

May 1, 2009

Official Case File: Case No. TO-2009-0042  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

Commissioners:

I have been requested by the Relay Missouri Advisory Committee to inform the Commission of a FCC decision that may ultimately impact the Relay Missouri Fund. The FCC is currently initiating a requirement for all Video Relay Service (VRS) and Internet Protocol (IP) Relay Service providers to obtain the user's physical location before initiating service.<sup>1</sup> A subsequent FCC decision established June 30, 2009 as the deadline to complete this registration process.<sup>2</sup> This registration process is primarily intended to help the provider with the routing of emergency calls to the appropriate public service answering point. From the perspective of the Relay Missouri Advisory Committee, this new registration requirement has an added capability of potentially determining the jurisdiction of VRS and IP Relay Service calls.

The capability to determine the jurisdiction of a VRS or IP Relay Service call may have implications for state relay funds. For example, the uncertainty of determining the jurisdiction of these calls has caused the FCC to have federal relay funding be solely responsible for these services. The new requirement for VRS and IP Relay Service users to register their physical location with VRS and IP Relay Service providers may now provide justification for determining the jurisdiction of these calls. Traditional relay service usage is also declining while VRS usage has been increasing. Although the FCC has so far not made any decisions, the new capability to determine the jurisdiction of VRS and IP Relay Service calls may cause the FCC to ultimately direct states to share financial responsibility.

If the FCC makes a decision to shift financial responsibility of VRS and IP Relay Service to the states then it may have significant negative impacts on state relay funds. For example, based on VRS and IP Relay Service call usage terminating to Missouri locations within the most recent twelve months and based on the assumption the federal relay fund and the Relay Missouri Fund will equally share the cost of these calls then Relay Missouri Fund expenditures will increase by approximately \$268,235 per month.<sup>3</sup>

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<sup>1</sup> FCC Report and Order and Further Notice of Proposed Rulemaking for CG Docket No. 03-123 adopted on June 11, 2008, Paragraph No. 80.

<sup>2</sup> FCC Second Report and Order and Order on Reconsideration for CG Docket No. 03-123 adopted on December 19, 2008, Paragraph No. 23.

<sup>3</sup> VRS and IP Relay Service usage data is from the National Exchange Carriers Association available at [www.neca.org](http://www.neca.org) and reflects the March 2008 through February 2009 time period.

This impact could increase existing monthly Relay Missouri Fund expenditures by 77% from approximately \$347,135 to \$615,370.<sup>4</sup>

In summary, the Relay Missouri Advisory Committee simply advises the Commission to be aware of the implications associated with the FCC's registration requirement for VRS and IP Relay Service users. This new registration requirement may provide adequate justification to determine the jurisdiction of VRS and IP Relay Service calls in the future and ultimately shift financial responsibility of these services to the states. We appreciate your consideration of these changes as well as consideration of the committee's discussion regarding the future possibility of upgrading some communicative devices when deliberating potential adjustments to the Relay Missouri surcharge.

Please feel free to contact me if you would like to discuss this further.

Sincerely,

/s/ Tracy Mishler

Tracy Mishler  
Chair, Relay Missouri Advisory Committee

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<sup>4</sup> The existing monthly Relay Missouri Fund expenditures of \$347,135 is based on the annualized total projected expense amount for 2008 of \$4,165,618 as identified on page 3 of Appendix A of the Missouri Staff's Motion to Open Case to Review Staff Recommendation filed in Case No. TO-2009-0042.