

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20220046-TP

Commission approval of Florida  
Telecommunications Relay, Inc.'s  
fiscal year 2022/2023 proposed budget.

---

PROCEEDINGS: COMMISSION CONFERENCE AGENDA  
ITEM NO. 2

COMMISSIONERS  
PARTICIPATING: CHAIRMAN ANDREW GILES FAY  
COMMISSIONER ART GRAHAM  
COMMISSIONER GARY F. CLARK  
COMMISSIONER MIKE LA ROSA  
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Thursday, July 7, 2022

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK  
Court Reporter and  
Notary Public in and for  
the State of Florida at Large

PREMIER REPORTING  
112 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

## 1 P R O C E E D I N G S

2 CHAIRMAN FAY: With that, Commissioners, we  
3 will now move on to Item No. 2. I will give our  
4 folks a minute just to set up here on the front.

5 Okay. I believe we are all set up. With  
6 that, Mr. Williams will be presenting Item No. 2.

7 MR. WILLIAMS: Good morning, Commissioners.  
8 Curtis Williams with the Office of Industry  
9 Development and Market Analysis.

10 Item 2 addresses Florida Telecommunications  
11 Relay, Incorporated's 2022-2023 proposed budget.

12 In Issue 1, staff recommends the Commission  
13 approve a total budget expense of 3.9 million for  
14 fiscal year 2022-2023.

15 In Issue 2, staff recommends the Commission  
16 approve FTRI's request to reduce the relay  
17 surcharge to seven cents per wire line per month,  
18 and recommends the Commission order all local  
19 exchange companies to bill the seven-cent surcharge  
20 for fiscal year 2022-2023.

21 Mr. Cecil Bradley, FTRI's Executive Director,  
22 is present and would like to address the  
23 Commission. Ms. Denay Brown, FTRI's legal counsel,  
24 is participating by phone and is available for  
25 questions.

1           CHAIRMAN FAY: Great. Thank you,  
2           Mr. Williams.

3           And we do have a translator here for Mr.  
4           Bradley. I'm just going to make sure real quick.  
5           Ms. Brown, you are on the line?

6           MS. BROWN: Yes, I am here.

7           CHAIRMAN FAY: Okay. Great. Thank you.  
8           With that, Mr. Bradley, you are recognized.

9           MR. BRADLEY: Good morning, Commissioners.  
10          It's a beautiful day I think, and I want to thank  
11          you for having me. Briefly, I want to say a few  
12          things.

13          Thank you all, the total Commission, for  
14          supporting our program now since 1981. We have  
15          made a lot of different -- changed a lot of lives  
16          for deaf people and people who are hard of hearing,  
17          deaf/blind and even speech impaired. Without our  
18          equipment, they would -- have almost impossible to  
19          have any kind of access, so I appreciate you  
20          setting up this program way back when.

21          Over the years, we have served quite a few --  
22          quite a bit of people. But sadly, as you know, the  
23          law has become antiquated, obsolete. The equipment  
24          is only focused on landlines.

25          While we are doing everything that we can to

1 meet the needs of this community, people need  
2 access through the phone -- through phones, and  
3 some of our equipment, just a few of our pieces of  
4 equipment are accessible. Most of them are not.  
5 They -- some of them can switch between landlines  
6 to Bluetooth, but -- Bluetooth -- but none of them  
7 are wireless at all, unfortunately --  
8 unfortunately, so we have a lot of limitations in  
9 what we can provide.

10 Also, as you know, many of the local companies  
11 have it where it will switch from analog to  
12 digital, and that makes it very difficult to have a  
13 smooth phone conversation in sign language. So we  
14 need to make sure that we address that.

15 Our equipment is analog. For example, I have  
16 one here to show you. This is 40 years old  
17 technology. This is the only thing that we can  
18 currently provide, unfortunately. It's  
19 embarrassing. It's an old TTY.

20 I recall reading last year's order, I think it  
21 was last year, maybe two years ago, that the PSC  
22 attorney, attorney group, I understood that they  
23 said this is the only specialized piece of  
24 equipment that we are providing as a pilot test,  
25 and we needed to test tablets. That was a year or

1 two ago that we needed to start testing tablets.  
2 As you know, this report to the State was two years  
3 ago.

4 The biggest concern of ours is the issue of  
5 landlines. They are quickly disappearing. This  
6 report is very clear about that. I mean, I predict  
7 that within five years, there won't be any  
8 landlines left. No more landlines at all, and then  
9 our deaf and hard of hearing community will be  
10 totally left behind. So that's going to be very  
11 challenging for those people who have no more  
12 access to phones.

13 The equipment has become obsolete, and so we  
14 recommend that you please pay attention, that you  
15 please focus on that again. We are very lucky to  
16 have a program in Florida, and we hope we can  
17 continue to provide what we have.

18 As you see in the budget, we have maintained  
19 the same level, as well as we've done a lot more  
20 promotion and outreach. We have got to do more  
21 outreach to let people know. We have several  
22 different ways we can do that. We can focus on  
23 digital media more than hard print. We do see some  
24 progress in that area.

25 For example, over the last two years, COVID

1 had a extreme impact on us, but the regional  
2 distribute -- with the regional distribution  
3 centers. Progress has gone down, but we are  
4 looking at it coming up. It's starting to come  
5 back up.

6 Last -- in the last three months, we've added  
7 over 600 services, which is a great increase. Now  
8 we are very excited about that. And I just wanted  
9 to bring your attention to the budget to include  
10 new service fees, so we have had to -- we need that  
11 increase so hopefully the centers can continue to  
12 support us.

13 17 out of 20 centers are continuing to work  
14 with us for the next two years. If we increase the  
15 service fee, if you noticed in the report, your  
16 order, that a slight increase in the service fee,  
17 and we did that. We did the analysis last year,  
18 December -- November or December we provided that  
19 report staff -- to staff.

20 That -- their request was a huge increase  
21 based on this report, almost double. I don't think  
22 that's feasible at this time. So instead, we did  
23 further analysis. We looked at the charge -- the  
24 surcharge being increased. It hadn't been  
25 increased for so long, but then to almost double,

1           so we -- I shared that with the centers twice, and  
2           they seem to be able to accept that.

3           Again, we are looking ahead at new approaches  
4           over the next several years, and hopefully we will  
5           be able to serve more people.

6           Another thing is that we are requesting that  
7           you -- for you to set up the FTRI chat. We are  
8           going to be working on that as well over the next  
9           few months. The budget will also include adding  
10          staff for that purpose, and we will have -- we will  
11          be adding a third distribution program coordinator  
12          to meet this demand.

13          When customers call the Tallahassee -- more  
14          and more customers are calling the Tallahassee  
15          center, so our staff has been overwhelmed, and that  
16          is continuing to build. So the Tallahassee office  
17          serves every -- all the centers around the state.  
18          We definitely see for the future we are going to  
19          have to make some changes for the service  
20          providers, so the budget reflects that.

21          We are looking forward to a continued  
22          partnership with you.

23          CHAIRMAN FAY: Great. Thank you, Mr. Bradley.

24          I do have a few questions, and other  
25          Commissioners might also have questions.

1           I just -- I first just want to thank you for  
2           accepting this role. I know the Board worked  
3           really hard to bring the right person in to do this  
4           job, and I think they got it right. They spent a  
5           lot of time, and we've had some turnover in this  
6           role, and so I appreciate you taking on the  
7           challenge, because it is a tough one.

8           I also know that you are well aware this is an  
9           important issue to me, and I have felt for a while  
10          now that the status quo may not be satisfying what  
11          we really need to be doing in this role. And, of  
12          course, the Commission's authority is limited to a  
13          certain extent, because it's specifically to the  
14          budget oversight and not necessarily operational  
15          components in that case.

16          But I did want to ask you, you mentioned RDCs  
17          and the additional funding that they may need. The  
18          recommendation talks a lot about the struggle that  
19          both our Commission staff and FTRI have had getting  
20          responses from those entities so we can make an  
21          accurate calculation. I think it was really a  
22          two-year process to get to those numbers.

23          Do you believe that funding those RDCs at that  
24          potential break-even level would materially benefit  
25          their ability to distribute equipment, or just to

1 provide services in general?

2 MR. BRADLEY: Good question. When we did the  
3 analysis, we looked at every possibility whether or  
4 not we could fill the centers needs, RDCs needs.  
5 The issue with the analysis was that not all of the  
6 RDCs provided feedback. They didn't give us good  
7 statistics, good numbers, enough information to be  
8 able to do a descent analysis. Some included them,  
9 some did not, so it varied across the state. So we  
10 had to look at a very broad range of responses.

11 As you may have heard, some groups would like  
12 what we call advanced funding to the centers  
13 retroactive. Honestly, I am not ready for that  
14 because advanced allocations require more  
15 responsibility. So what we have with the service  
16 fee increase, an increase of almost double, the  
17 centers had no objection to that.

18 And A funny thing, when we had the Zoom  
19 meeting, I guess two -- two or three months ago  
20 now, what we proposed -- when we proposed a new  
21 surcharge, we received very positive comments from  
22 a few, and the rest were silent. So I am hopeful  
23 that this is a first step.

24 And again, we will do this again every year  
25 and review it just to see if we've been successful.

1           If it's not successful, then we will look for  
2           another option.  If not, the possibility being, as  
3           I mentioned previously.

4                     Again, we want what's best for the centers,  
5           and the centers are very challenged right now.  
6           They don't have the same number of staff that they  
7           used to have.  For example, a lot of the RDCs have  
8           only two or three staff who are focused on this  
9           program -- they used to have two or three, and now  
10          they are down to one.  That makes it very difficult  
11          for them to serve their individual communities.

12                    So we are looking at probably changing our  
13          approach where the customers call us here in  
14          Tallahassee, and then we make a referral to the  
15          local center, and hopefully they will respond.  If  
16          they don't respond within a week or two, we are  
17          going to follow up and send that customer directly  
18          their equipment, the phones.  We will communicate,  
19          we will explain on line how to use their equipment.  
20          So for right now, the centers seem to be accepting  
21          what we are -- what we are proposing.

22                    CHAIRMAN FAY:  Great.  Thank you.

23                    And I have one more question for you, Mr.  
24          Bradley.

25                    The equipment distribution program

1 coordinator, the additional position, is that, in  
2 part, due to the advancements in technology and  
3 maybe in part also to COVID, and the switch from  
4 having more in-person operations with the RDCs to  
5 putting the burden more on the FTRI in the  
6 Tallahassee office, is that --

7 MR. BRADLEY: Yes. Yes. Commissioner, you  
8 are correct.

9 We are faced -- we faced a crisis, for example  
10 a couple of months ago, when we had a staff ill  
11 with COVID, and some staff did -- were kind of not  
12 knowing what to -- didn't know what to do, so we  
13 were down to two when we only had -- when we are  
14 supposed to have three, and then we wound up being  
15 down to one, and they were just overwhelmed with  
16 all the calls.

17 The third staff person would help with relief  
18 in this process, because we get calls constantly  
19 all day long, because the promotion, the outreach  
20 is working, and the response from the public is  
21 fantastic. We feel that's very strong, and that  
22 third person will help so much with all of that --  
23 all of those -- all that responsibility, because  
24 it's not just reference -- referencing the -- or  
25 referring them. It's also explaining and teaching

1           them. Answering questions. So the paperwork, the  
2           processing, all of that information that that  
3           person has to do. So it's just not a simple phone  
4           call and your done. For every -- there is several  
5           things -- things that have to be done for each  
6           transaction.

7           CHAIRMAN FAY: Great. Thank you.

8           I have got one question for staff, and I want  
9           to make sure my colleagues have the opportunity to  
10          ask anything that they may want to.

11          The recommendation talks about the different  
12          budget calculations in Issue 1 and some of the  
13          things we talked about with these positions. Issue  
14          2 talks about the rate, the proposed rate change,  
15          which essentially comes from the Board, from what I  
16          understand, that sends that forward.

17          Based on that, it looks like -- so part of the  
18          evaluation is due to a potential surplus that we  
19          had last year. Is that -- is that abnormal? Is  
20          that -- is that range of surplus normal, or is that  
21          more of a product of the pandemic and not having  
22          localized resources being used?

23          MR. WILLIAMS: I think it's more of an issue  
24          of the pandemic. In most recent years, we have not  
25          seen a surplus. It's been shortfall.

1           CHAIRMAN FAY: Okay. Great. Thank you.

2           And Mr. Bradley talked a little bit about some  
3           of the things that they need, and I know he hasn't  
4           been on the job long, and I am fully confident he  
5           is going to do amazing job and make improvements  
6           where needed. I want to make sure that from a  
7           Commission perspective approving this budget, that  
8           we are giving him the time and the ability to do  
9           that. I am not sure, based on the recommendation,  
10          we have all the information we may need solely  
11          because some of the RDCs haven't responded to  
12          certain things. We have some pending thoughts  
13          about how the program should look, or if changes  
14          should be made in statutes, or just in general  
15          operationally. And so I have -- I have serious  
16          concerns about adjusting that fee downward. I know  
17          the statute has a cap on it. It can't exceed 25  
18          cents.

19                 Historically, are we -- is that number  
20                 considered low? High? Like, do you know where we  
21                 are, maybe in the past 20 years, kind of in that  
22                 range?

23           MR. WILLIAMS: We are currently at 10 cents,  
24           it's about in the middle. The -- you know, we --  
25           staff -- we looked at various scenarios as far as

1 reducing the surcharge, and FTRI, they proposed the  
2 three-cent reduction. So that's kind of -- kind of  
3 midpoint.

4 CHAIRMAN FAY: Okay. If the fee remains what  
5 it is today, at that 10-cent level, a we, as a  
6 commission, review the budget based on the proposed  
7 expenses and that fee remaining where it is -- this  
8 is just hypothetically -- would we do a  
9 continuation for a year and say we want to give Mr.  
10 Bradley time to evaluate these things, come back to  
11 us with a budget with maybe programs or changes  
12 that he thinks are legitimate, would we still be  
13 potentially in the red for this fiscal year if --  
14 if we capped it at that number, or would there be a  
15 surplus?

16 MR. WILLIAMS: No, we would not. If the rate  
17 remained where it is now, at 10 cents, it would  
18 basically have a very minimal effect on their  
19 budget. It would basically be break even.

20 Staff did some analysis, and it -- it  
21 approximately maybe an additional \$100,000 surplus.  
22 For example, you know, based on their proposed  
23 budget, if -- if we look at the proposed surcharge  
24 at seven cents, reducing it by three cents, that  
25 has an effect on their revenue where they would

1           have a shortfall of about \$1 million.

2           CHAIRMAN FAY: Okay. And last question for  
3           you. I know historically the Commission has talked  
4           about the process of setting the budget limits, and  
5           then certain categories of where the money can go  
6           in and not go in. And it's my understanding if,  
7           for example, we did a continuation and kept the fee  
8           where it was, if Mr. Bradley wanted to come back  
9           into the Commission for something that he, at this  
10          time, has just not thought of in the budget, does  
11          he have to wait the full year before we approve  
12          that budget, or is there a change potentially in a  
13          category range that he could bring forward to us?

14          MR. WILLIAMS: No, he does not. FTRI would  
15          not need to wait. They -- they have some  
16          flexibility within your approved budget, the  
17          approved budget amount, to move funds from category  
18          to category. So they have some flexibility there,  
19          and -- but at any time, if they were in a stressed  
20          financial situation, they could come back to the  
21          Commission for relief. But they do have some  
22          flexibility during the fiscal year to make some  
23          adjustments within the approved budget.

24          CHAIRMAN FAY: Okay. Great. Thank you.

25          I mean, Commissioners, my opinion on this,

1           just one Commissioner, but I think Mr. Bradley has  
2           not necessarily had the time to do a full  
3           evaluation of what would be appropriate going  
4           forward, and I have -- I have concerns about  
5           reducing that fee based on the recommendation,  
6           knowing that that would be a significant reduction  
7           of funds. Although, the trust fund sits with some  
8           funds in it, it would start to draw down that trust  
9           fund fairly quickly on an annual basis. And so I  
10          hope that we would give consideration to a  
11          continued budget for purposes of the fee. And I  
12          trust that Mr. Bradley will bring us back things  
13          that he believes will improve this scenario.

14                 And some of those are those lawyers that are  
15          creating limitations for you, Mr. Bradley, and we  
16          know you -- it's fair for you to be annoyed with  
17          lawyers. It's an appropriate position to be, but  
18          we really do want you to be able to do what you  
19          need do to fulfill the obligations. And when I  
20          looked at the statute again last night, I just have  
21          a lot of heartburn when we start talking about  
22          advancements in technology and efficient use of  
23          these funds, and I am just not sure in the current  
24          status we are really fulfilling those obligations  
25          that are in the statute, and so I want to give you

1 the opportunity to do that.

2 So with that, Commissioners, I would be happy,  
3 if you have any questions for either Mr. Bradley or  
4 staff.

5 Commissioner Clark, you are recognized.

6 COMMISSIONER CLARK: Yeah. One question, Mr.  
7 Chairman, and I am going to withhold my lawyer  
8 comments just out much respect.

9 I wanted to just ask a question about the  
10 trust fund. I mean, we basically have a five-year  
11 operating budget in the trust fund. We can operate  
12 for five years with no revenues.

13 Is there a minimum amount that we are required  
14 to hold in the trust fund, or can that be taken  
15 down to a lower level?

16 MR. WILLIAMS: Commissioner Clark, no, there  
17 is -- there is not a minimum amount that we are  
18 required to hold.

19 COMMISSIONER CLARK: Is there any foreseeable  
20 reason that we need to be holding a trust fund  
21 balance this large? I mean, I think I may be off  
22 base, but five years of operating revenue seems to  
23 be a very healthy trust fund. If we can lower the  
24 fees and still maintain the margins and reserves  
25 that we need to operate in, I think -- and I am

1           certainly in favor of funding more programs,  
2           especially when it comes to maybe some more of the  
3           digital solutions. I would love to see an expanded  
4           program, or expanded budget that included new  
5           services and new opportunities, but to me, it just  
6           appears that we are sitting on a lot of funds, and  
7           if we can reduce expenses, or reduce expenses to  
8           consumers at any point in time, that would  
9           certainly be a plus with me, Mr. Chairman.

10           CHAIRMAN FAY: Great. Thank you.

11           Other questions?

12           Commissioner Passidomo, you are recognized.

13           COMMISSIONER PASSIDOMO: Thank you, Mr.  
14           Chairman.

15           Thank you, Mr. Bradley, for being here. I  
16           really appreciate hearing your perspective and the  
17           challenges that you are facing, which is, you know,  
18           hamstrung by budgetary constraints and things.

19           So I do have a quick question. I am just  
20           curious whether FTRI does have an adopted  
21           investment policy for that, you know, 15 million  
22           reserve, in the reserve, and how you, you know,  
23           what kind of financial institutions hold those,  
24           that money and, you know, making investments to  
25           make more.

1           MR. BRADLEY: Thank you, Commissioner, for  
2           that question.

3           It's my understanding that the funding and the  
4           allocations, whatever that's called, it's a way for  
5           the banks to classify PSC's -- the public funds.  
6           It's like a savings account actually. We don't  
7           have good -- a good investment policy, because a  
8           long time ago, we asked that question, I believe to  
9           staff, if I remember correctly, the Board had a lot  
10          of discussion about it. That was, gosh, probably  
11          10 years ago. And it was not clarified how to  
12          allocate the funding. There was just a very slight  
13          little interest rate, not much at all. I think  
14          it's pretty pitiful, I have got to tell you.

15          So we've got to decide how to work on some of  
16          these issues that the bank has with the funding,  
17          and the challenges, so we decided to put that to  
18          the side for the time to figure out and how the  
19          direction the funding needed to go in with the  
20          bank.

21          And it really -- they really are public fund,  
22          the peoples' money, and we have an obligation to  
23          increase that investment. But right now, we are  
24          not -- the increase is not clarified. It is not  
25          understood how that investment is happening, and

1           it's not happening yet.

2           COMMISSIONER PASSIDOMO: Well, thank you.

3           And I agree with the Chairman. I know that,  
4           you know, you haven't had much time to work  
5           through, and there is a lot of challenges, so I am  
6           sure we'll get to that.

7           I do have one, also a follow-up question for  
8           staff. Just, you know, at first blush, it sort of  
9           appears that staff's recommendation is higher than  
10          what FTRI proposed for their budget, and so -- and  
11          just for, you know, those tuning in, and all of  
12          that, I just wanted you to have the opportunity to  
13          explain why staff's recommendation is higher than  
14          the original proposed budget.

15          MR. WILLIAMS: Yes, Commissioner, I can  
16          respond. The -- I think you are referring to the  
17          \$208,042 of additional expense that staff  
18          recommended be included in the budget.

19          That amount is basically, when FTRI calculated  
20          the relay service expense, they did not use the  
21          current surcharge rates approved by the Commission  
22          last year. There was a calculation error that  
23          resulted in a -- it was basically a computational  
24          error of the \$208,042 using the old surcharge  
25          rates.

1           Staff discovered that our analysis, so we just  
2           added that amount to their current budget. But  
3           their proposed expenses were lower before we --  
4           before we included it, and they continue to be  
5           lower when compared to the 2021-2022 fiscal year  
6           budget.

7           COMMISSIONER PASSIDOMO: Thank you.

8           CHAIRMAN FAY: Great. Thank you, Commissioner  
9           Passidomo.

10          Commissioner La Rosa, you are recognized.

11          COMMISSIONER LA ROSA: Thank you, Chairman.  
12          And this question is going to be related -- or is  
13          going to be to staff.

14          Talking about the technology discussion, my  
15          concern is that we advanced technologies it can be  
16          a slippery slope, meaning that it's hard to catch  
17          up and it's hard to integrate as new technologies  
18          are evolved and created every day.

19          Looking at the way their budget is structured  
20          in the different categories, is there any  
21          prohibition or limitations that FTRI would have in  
22          either testing or advancing new technology  
23          recommendations back to us with the way their  
24          current budget is structured?

25          MR. WILLIAMS: The equipment that FTRI can

1 distribute is established by statute. So the  
2 equipment that they currently provide, they have  
3 special approval for that equipment. Outside of  
4 that, what is allowed through the statute would not  
5 -- would not be covered under -- under legislative  
6 authority.

7 COMMISSIONER LA ROSA: So I guess my more --  
8 my direct question is could they test technology  
9 and recommend either a change in statute or a  
10 recommendation to us, which would be more  
11 beneficial to them to advance their product and  
12 reaching out to help more people?

13 MR. WILLIAMS: I believe that it would require  
14 -- it would need to be an interpretation of the  
15 statute. I am not an attorney, so I can't exactly  
16 say what that interpretation would be. But to  
17 permanently distribute equipment that's not  
18 currently covered by statute would require  
19 statutory change.

20 COMMISSIONER LA ROSA: Thank you.

21 CHAIRMAN FAY: Great. Thank you, Commissioner  
22 La Rosa.

23 And I just -- I do have a follow-up question  
24 for staff based on some of the questions we've had.

25 So that limitation that has been -- it's been

1 in previous recommendations, but the Commission has  
2 discussed the telecommunication device definition,  
3 and what can and can't be included in that. And I  
4 believe in previous, maybe two or three years going  
5 back, but there were discussions in our budget  
6 recommendation that included by definition a smart  
7 device, some device that performed a number of  
8 different services.

9 I think, Mr. Williams, you said that like a  
10 great lawyer, even though you are not one, it's up  
11 for interpretation. And so I think looking at that  
12 definition, there are ways to read that to be  
13 inclusive of devices, and some may agree with that  
14 interpretation and some may not. But I would  
15 presume if Mr. Bradley came back to us with some  
16 form of a pilot program, or maybe as Commissioner  
17 La Rosa stated it, just maybe some research and  
18 some better understanding as to if those are used  
19 in other states, or if they are effective and maybe  
20 present it back to us at that time, then the  
21 Commission could make a determination if we felt  
22 that fell within the statute -- within statutory  
23 limitations or not, but he would at least have the  
24 opportunity to do that.

25 Is -- are you aware, are there -- are there

1 other states that have considered this stuff and  
2 implemented smart devices in a way that's  
3 effective? And I am not asking you to speak for  
4 the commissions, but I mean, are those programs  
5 being adopted?

6 MR. WILLIAMS: Yes, some states are providing  
7 more advanced equipment.

8 And I will add also that even with FTRI -- and  
9 Mr. Bradley can follow up if he would like -- but  
10 they do offer some equipment that is borderline,  
11 but it is -- it does, in our -- in staff's  
12 interpretation, it falls -- it's consistent with  
13 the statute. But there is newer equipment that can  
14 be used in combination with, for example, a smart  
15 phone. It's a -- it's a landline technology, but  
16 it can be adapted to be used for both, so there --  
17 there are some creative ways to look at it.

18 CHAIRMAN FAY: Great. Yeah, thank you.

19 And I want to give Mr. Bradley an opportunity  
20 to comment, if you would like, Mr. Bradley.

21 MR. BRADLEY: Thank you, Curtis. I would like  
22 to follow up.

23 I want to clarify my understanding of the  
24 statute, and I appreciate the legal interpretation  
25 and all. However, what's amazing to me is the law

1 is so vague, so unclear. For example, if you look  
2 at TASA, there is one line that says -- okay,  
3 nowhere in the law does it say you must use a  
4 landline. However, that one -- there is a sentence  
5 that says, quote -- for example, I think it's a TTY  
6 use a -- they use landlines. That's one example.  
7 But all of the other equipment, it doesn't say  
8 anything about a landline.

9 So that being said, I am sorry, I mean, that  
10 -- that -- that really limits the interpretation.  
11 So that's one thing that has me greatly concerned.

12 Another is the law allows for exploration of  
13 new technology. There is a statement in the law  
14 for those two things.

15 And I hope I am not wrong, the State of  
16 Georgia, I spoke with one of the administrators  
17 with the relay service program in Georgia last  
18 week. I was in Orlando for -- or New Orleans for a  
19 national conference, and I asked if they succeeded  
20 in getting wireless tablets -- the tablets and  
21 iPads, for example. I asked him how do we get  
22 that? Is the surcharge part of that? We can't do  
23 that.

24 But they responded, they said that they still  
25 require landlines and landline equipment, however,

1           some chances for the public -- their public  
2           commissioner -- public commission agreed to set up  
3           a tablet program that's income-based.

4                   Also, all the -- they all provide  
5           communication apps, and that seems to be working  
6           well for Georgia. And make we can ask staff here  
7           to check with Georgia, but I see a lot of  
8           possibilities. Again, I am following what you tell  
9           us to do.

10                   CHAIRMAN FAY: Great. Thank you, Mr. Bradley.

11                   Commissioners, I don't see any other questions  
12           or comments. I think, obviously, I have made my  
13           position clear, though I will say, in honor of my  
14           colleague Commissioner Clark over here, I think he  
15           may be the best I know at working on compromise,  
16           and so there might be a position that the  
17           Commission holistically could support, so then we  
18           give Mr. Bradley some time to look at some of these  
19           things, to maybe look at Georgia. We certainly  
20           don't want Georgia to do anything parties than us.  
21           So we want the opportunity probably to look at that  
22           and make a decision, but I think you made some fair  
23           points, Commissioner Clark.

24                   COMMISSIONER CLARK: Mr. Chairman, I would  
25           like also just to reiterate. I think we kind of --

1 kudos to Commissioner Passidomo for her evaluation  
2 of the interest rate. I assumed that trust fund  
3 was in Florida, was in the state of Florida  
4 accounts, but apparently you hold those trust funds  
5 in your bank, is that correct?

6 MR. BRADLEY: Yes, that's correct.

7 COMMISSIONER CLARK: And that is earning an  
8 interest rate of about .1 percent. You have got  
9 \$22 million that can be generating a whole lot more  
10 money than that. You could fund your entire  
11 category two equipment budget with a descent  
12 interest rate.

13 So I would certainly encourage us to look at  
14 what the constraints are, and the requirements are  
15 for that money, look at some ways that money could  
16 be invested and get us a little better return on as  
17 well --

18 CHAIRMAN FAY: Great.

19 COMMISSIONER CLARK: -- make up your other  
20 three cents, Mr. Chairman.

21 CHAIRMAN FAY: I appreciate that, Commissioner  
22 Clark. I think having Mr. Bradley come back to us  
23 both about some of the new technologies that we  
24 discussed, potentially what some of the other  
25 states are doing, to your point about the

1 investment component, I think that would  
2 potentially generate additional revenue on an  
3 annual basis, and to your point, might, over time,  
4 allow us to reduce that fee even more  
5 significantly.

6 And one of the reasons I think it's been  
7 reduced in the past, and the Board has recommended  
8 this approval here is appropriate, but some states  
9 have different structures. As Mr. Bradley  
10 mentioned, some -- some of the fees are tied to all  
11 cellular lines, or all landlines, or all forms of  
12 communication. And under our structure, they are  
13 just tied to landlines at this point, and so I  
14 think that does reduce his options of incoming  
15 revenue. But what might be the appropriate way to  
16 do this, as we give technology time to advance and  
17 maybe find some solutions for these individuals  
18 that, by the Americans with Disabilities Act, are  
19 entitled to these communications services.

20 And so with that I would be happy to entertain  
21 a motion on this item from any Commissioners, or I  
22 am also happy to pass the gavel if I need to.

23 Mr. Futrell, you have a comment.

24 MR. FUTRELL: Chairman, just a reminder. Ms.  
25 Brown is on the phone if you care to hear from her.

1           CHAIRMAN FAY: Good point, Mr. Futrell.

2           Ms. Brown, we didn't want to leave you out. I  
3 know you were available for questions, but we will  
4 make sure if you have anything to add.

5           MS. BROWN: No. No. I am good. I am here if  
6 you guys have any questions for me.

7           CHAIRMAN FAY: Okay. Thank you, Ms. Brown.  
8 Commissioners with that, do I have a motion?

9           COMMISSIONER CLARK: Mr. Chairman, I am more  
10 than happy to help out here. I am not sure what  
11 your preference was and which direction you wanted  
12 us to take this.

13          CHAIRMAN FAY: Yeah. Commissioner Clark, my  
14 thought was -- I think there is a pretty good  
15 consensus on Issue 1 related to the budget itself,  
16 and what's proposed.

17          And so Issue 2, I think we could discuss kind  
18 of what number would be appropriate for that  
19 reduction. But my thought is based on your  
20 comments, which were very appropriate, is under  
21 that Issue 2, to just create a continuation of that  
22 revenue at the 10-cent fee, and have Mr. Bradley  
23 come back to us. That gives us a good perspective  
24 of the long-term plan and how we could continue to  
25 reduce that, maybe on an annual bases, or however

1           it would be set up to do so. Because I do think  
2           that the technology advancements are going to  
3           provide services at significantly lower cost, and  
4           at times, sometimes just reducing the cost to the  
5           State itself. And so I want to make sure we gave  
6           him the time to be able to do that. And so that  
7           was my proposal on Issue 2, was to keep a  
8           continuation of that fee, and then Issue 3 is just  
9           to close the docket.

10                    COMMISSIONER CLARK: Basically, staff rec,  
11           just change the seven cents back to 10 cents and  
12           give them time to come back with a budget?

13                    CHAIRMAN FAY: Correct. And I think, to your  
14           point, Commissioner Clark, we are -- as Mr. Bradley  
15           said, he would like direction from us.

16                    Mr. Bradley, I think the comments that you  
17           have heard from us today is we would like you to  
18           look at those things that we mentioned and come  
19           back with us with your thoughts and ideas,  
20           understanding that there may be some legal  
21           limitations that are present, but we still want you  
22           bring those forward, so the Commission can have the  
23           opportunity to decide what would be appropriate,  
24           and maybe the best way to provide these services in  
25           a way that's consistent with the statute that

1 requires incorporation of technology and efficient  
2 use of those funds. And so if you could do that on  
3 your part, that would be give the Commission a  
4 better opportunity to make a decision in the  
5 future.

6 COMMISSIONER CLARK: I will move staff  
7 recommendation on Items 1 and 3. And on Item 2,  
8 changing the seven-cent per month back to the  
9 currently charged 10 cents per month.

10 CHAIRMAN FAY: So with that, we have a motion.  
11 Do we have a second?

12 COMMISSIONER PASSIDOMO: Second.

13 CHAIRMAN FAY: We have a motion and a second  
14 on that item.

15 All that support say aye.

16 (Chorus of ayes.)

17 CHAIRMAN FAY: Any opposed?

18 (No response.)

19 CHAIRMAN FAY: With that, show that item  
20 passing.

21 Thank you, Mr. Bradley, for all your time. We  
22 appreciate you being here today, and to Ms. Brown  
23 for being on the phone. Thank you.

24 With that, Commissioners, that will conclude  
25 our Agenda meeting. We will allow about 15 minutes

1           for staff and parties to set up here. And so let  
2           me look at the clock to give you -- I would say at  
3           10:35 we will start back for the hearing. Thank  
4           you.

5                           (Agenda item concluded.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

I, DEBRA KRICK, Court Reporter, do hereby  
certify that the foregoing proceeding was heard at the  
time and place herein stated.

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

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

DATED this 22nd day of July, 2022.



DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #HH31926  
EXPIRES AUGUST 13, 2024