

P R O C E E D I N G S

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2 **CHAIRMAN BROWN:** Moving back to 2A.

3 **MS. PAGE:** Good morning, Commissioners.

4 Pamela Page with the Office of General Counsel.

5 In Item 2A staff is recommending the dismissal
6 of a petition for formal proceedings filed by Mr. Chris
7 Littlewood on the proposed agency action order
8 establishing the Florida Telecommunications Relay, Inc.,
9 2017/2018 budget and reducing the Relay surcharge from
10 11 cents to 10 cents.

11 The petition requests that FTRI distribute IP
12 protocol equipment and mentions the use of wireless
13 devices. The petition should be dismissed with
14 prejudice because it fails to meet the requirements in
15 the uniform rules. And even if cured, the petition
16 would not state a cause of action under the Commission's
17 jurisdiction.

18 Staff recommends the proposed agency action
19 order on the budget be made final and the company be
20 directed to begin charging the 10-cent surcharge by
21 October 1, 2017.

22 Mr. Littlewood is here to -- would like to
23 address the Commission, and staff is available for
24 questions.

25 **CHAIRMAN BROWN:** Thank you, Ms. Page.

1 Good morning, Mr. Littlewood. No questions?

2 You would not like to --

3 **MR. SEIFERT:** (Inaudible. Not on microphone.)

4 **CHAIRMAN BROWN:** You're Mr. Littlewood. You
5 may address the Commission, if you would like.

6 **MR. LITTLEWOOD:** Do I have to push a button?

7 **CHAIRMAN BROWN:** Yes.

8 **MR. LITTLEWOOD:** I left my notes back there.

9 I'm more than a little upset this morning. I drove
10 four-plus hours late last night to be here. I was
11 notified that this meeting was going to occur on
12 Saturday before a holiday weekend. So immediately
13 Tuesday I contacted that I would need accommodations for
14 this meeting being captioned, captioned by a certified
15 CART provider. I'm very hard of hearing, late deafened.
16 I know some sign language. But to participate in this
17 meeting, I can't keep up with everything that they're
18 doing so fast because I think in English. I was hearing
19 growing up. I lost my hearing starting at about age 21.

20 That's not the point of me being here, but
21 it's very disappointing to me that I came and I sat back
22 there and had almost no idea what was going on and
23 nobody turns the caption on until we get to my piece of
24 the agenda. I personally have a problem with that.
25 It's kind of like saying that "There's new hurricane

1 preparedness information and we're going to talk about
2 that, but we're going to talk about it in a small group
3 up in the front of the room and, Chris, you sit way in
4 the back and catch what you can, and when we get to the
5 part that affects Pinellas County, we'll turn a
6 microphone on for you." So I have a big problem with
7 that.

8 So the petition that I submitted, the denial,
9 I got information about it beforehand. I expected that.
10 And I will always work with the Commission and the State
11 of Florida and everything as I possibly can as a deaf
12 and hard-of-hearing advocate. But it was procedural,
13 number one, and for the reason that it was denied. I
14 got very late notice. I would like more time to look at
15 it.

16 And the second issue, it says, as I recall,
17 that there was no violation in rule, order, or law in
18 what I was petitioning. And the TASA law is basically
19 to provide equipment for people that are deaf or hard of
20 hearing in the state of Florida for communication.

21 And it's not about the infrastructure. The
22 infrastructure has changed significantly since 1991.
23 Almost no one uses analog telephones anymore. It's kind
24 of like handing people that little kid telephone with
25 the smiley face on it and the wheels on it and the dial

1 rotary phone and saying, "Here's, this is what we can
2 distribute to you if you're deaf or hard of hearing." I
3 think we -- we've come a long way as a state and as a
4 nation and that we can do more even under the existing
5 law to provide equipment.

6 I understand the PSC has guidelines that they
7 cannot regulate the infrastructure, but this is not
8 about infrastructure. This is about equipment to make
9 the connection for people that are deaf or hard of
10 hearing.

11 So aside from the thing that I'm very upset
12 about about the accommodation that was not available to
13 me and the short notice, which I've already spoken to
14 the staff -- and we'll work that out. I believe in
15 friendly advocacy. I will always work with everybody.
16 You know, when I knew, I knew that the caption that was
17 going to be provided to me was going to be not by a
18 certified CART provider, but because I know some sign
19 language, I knew I could bounce back and forth and I
20 could catch most of it. But then when I come to the
21 meeting and it wasn't even turned on for me until
22 somebody is going "Hey, Chris, it's your turn," that
23 hurt, that really hurt. I'm sorry that the State
24 treated me that way.

25 Everything else, I -- if you'll give me more

1 time to consider the petition at a later date or some --
2 maybe we can work that out. I have nothing more to say.

3 **CHAIRMAN BROWN:** Uh-huh. And Mr. -- thank
4 you. Mr. Littlewood, first and foremost, thank you for
5 taking time to come up to Tallahassee to address the
6 Commission and your concerns.

7 Second, my apologies. It was an inadvertent
8 mistake that that was not on the entire meeting, and on
9 behalf of the entire Commission, I express my apologies.
10 It should have been on 100 percent the entire time so
11 that you could be aware of the entire meeting and when
12 your item is coming up.

13 Third, I don't know who informed you about our
14 meeting being scheduled for Saturday, but that was not
15 correct. We haven't had a meeting on Saturday in
16 seven years. So my apologies. If there was a
17 miscommunication somehow, I express some apologies.

18 Just one second. But most importantly, your
19 concerns regarding the petition here and the request
20 for -- under TASA, I hear what you're saying regarding
21 the equipment. Irrespective of the pleadings that were
22 insufficient under the law -- in fact, during the
23 proceeding I asked the FTRI, Mr. Forstall, about the
24 services, the digital, if they'd considered implementing
25 more modern equipment, and he specifically said that it

1 needed legislative changes to do this. I went back and
2 I looked at the transcript and that was exactly what he
3 said.

4 So with regard to a cause of action and
5 relief, right now unfortunately I think the Commission
6 is hamstrung. But I appreciate you bringing all of this
7 to our attention, and thank you for your participation.

8 Commissioners, do you have any questions or
9 comments?

10 Commissioner Brisé.

11 **COMMISSIONER BRISÉ:** Thank you, Madam Chair,
12 and thank you for being here.

13 The question I have is where do you see the
14 space for a different type of equipment under the
15 current framework that we are in?

16 **MR. LITTLEWOOD:** Where do I see the space?

17 **COMMISSIONER BRISÉ:** Yeah, to allow for the,
18 for the --

19 **MR. LITTLEWOOD:** Well, I think FTRI could
20 distribute different equipment that works not only on
21 analog but also on a digital network, and that's the
22 issue. I mean, when you have nursing homes where people
23 can't connect a caption telephone or an amplified
24 telephone that works under current technologies because
25 it's a digital phone, then that's a problem.

1 When I can't connect my caption phone at home
2 to broadband, which I understand the PSC's hands are
3 tied for regulating the infrastructure of broadband, I
4 understand that, but the equipment itself that TASA law
5 is supposed to be able to provide could be distributed
6 under -- I mean, you could distribute both. And once
7 again, you could -- there's -- we're already seeing
8 there's less and less need for analog equipment. That's
9 because nobody uses it anymore.

10 I mean, when people post to TTY on a screen as
11 a way for people that are deaf or hard of hearing to
12 contact them, that's becoming less and less because
13 people that are deaf or hard of hearing use video
14 phones, use captioning. They don't use a TTY.

15 So, but I'm saying as far as the space
16 question goes, it would be because you're providing less
17 analog equipment anyway, you would have the space, if
18 you will, to provide both.

19 And Madam Chairman, as far as your comment as
20 far as the timing and the Saturday, I'm just saying I
21 received notification by mail on a Saturday.

22 **CHAIRMAN BROWN:** Okay. Got it.

23 **MR. LITTLEWOOD:** I received notification about
24 this meeting on Thursday, but I was not told until
25 Saturday before a holiday weekend. That's, that's all I

1 was saying.

2 **CHAIRMAN BROWN:** Okay.

3 **MR. LITTLEWOOD:** Thank you so much.

4 **CHAIRMAN BROWN:** Thank you.

5 Commissioner Brisé.

6 **COMMISSIONER BRISÉ:** Yeah. I'd like to direct
7 the same question to staff so that we can get some more
8 clarification on it.

9 **MS. PAGE:** Yes, Commissioner.

10 **CHAIRMAN BROWN:** Ms. Page.

11 **MS. PAGE:** In terms of the space for providing
12 this type of equipment, 364 states that the Commission
13 does not have jurisdiction over VoIP, which is Voice
14 over Internet Protocol, or wireless service. 427 is the
15 TASA statute that is Florida's Relay statute. It
16 specifically defines Relay service as a service that
17 allows a person who is hearing impaired or speech
18 impaired to communicate by wire or radio.

19 Specialized telecommunications device is
20 defined as a TDD, a volume control handset, a ring
21 signaling device, or other premises-located equipment
22 for the consumer.

23 We don't see any space under the current
24 statutory framework for the Commission to offer those
25 kinds of services under our existing law.

1 **COMMISSIONER BRISÉ:** Thank you for that
2 clarification because that was my understanding as well.
3 So I think this is an opportunity for advocacy. All
4 right? And with that, I would suggest that there's work
5 that needs to be done at the Legislature to ensure that
6 the statute provides for the current technology that is
7 being used to be captured by the statute.

8 The same thing occurs with Lifeline, I mean,
9 where, you know, the Lifeline program supports wireline.
10 Well, that's a shrinking number -- there's a shrinking
11 number of people who actually still use wireline and it
12 creates all kinds of funding challenges. So I think
13 that same issue exists here.

14 So I would suggest that there is work that
15 needs to be -- advocacy work that needs to be done with
16 the Legislature because I don't think anyone would have
17 any issues supporting more digital platforms that would
18 encompass broadband and Voice over IP and any other type
19 of technology which would make it more accessible for
20 individuals who need it.

21 **CHAIRMAN BROWN:** Thank you, Commissioner
22 Brisé. Excellent words.

23 Any other questions or comments?

24 Seeing none, we are ripe for a motion at this
25 time on this item.

1 Commissioner Brisé.

2 **COMMISSIONER BRISÉ:** Sure. I'd like to move
3 staff on all issues.

4 **CHAIRMAN BROWN:** Is there a second?

5 **COMMISSIONER POLMANN:** Second.

6 **CHAIRMAN BROWN:** Any further discussion?
7 Seeing none, all those in favor, signify by
8 saying aye.

9 (Vote taken.)

10 Thank you. I want to thank you again for
11 coming out here. If you missed my earlier comments
12 about the hurricane, you can get a lot of information on
13 evacuation, especially if you said you're in Pinellas,
14 at Floridadisaster.org. It is up-to-date information
15 and there are -- is a lot of information out there.
16 Safe travels.

17 (Agenda item concluded.)

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1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
3 COUNTY OF LEON)

4 I, LINDA BOLES, CRR, RPR, Official Commission
5 Reporter, do hereby certify that the foregoing
6 proceeding was heard at the time and place herein
7 stated.

8 IT IS FURTHER CERTIFIED that I
9 stenographically reported the said proceedings; that
10 the same has been transcribed under my direct
11 supervision; and that this transcript constitutes a
12 true transcription of my notes of said proceedings.

13 I FURTHER CERTIFY that I am not a relative,
14 employee, attorney or counsel of any of the parties,
15 nor am I a relative or employee of any of the parties'
16 attorney or counsel connected with the action, nor am I
17 financially interested in the action.

18 DATED THIS 18th day of September, 2017.

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