Fund that was funded
solely by assessments on interstate revenues. In 2019, the Commission ruled that contributions
for IP-CTS be based on both interstate and intrastate end-user revenues; contributions for VRS
and IP Relay remained drawn from interstate revenues only. The Commission now proposes to
draw contributions for VRS and IP Relay from both interstate and intrastate revenues.

An informal survey of NTCA members and management consultants serving the industry
revealed that the initial change to include intrastate revenues in the assessments for IP-CTS

---

3 47 CFR § 64.604(c)(5)(iii)(A),(B).

4 Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-
Speech Services for Individuals with Hearing and Speech Disabilities: Report and Order, Docket Nos. 13-24, 03-
triggered significant increases in contribution obligations for rural providers despite no such increase in the size of the fund, suggesting that smaller rural providers and their customers may have borne an inequitable portion of the changes in methodology. Reports of TRS billing increasing dramatically, including by 100%, were not uncommon.

The impact of this shift was exacerbated by complications in providers’ recovery of such contributions. NECA Reporting Guidelines reflect that the costs of TRS contributions may be recovered from interstate mechanisms. However, unrelated actions arising out of Universal Service Fund reform and other dockets affect the specific allocations of these costs among the various access elements and may frustrate recovery of these costs. By way of background, NECA Reporting Guideline 2.5 provides that ordinarily, a portion of TRS contributions would be recovered through switched access rates. However, at least a portion of potential increases cannot be recovered through those rates that were capped by the Transformation Order. Recognizing that possibility, the Commission directed that contributors utilize the Subscriber Line Charge (SLC) to recover TRS obligations. And carriers that are at their SLC limit would be permitted to include TRS contributions in the eligible recovery (ER) category as an exogenous cost.

In other words, depending on other regulatory constructs, some small rural providers may not have a reasonable opportunity to recover these increased contribution burdens from consumers. But even if they can recover some or perhaps all of the costs associated with these increased contribution obligations, is it already clear that the assessment of intrastate revenues for IP-CTS alone triggered significant TRS bill increases for small providers. Imposing now

---

5 NECA Reporting Guideline 2.5 – TRS Cost Recovery (10/93, revised 11/95, 9/12).

even greater contribution obligations will trigger cascading impacts on smaller rural providers (and possibly their customers) at a time when these providers face the prospect of deepening budget control cuts in their universal service support does not square with an objective of ensuring contribution mechanisms are equitable or promoting broader policies with respect to the advancement of high-quality and affordable voice and broadband services in rural areas.

While the net impact of these changes cannot be evaluated on a company-by-company basis until cost studies are updated in the next several months, the experience with IP-CTS contributions makes clear that the changes proposed here could result, on the whole, in substantial increases in the contribution burdens on smaller rural providers. While the Commission predicted that the expanded contribution base would “reduce the contribution burden providers of interstate telecommunications and VoIP service by increasing the number of overall contributors . . . and expanding the total revenue from which providers make contributions . . .”7 the net impact on many rural carriers was, counterintuitively, an arresting overall increase in total TRS contributions. There is also substantial question as to whether these smaller providers will have an opportunity to recover these costs or will instead be compelled to scale back on network investments and delivery of services to accommodate the increased contribution burden.

To be clear, NTCA supports efforts intended to allocate contribution obligations equitably among providers and users – this is essential to a well-functioning program. But the experience with TRS contributions and the current cost recovery rules, with all of their caps and constraints, calls into question the equity of the reform proposed here. For these reasons, NTCA

respectfully requests that the Commission adjust its contribution formulas in connection with any reform to ensure smaller rural providers do not bear an unreasonable and disproportionate burden, and that the Commission examine ways in which smaller rural providers can have the same opportunities as any other contributors to recover any increased costs of contribution from consumers.

III. CONCLUSION

NTCA supports efforts to ensure the availability of TRS services and the equitable allocation of contribution obligations among providers. At the same time, NTCA requests the Commission to ensure that smaller rural providers do not bear an unreasonable and disproportionate burden, and that the Commission examine ways in which smaller rural providers can have the same opportunities as any other contributors to recover any increased costs of contribution from consumers.

Respectfully submitted,

Michael R. Romano, Senior Vice President, Industry Affairs and Business Development
Joshua Seidemann – Vice President, Policy
NTCA–The Rural Broadband Association
4121 Wilson Blvd., Suite 1000
Arlington, VA 22203
703-351-2000
www.ntca.org

DATED: April 19, 2021