

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**COMMENTS BY THE PUBLIC SERVICE COMMISSION OF UTAH**

**I. Introduction**

On June 8, 2018, the Federal Communications Commission (“FCC”) released a Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking (“FNPRM”), and Notice of Inquiry regarding Internet Protocol Captioned Telephone Service (“IP CTS”).<sup>1</sup> The Public Service Commission of Utah (“Utah PSC”) submits these comments in response to the FNPRM regarding IP CTS.

The PSC has concerns regarding some of the proposals in the FNPRM including the lack of data and information available to state telecommunications relay service (“TRS”) administrators. The data necessary for states to evaluate the program changes suggested in the FNPRM simply is not available. These concerns are specific to restructuring the funding of IP CTS.

**II. Unnecessary IP CTS Use and Waste of the TRS Fund**

The Utah PSC recognizes that IP CTS is a popular form of TRS that enables individuals with hearing loss to communicate over a telephone connection. While this service is utilized by individuals with hearing loss who otherwise would struggle to use a traditional telephone, the high growth that has occurred from possible waste and abuse<sup>2</sup> of the service is a serious issue that the FCC has identified.

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<sup>1</sup> *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, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry (June 8, 2018) (cited herein as *2018 IP CTS Reform Order*).

<sup>2</sup> *2018 IP CTS Reform Order* at paras. 7-11.

### **III. Restructuring the Funding of IP CTS**

We understand the FCC has concerns regarding the sustainability of the TRS to fund IP CTS in context of the growth of IP CTS minutes and provider costs, and that funding IP CTS from interstate revenues was originally intended by the FCC to be an interim solution.<sup>3</sup> Nevertheless, rather than increase the funding sources of IP CTS, the FCC should continue directing efforts to thwart the waste and abuse of the service that has caused a strain on the TRS fund while the private sector continues to refine technology around alternate solutions for individuals with hearing loss.

### **IV. The Utah PSC's Concerns**

The Utah PSC spends approximately \$200,000 per year of Utah universal service revenue to provide TRS and non-IP CTS in Utah. The Utah PSC is unable to provide an opinion on the potential impact to Utah's deaf or hard of hearing programs if the FCC ceased providing IP CTS. The reasons for this are:

- We would have to engage in a stakeholder process and inform our Legislature of the issue before adopting a position;
- We cannot presuppose the initial question of whether Utah would ultimately choose to provide IP CTS service using Utah universal service revenue;
- Data is not readily available to analyze the costs of IP CTS within Utah or to what extent we would be required to increase our Utah universal service fund surcharge if Utah decided to provide IP CTS service.

### **V. Conclusion**

The PSC appreciates the FCC's efforts towards improving IP CTS. It is a popular service for many consumers with hearing loss, and it requires sufficient funding and appropriate administration. The FCC should first address the misuse of IP CTS on a federal level to correct the past unnecessary expansion of the TRS fund while the private sector continues to advance other options. This path would avoid future excess costs before considering more fundamental changes to the program.

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<sup>3</sup> *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities Internet-Based Captioned Telephone Service*, 22 FCC Rcd 379, 390, para. 25 (2007) ("We also conclude that, on an interim basis, all IP CTS calls may be compensated from the Fund . . . We note that this is an interim measure and that we intend to revisit the cost recovery methodology for this service in the future, including jurisdictional separation of costs.").

DATED at Salt Lake City, Utah, September 17, 2018.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner