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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20230047-TP

Commission approval of Florida  
Telecommunications Relay, Inc.'s  
fiscal year 2023-2024 proposed  
budget.

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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: Tuesday, July 11, 2023

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

2 CHAIRMAN FAY: All right. Commissioners, we  
3 are going to give everybody just a few minutes to  
4 get set up for Item 2 here. We've got some  
5 technical staff, and just bear with us for a few  
6 minutes so we can get everybody settled.

7 All right. Commissioners, we are all settled  
8 in for Item No. 2. I will recognize Mr. Williams  
9 to present a summary on this item.

10 MR. WILLIAMS: Good morning, Mr. Chairman and  
11 Commissioners. Curtis Williams, with the Office of  
12 Industry Development and Market Analysis.

13 Item 2 addresses Florida Telecommunications  
14 Relay, Incorporated's, proposed budget and the TRS  
15 surcharge for fiscal year 2023-2024. FTRI has also  
16 proposed a tablet distribution pilot project for  
17 approval.

18 In Issue 1, staff recommends denial of the  
19 tablet pilot at this time based on the absence of  
20 statutory authority to provide these devices.

21 In Issue 2, staff recommends several  
22 modifications to FTRI's proposed budget amounting  
23 to a net decrease of \$61,676, and resulting in a  
24 recommended total budget expense of 3.6 million.

25 In Issue 3, staff recommends the Commission

1           reduce the TRS surcharge from 10 cents to nine  
2           cents effective September 1st, 2023.

3           Mr. Cecil Bradley, FTRI's Executive Director,  
4           is present along with Denay Brown, FTRI's legal  
5           counsel, and they would like to address the  
6           Commission this morning.

7           CHAIRMAN FAY: Okay. Great. Thank you Mr.  
8           Williams.

9           Commissioners, we will have Mr. Bradley and  
10          his team present to us this morning. We have a  
11          sign language interpreter, Betty Dean, with us this  
12          morning, so I want to make sure, for purposes of  
13          televising this and having the information public,  
14          that she's also recognized.

15          With that, Mr. Bradley, I would like, you  
16          know, either you or Ms. Brown, whatever order you  
17          would like, you can present some information this  
18          morning to the Commission on this item.

19          MR. BRADLEY: Good morning, Commissioners.  
20          Thank you for allowing me to present, and the  
21          privilege of being here today. I will be doing  
22          most of the talking, and I will ask Denay to add  
23          some supplemental information.

24          I would like to respond, and I am very  
25          appreciative of the PSC staff and their analysis.

1           We have been back and forth a few times in  
2           exchanging information about questions and answers,  
3           and I am not going to go in-depth this morning, but  
4           there are just a few points I would like to  
5           clarify, or possibly some type of rebuttal on the  
6           specific sections. I am not in opposition, just  
7           have some concern.

8           So again, the number one issue, we were denied  
9           the iPad pilot by the staff. So we did talk about  
10          that last year, and I did recall that you asked me  
11          to come back this year with a proposal for the  
12          pilot project, and as well as using our interest  
13          from the investments to support the program.  
14          However, I couldn't find any information in the  
15          transcript in reference to the funding, so I also  
16          looked at the video on the -- the videos on the PSC  
17          website, and I have to tell you that unfortunately,  
18          the website is not ADA accessible. So I couldn't  
19          understand what the video person was saying from  
20          last year, July 7th, 2022, and I couldn't find any  
21          options to click on captioning or the P4 to click  
22          on for captioning. So what I had to do was I had  
23          to copy the link and transfer it to my phone, and  
24          my phone is awesome, so I could have a caption  
25          option to view it.

1           So I do recommend that you consider adding an  
2           app, or some type of captioning feed in your  
3           videos. So I just wanted to let you know that if  
4           you -- if you could research or view that.

5           And last year, I know I had some limited  
6           information, but I do recall that we discussed this  
7           issue last year, so I was prepared to discuss it  
8           this year. And we have done so much analysis, and  
9           surveys in investigating this issue, as you had  
10          asked me to do last year. And I did glean some  
11          wonderful information, and it was really amazing  
12          that two states are -- they rely on landline to  
13          support their pilot program, which is Missouri and  
14          Georgia. It really blew my mind when I found that  
15          out.

16          And I had a survey that I did, and 14 states  
17          confirmed that they do have a way to provide iPads,  
18          and the company that they are in contact with is  
19          Teltext. And 25 states have distributed 20,000  
20          plus iPads all over the country.

21          And honestly, I am embarrassed to live in  
22          Florida at this point. It really feels like we  
23          don't have anything to offer, and I feel like we  
24          are the last state in the country to offer these  
25          technological options. It's embarrassing. I mean,

1 Florida is supposed to be one of the top states in  
2 the country, but yet we are behind in these  
3 technology options.

4 So I talked with Teltext yesterday, and we  
5 talked about the equipment. And they did bring to  
6 my attention something very amazing, which is the  
7 iPads can be designed for, like, an augmented  
8 communication, alternate augmented communication.  
9 That's a way that if a person cannot speak, but  
10 they can hear on the phone, they can tap different  
11 symbols, and the symbols represent words, and then  
12 that means a person can talk on the phone through  
13 this particular touch screen with symbols on it.

14 We have the capa -- they have the capability  
15 with the iPad, and it can be connected to a  
16 landline. It actually blew my mind what they said.  
17 I learned something new yesterday. And it's called  
18 an iBox, and it's like an iPad. It has a symbol on  
19 it. The iBox connects to a regular phone, it could  
20 be an amplified phone. And the person can pick up  
21 the telephone, dial their number, click on the  
22 screen, listen to what's being said and then tap  
23 the iPad screen, the symbols that would represent  
24 words, and that was totally new to me. This could  
25 be -- a speech impaired person could have this

1 option.

2 So I am thinking it's similar for deaf and  
3 hard of hearing, but not the same function. And of  
4 course, deaf and hard of hearing cannot use wired  
5 telephones, but that was amazing to me for the  
6 speech disability population.

7 And as you know, I have been trying to secure  
8 funding, research funding. And one correction to  
9 the staff is that we are not able to pursue funding  
10 through Voc Rehab, Department of Education. They  
11 do not provide group funding. Their focus is  
12 employment of people with disabilities, and they  
13 provide individual support to that disabled person.

14 It was also mentioned FFAST, F-A-A-S-T, there  
15 would not be funding there, but I am off -- I am  
16 looking at the Office of Broadband, but since their  
17 business focus is infrastructure, I am not sure if  
18 they will have funding for the iPad pilot. But  
19 next year, we -- there may be grants going out  
20 again and we can apply, but I am not sure if we can  
21 use that funding for devices. I think their focus  
22 is funding for setting up infrastructure and  
23 internet connection all over Florida.

24 Now, Section 427 -- they -- they have \$427.8  
25 million for this funding. So that's related to

1           Item No. 1, or question No. 1. And I am hoping  
2           that we can think about this iPad project a little  
3           deeper.

4           So Item No. 2, and as you know, our revenue  
5           has decreased. And I do project, based on your  
6           report, and as the data report, I am looking at a  
7           document right now. Facts and figures, Florida  
8           industry, regulated industry, there -- the  
9           landlines are dropping at an increased rate. And  
10          within five to 10 years, we may not have any  
11          landlines left.

12          I want us to just be proactive and not  
13          reactive. I am trying to convince the legislators  
14          to be open minded. We'll see how we can prepare  
15          for that time when landlines have disappeared or  
16          depleted.

17          Customers do rely on landlines, but they are  
18          being depleted. So now we are providing services  
19          for relay and equipment, and we will continue to do  
20          that until the very last person has one more  
21          landline left in Florida.

22          Issue 3 and 4, I have no comments on.

23          I did want to mention about the legislators.  
24          I think it's important that you be aware of my  
25          efforts to contact legislators. I have talked --



1 contacted legislators and staff, one Senate  
2 committee person on Regulated Industries, and a  
3 House committee person.

4 Forgive me, I did forget the name of the  
5 committee. I have contacted four different people  
6 as of January. I put that on hold because of the  
7 legislative session. I was finally able to get in  
8 contact with someone last month, and unfortunately,  
9 they did not contact me back formally. But I was  
10 able to meet with a staff -- a Senate committee  
11 person on Regulated Industries twice, and it was an  
12 awesome discussion. It was great.

13 So they did say that we needed a legislator to  
14 support the bill. So unfortunately, I have not  
15 gotten the type of positive vibes or response that  
16 I was looking for, so I think it's critical that we  
17 are able to change the law, so that's what I  
18 discussed with them.

19 I have experienced some frustrations of moving  
20 ahead on this. I am going to continue to work on  
21 it and see if even next year we can have some  
22 changes in the law. And as you know, the law has  
23 many ambiguities. It's a lot of old information.

24 And one thing I would like to know that you  
25 will support me in discussing these topics with the

1           Legislature within the next year to two years? And  
2           also would you defend our budget and secure our  
3           savings budget? Because I know -- remember, we  
4           talked, Curtis, about the FCC, that at some point  
5           they may ask Florida to contribute money towards  
6           the national internet. And he is saying, I mean  
7           interstate captioning services. We don't know when  
8           that's going to happen from the FCC, but we want  
9           those fundings to be secured.

10                    There is a couple other points about TASA that  
11           I could bring up maybe at another time.

12                    Denay, did you want to add anything from a  
13           legal perspective?

14                    CHAIRMAN FAY: Ms. Brown, go ahead.

15                    MS. BROWN: Thank you. Good morning.

16                    So Cecil is obviously a great advocate for  
17           FTRI, and he can provide a lot of personal  
18           experience being a member of the community.

19                    So I think we can all agree, as Cecil  
20           mentioned, that it would benefit everyone for the  
21           statutes to be updated, and he is obviously putting  
22           a lot of effort into that front. But I did just  
23           want to point out that there is authority under the  
24           existing statutes, specifically with regards to the  
25           legislative intent, that do support that modern

1 equipment can be distributed. There is language in  
2 there that states that they want state-of-the --  
3 state-of-the-art technology distributed. They want  
4 the incorporation of new developments in  
5 technology, and that the characteristics and  
6 standards regarding distribution be updated.

7 So while we obviously agree there needs to be  
8 some movement, we do think there is the possibility  
9 under the current statutes for the iPad program to  
10 be approved.

11 CHAIRMAN FAY: Great.

12 Commissioners, before -- I have got some  
13 questions and comments before we get into that.

14 Mr. Williams, did you have anything you and  
15 your team wanted to ad before we go into any of  
16 these issues any deeper?

17 MR. WILLIAMS: Not at this time, Commissioner.

18 CHAIRMAN FAY: Okay. Great.

19 So I just want to start by thanking you, Mr.  
20 Bradley. I knew when you took this job you were  
21 the right person for it, and there is no doubt  
22 about that from the work that you have done to try  
23 to get us in a better posture. I am not sure if --  
24 you might be the only person that is probably more  
25 frustrated than I am that we are limited in what

1 can be provided under the statute. And there is  
2 some language as to the intent, as Ms. Brown  
3 provided, but to a large extent, that language  
4 itself that speaks to the basic telecommunications  
5 services is very limiting, and many states have  
6 changed it to be able to -- to adapt accordingly,  
7 and I think that might be where we are going.

8 Before I go to that point, I just want to say  
9 that I am greatly appreciative of the work that you  
10 have been able to do within the purview legally  
11 that you have, in particular providing these  
12 individuals who might need these services with  
13 access to a live chat, a communication that they  
14 can get directly on your website now that wasn't  
15 available before; being more mindful about the  
16 current funds that you are sitting on, and how to  
17 increase potentially the interest or return off of  
18 those funds to make your budget more financially  
19 stable; knowing that there is a lot of uncertainty  
20 about what we might have to contribute to the FCC  
21 in the future. And what that looks like, none of  
22 us really know at this point.

23 But I do think, when it comes down to  
24 accepting some -- a program like this, I think that  
25 the statutes are very limiting. And without some

1 additional creativity, I think that limitation,  
2 from the way I read the statute, does prohibit the  
3 ability to distribute under the program as provided  
4 here in the structure.

5 I did want to ask you -- you said no voca, and  
6 I know you know a lot about that from your previous  
7 role, and so if that's not a funding mechanism  
8 that's available, or something through another  
9 agency that's available, but private funding, or  
10 private donations for devices, you are a statutory  
11 created nonprofit, is there any prohibition for  
12 entities that were to provide you, for example, old  
13 devices, or maybe even new devices to provide that  
14 service?

15 MR. BRADLEY: Thank you, Commissioner Fay.

16 It's a very delicate thing, and the reason is  
17 the old equipment we have has had to be discarded.  
18 If it's over five to 10 years old, it's not even  
19 worth distributing. Once it's old and broken, it  
20 can't necessarily be refurbished, but the  
21 manufacturers sometimes don't even make those type  
22 of phones anymore. I know two companies have  
23 stopped manufacturing some of the phones.

24 We have been fortunate to refurbish as many as  
25 we can. But I do want to let you know that

1 eventually, we are going to be running out of  
2 regular telephones.

3 So back to your point of private funding. We  
4 can continue to explore that. It is burdensome. I  
5 know that I have been contacting DEO, Office of  
6 Broadband extensively, and we were not sure, but  
7 they would be the perfect avenue. We could use  
8 that as a separate project, their particular  
9 funding, and it would not affect any of our other  
10 funding.

11 So I don't know if you remember. A long time  
12 ago, we had the capability to connect with --  
13 through some deaf/blind funding that Helen Keller  
14 National Center had. It would be the same concept  
15 with DEO for the iPad, but that's not a guarantee  
16 that we will be able to do that. So we are  
17 continuing to investigate that issue.

18 The problem is that we are talking about,  
19 like, the budget said about \$200,000 to start this  
20 project. I am not sure about donations. I would  
21 have to see if there would be a very large sponsor  
22 for that, but I am willing to continue to explore  
23 it.

24 CHAIRMAN FAY: Great. And then let me just  
25 ask you, is it still your opinion, from all the

1 research you have done and everyone you have talked  
2 to, is the smart device road, either a tablet or  
3 some sort of smart device, do you -- I know you are  
4 presenting it as a pilot here, but do you see that  
5 as being sort of where the future is going? I  
6 mean, is it the best option for individuals that  
7 need these services to fulfill those, or do you  
8 think there is maybe other avenues that are not  
9 included in this?

10 MR. BRADLEY: You know, the trend is towards  
11 smart phones, obviously, and tablets. I think  
12 that's very clear, and there is no question about  
13 that. The internet is the future, our smart  
14 device. And landlines are obsolete -- becoming  
15 obsolete, and VOIP, V-O-I-P, there is issues with  
16 connecting with TTYs, there is a lot of problems  
17 with that, so we believe that the internet is the  
18 future.

19 And you are aware that the FCC has ordered, I  
20 think it was back in 2016 or 20 -- and 2021, to --  
21 and ordered us to start researching off-the-shelf  
22 devices. The FCC wants us to use this type of  
23 smart phone to provide accessibility for  
24 communication. And it makes sense, because  
25 currently, specialized amplified phones, or TTYs,

1 are no longer really being -- are a part of the  
2 business anymore.

3 And there was one from Clarity that was very  
4 popular, but a lot of companies have shut down.  
5 Some of them don't use iPads. But it's a lot  
6 easier and cheaper to create accessibility with a  
7 smart phone, and you can put 20 or more apps that  
8 refer directly to communication --  
9 telecommunications, and it's a much easier  
10 alternative choice. But, I mean, nothing else at  
11 this point really uses the internet, and that is  
12 the future.

13 So I wanted to prepare people and let  
14 everybody know it's not fair for our population to  
15 be left in the cold when landlines are obsolete, or  
16 phone companies say, bye-bye, we are not going to  
17 serve you anymore. I mean, they could cut off  
18 using standard phones. So when that time comes,  
19 what is going to happen to this population? They  
20 are going to be completely stuck.

21 So that's why I am being proactive in  
22 preparing. I know that there are limitations with  
23 the iPad funding, we feel like we can qualify to  
24 receive that equipment. And I am not talking  
25 necessarily about amplified phones. I mean, we



1 give those out for free. There is no financial  
2 qualification. iPad would have a financial  
3 qualification. But down the road, if we don't have  
4 any issues, we are going to have to have the  
5 internet and we are going to have to use these  
6 devices more in a loaner program.

7 CHAIRMAN FAY: And just one last follow-up,  
8 and then if my colleagues have any questions, I  
9 want to make sure I give them the opportunity.

10 If -- Mr. Bradley, if the Legislature looked  
11 at the current structure and determined that it's  
12 not sufficient as to what devices can be provided,  
13 and I think you have some pretty substantive  
14 research and support for that, I think then the  
15 question becomes how the statute is structured to  
16 allow for that.

17 And what I would -- what I would ask you is if  
18 -- if there was no discussion about change in  
19 revenue, because we know currently there is a  
20 significant amount of funds that are sitting there  
21 available that, to your point, can't be used  
22 because of the statutory restriction. If we were  
23 to leave everything else in place, we know the  
24 landlines are reducing, we know that's reducing  
25 revenues annually, but if we don't touch that

1 revenue side, if we look at the expense side and  
2 allow for you to move forward with purchasing of  
3 smarter devices, which is a very narrow change in  
4 the statute, would that give you the ability to at  
5 least get started and do what you are presenting  
6 would be better for the individuals that need these  
7 services?

8 MR. BRADLEY: Actually, I do believe that we  
9 can give people options. You know, that people  
10 today, they have smart phone, and they use it to  
11 wake up in the morning, to watch the news, to check  
12 the weather, alarms for things, I mean everything.  
13 So could this population that we are talking about  
14 have limited access? Yeah. And they need  
15 communication access to go to work, to call their  
16 boss, I am running late, or if they are terminated,  
17 or if it's an emergency, 911, and relay service.  
18 But down the road, there could be some challenges.

19 I know that there is a lot of features that  
20 can't be beat, and I'm hoping that the Legislature  
21 will understand that, again, from what I  
22 understand, there is a very -- it can be a very  
23 broad definition on the equipment wireless. Does  
24 it have to be specific? I am trying to avoid very,  
25 very specific language. I am trying to make sure

1           it's broad, because I do think the law has that  
2           flaw, that it's too specific. For example, TDDs,  
3           why didn't it say text phones rather than TDD?  
4           That's a very, very narrow and very specific to the  
5           law.

6                     So we've got to be very clear with the  
7           Legislature, that accessibility is not necessarily  
8           something that we can just use, but it's necessary  
9           for daily life.

10                    For example, we have options. We can restrict  
11           the apps on the iPad, for example. We can limit it  
12           to only communication, telecommunications, weather,  
13           an alarm, an emergency situation, and no  
14           entertainment at all. Nothing else. We can do  
15           that. The company told me they can do that for us.

16                    But again, we want the people to be aware  
17           of -- that there are options, and some can go from  
18           landline to internet capability. But again, I  
19           mean, there is new things coming up and coming out  
20           in the future, and I feel like we are denying these  
21           current devices, because we know that current  
22           devices are going to disappear.

23                    CHAIRMAN FAY: Commissioners, I wanted to make  
24           sure, if you had any questions or comments,  
25           Commissioner Clark, and Commissioner Passidomo, I

1 will go to you next.

2 COMMISSIONER CLARK: Thank you, Mr. Chairman.

3 Thank you, Mr. Bradley. I appreciate you  
4 being here today. I just have a couple  
5 observations.

6 You are in an unenviable position. I  
7 certainly understand that. And trying to  
8 understand -- and I guess I kind of sympathize with  
9 the plight that you are in. It's like hitting a  
10 moving target. Every time you get to a certain  
11 point, it seems like something is going to change,  
12 something is going to happen. And it doesn't  
13 matter what you do right now, we don't know what's  
14 going to happen in the future from a technology  
15 perspective.

16 So I am certainly an advocate for seeing you  
17 get the funding that you need. I have got some  
18 questions, though, about the -- specifically about  
19 the iPad pilot programs.

20 You know, there are a lot of -- a lot of other  
21 funding sources that actually will fund the  
22 equipment. Lifeline, I think, would certainly be  
23 an application where a lot of individuals would be  
24 eligible to receive funding for certain kinds of  
25 equipment, not to mention SSI, or other things like

1           that that would help supplement those.

2           My understanding is, is the technology  
3           compatibility, it's -- I realize that equipment is  
4           an important part of it, but how do we bridge and  
5           interface a technology component that allows, you  
6           know, whatever device that you have to be able to  
7           just call up my business and say, hey, I need this,  
8           and be able to have that direct link of  
9           communication?

10           Is it not more critical that we establish this  
11           interim, or this communication channel prior to  
12           figuring out what is the best type of equipment?

13           And on the second -- the back part of that, I  
14           am really just kind of curious what the market is  
15           -- what the market need is for the specific  
16           equipment. The clientele that you serve, what is  
17           the demand? Are there, you know, 60 percent of the  
18           hearing impaired population does not have access to  
19           a tablet or a smart phone? Do we have any kind of  
20           numbers that would give us any clue as to what the  
21           demand is?

22           We are talking about a pilot program that  
23           would put 200 devices out there. You know, if  
24           there is five million people needing one, that's  
25           kind of a drop in the bucket, maybe it's not worth

1 going that route. Maybe we need to look at other  
2 options.

3 And I will give you a chance to respond to  
4 that, but I would conclude, I certainly would  
5 advocate us being -- supporting the pilot program,  
6 but I have the same concerns that the Chair has  
7 expressed, and the staff has been pretty thorough  
8 in their examination of the statute. I think we  
9 really, really need some help from a legislative  
10 perspective to get some things changed to give you,  
11 and us as well, the flexibility we need to give you  
12 some additional resources. I would wholeheartedly  
13 support any effort on my part of this commission  
14 could do to make sure you get that support.

15 MR. BRADLEY: Thank you, Commissioner Clark.  
16 I will respond to the comments.

17 The specific equipment is based on popularity.  
18 We know that two of the devices, iPads and  
19 Androids, are typically the most ordered all over  
20 the country, is the most accessible.

21 And there is a company, Teltext, and they  
22 handle this type of equipment. They have a  
23 contract with Apple and other companies, and they  
24 work with 25 states. And there is no other company  
25 that does this business. They are the only ones.

1           And there is two devices that we are -- those are  
2           the two devices we are looking at. But to be very  
3           clear, I know that we have to be very careful with  
4           the phrasing in the law, and say wireless tablet or  
5           smart phone. We've got to be general.

6                   And also in reference to the numbers, you are  
7           correct. We've got to start somewhere. So we  
8           thought 200 is a small number, but I wanted 400,  
9           thought maybe that was too much, so I thought we  
10          got to start somewhere. We really do not know how  
11          many people would qualify. And it would be based  
12          on the 200 percent federal poverty level.

13                   I think there is \$29,000 that most people  
14          would follow of that federal poverty level of  
15          \$29,600. So this Lifeline, those requirements  
16          would be focused on people who receive SSI, or some  
17          type of welfare components. So those are two  
18          different avenues, and we do not know how many  
19          people would qualify for those avenues.

20                   But the reason I brought that up was in  
21          reference to broadband, it's going to be put  
22          everywhere, all over the state. And I am sure  
23          people would love to have accessibility once  
24          broadband has been established in their community.

25                   My understanding is broadband was designed to

1           assure that a larger rural population that has lack  
2           of internet could have accessibility to the  
3           internet. Possibly there will be better access in  
4           the future.

5                        So in reference to the numbers, there is  
6           estimates, it's why we called it a pilot program,  
7           trial program, to see if there really was a need  
8           for it. We can drop it in a year if there is not a  
9           need. But it was more of a testing the community  
10          reaction. And if we get five people that request  
11          it, that would be an awesome start.

12                      We also have a unique community of people in  
13          Florida. Sometimes they don't always tell you  
14          until they -- right at the last minute when they  
15          need it. So, you know, the saying, so you can't  
16          predict until the need is really there, then you  
17          know.

18                      So for example, we have three million people  
19          with hearing loss in Florida. If I had -- we've  
20          had 571,000 devices, I think we've served 333  
21          devices for this one population. So I know that  
22          everything will depend on -- we would have to do  
23          outreach in the community, and we would see how  
24          many people really want it. And that would be a  
25          challenge we would face.



1           CHAIRMAN FAY: Are you good?

2           Commissioner Passidomo, you are recognized.

3           COMMISSIONER PASSIDOMO: Thank you, Mr.  
4           Chairman.

5           And thank you, Mr. Bradley for being here. I  
6           am not going to belabor too much into the pilot  
7           project, because I think we've discussed it pretty  
8           thoroughly. And I -- it's frustrating, because I  
9           agree with staff's analysis, that I think the  
10          statute, in its current form, does not support  
11          deployment of this type of equipment. But clearly,  
12          the current model does not adequately serve FTRI's  
13          clients' needs. And so that's really what we  
14          should be looking at the forefront here.

15          So with that being said, I really -- I just  
16          want to implore FTRI to continue to aggressively  
17          seek legislative changes to modernize the TASA  
18          statute, as well as looking at funding  
19          opportunities, you know, from organizations within  
20          the broader disability community. I think there is  
21          more opportunities there for overlap and  
22          collaboration that could be really helpful.

23          The only other part -- I actually wanted to  
24          move into some line items from the actual  
25          expenditure request in this budget. Specifically

1           one I had some questions about were those proposed  
2           legal expenses. It seems like last year, the  
3           Commission approved budget included a little over  
4           \$30,000 for legal expenses, yet only about 28,755  
5           was actually expended. Now there is an increase  
6           for this year's proposed budget 37,790. And so I  
7           just am curious about why there is such a large  
8           increase in these anticipated legal expenses. And  
9           a follow-up being, you know, do we think that you  
10          all can accomplish what you need to at last year's  
11          Commission approved budget?

12                   MR. BRADLEY: Thank you, Commissioner.

13                   If you recall, years back, we had a flat fee,  
14                   and we paid just a block of funding no matter how  
15                   many hours of service we received. So we've  
16                   converted to an hourly rate. At this point, we  
17                   felt that was more appropriate. And basically  
18                   hours vary depending on the need of the  
19                   circumstances involved.

20                   So I am the Executive Director that started  
21                   two years ago. And we have been dealing with RDC  
22                   contracts. We've had to deal with vendors, and I  
23                   handled that part. But with the RDCs, sometimes we  
24                   also have employment issues replacing staff, and  
25                   the interpretation of different employment

1 contracts or office, legal, lease -- leases. So I  
2 do rely on the legal department for help us  
3 understand these contracts in an appropriate  
4 manner.

5 So the hours did increase, if you -- but if  
6 you go back to last year, I am not sure if it was  
7 very restrictive. It's just the house vary. So,  
8 for example, we have -- we had 20 RDCs two years  
9 ago. Last year, we had 18. Now we have 15 RDCs.  
10 Some of the RDCs were not doing things correctly.  
11 We had to kind of pursue them, look at their  
12 contracts. Basically the need varies every year.

13 I feel that we have justified our numbers with  
14 the legal and the council that they give us, and we  
15 pay them by the hour.

16 COMMISSIONER PASSIDOMO: Well, I appreciate  
17 the hearing -- you know, how hearing how the fees  
18 are broken down. That was a question I had for  
19 staff, and I know that they had asked you whether  
20 it was a flat fee or hourly, and I think it's --  
21 hourly is a much more manageable way of being able  
22 to oversee legal expenses. It just was just a  
23 concern for me just that jump.

24 I mean, like I said, what we are trying -- you  
25 know, what your mandate is and what we want to, as

1 a commission, try to advocate for is really, like,  
2 how best can we serve your clients' needs -- how  
3 best can you serve your clients' needs? And we  
4 want to major sure the budget appropriately  
5 reflects that.

6 So if -- I don't want to change too much. I  
7 know that your board approved this budget, and so I  
8 am not going to -- I am not going to try to seek  
9 the Commission to alter anything, especially for  
10 one line item, but I just want to make sure that,  
11 you know, we are over -- you know we are overseeing  
12 every element of this, so at the end of the day,  
13 those Floridians who are deaf and hard of hearing  
14 get the best services that they can, again, within  
15 the confines of this limited statute. So hopefully  
16 in the future they will have more opportunities  
17 when that legislative change can happen.

18 Thank you.

19 CHAIRMAN FAY: Great. Thank you, Commissioner  
20 Passidomo.

21 Commissioner La Rosa, you are recognized.

22 COMMISSIONER LA ROSA: Thank you, Chairman.

23 And I really I don't know where to start, but  
24 maybe I will start with this, is I certainly agree  
25 with my colleagues, and especially in the questions

1           that they've had today. I had a good discussion  
2           yesterday with staff on this, and, you know, I  
3           don't think there is any doubt that a new  
4           technology, whether it be in the form of a pilot  
5           program or some sort, will benefit the customers  
6           that ultimately need this equipment to really have  
7           a typical or acceptable way of life.

8                        So with that said, there is great discussion  
9           that's happening here now, but I don't think we  
10          should just walk away today without actually doing  
11          something, and this is -- this is kind of the point  
12          that I am getting to.

13                       So going back and looking at the statute, it  
14          simply says, the Public Service Commission shall  
15          establish, implement, promote and oversee the  
16          administrative of the statewide Telecommunication  
17          Access System to provide access to  
18          telecommunication relay service by persons who are  
19          deaf, hard of hearing, speech impaired. So  
20          specific words, shall establish, implement and  
21          promote.

22                       I think that we have a role in helping this  
23          move forward, and not necessarily just focusing on  
24          what we think our purview, is. And I agree with  
25          staff in what they are saying of what our purview

1 is. But I think it's also to assist in talking to  
2 other state agencies, or at least putting in  
3 communications from our agency to -- I mean, these  
4 folks have already spoken to the Department of  
5 Education. It sounds like they've also spoken to  
6 DEO and the Office of Broadband, establishing what  
7 the relay system does, what our history here at the  
8 PSC is, and give them, I guess, I am going to say  
9 the backup and information necessary so that maybe  
10 they can dig a little bit deeper, right? So that's  
11 one. So I am going to say interaction with other  
12 state agencies.

13 But the second note that I wrote down here and  
14 I just simply wrote legislative awareness. So the  
15 Legislature meets on all topics across the board.  
16 There is almost unlimited amount of items that are  
17 put in front of them. They meet for 60 days. Of  
18 course they've got committee weeks. They have one  
19 job, and that is to pass the budget.

20 It's very simple for an item like this, which  
21 I believe most legislators absolutely would care  
22 for, and all probably have constituents within  
23 their districts that they would want to help, maybe  
24 falls through the cracks, right?

25 So I would like to ask -- and I don't know how

1 really to even do this -- is can we, as the Public  
2 Service Commission, put out something to the  
3 appropriate legislative committees, both in the  
4 House and Senate, and, one, provide some  
5 background, which a lot of us frankly here before  
6 us today, and give an explanation of what has been  
7 asked of us today and what our interpretation, so  
8 that if they wanted to go ahead and act and  
9 clarify, or maybe redirect us, there can be some  
10 action taken. Because what I would like to avoid  
11 is a meeting next year, where we are all -- we all  
12 want to help, and maybe we just haven't necessarily  
13 taken the right step forward.

14 And although that's not a lot of substance. I  
15 think that is a direction that maybe can help these  
16 folks, and maybe either, one, find some funding in  
17 the meantime, or two, maybe some back with some  
18 different authority that we may have moving  
19 forward.

20 I don't know exactly how to frame that,  
21 Chairman.

22 CHAIRMAN FAY: Yeah.

23 COMMISSIONER LA ROSA: I am trying to off the  
24 cuff, speaking off the top of my head, but those  
25 are my thoughts and comments.

1           CHAIRMAN FAY: I think it's a great question,  
2 right, it's just our structure, in general, begs  
3 the question of what the Legislature, that role,  
4 and how we are intertwined.

5           I think, from a staff perspective, we do have  
6 what Mr. Bradley has mentioned as far as the data  
7 of the reduction of landlines, the reduction of  
8 revenue that's coming in. Broadband expansion is  
9 obviously a huge topic from DEO and statewide. I  
10 think the Governor put out some information  
11 yesterday about the expansion in certain counties  
12 of broadband. That access is improving.

13           Within our resources, we should be able to  
14 help provide some guidance, I think, to FTRI;  
15 which, by design, is sort of how they are created  
16 in the statute, and as an agency, what we have done  
17 historically. But I really the -- and I am really  
18 thankful to my colleagues here who made the  
19 comments that they made today.

20           I think historically, some of what's occurred  
21 is we are very -- this is a very unique item. We  
22 actually review this entity's budget and give  
23 approval based on what's put before us. There is  
24 no other petition or item that comes before us  
25 that's anywhere close to this. It's very unique.



1           And so our role as those who oversee the budget,  
2           like Commissioner Passidomo said, is the money  
3           being used to get these individuals the best  
4           services, or is it going towards other things?

5           And since that limitation is really what I  
6           think is apparent in this, we should be able to use  
7           our resources to help Mr. Bradley, and that team,  
8           and TASA, to come up with what they need as for  
9           them to advocate for what they believe is the best  
10          change and what would be most appropriate. And I  
11          don't even think it's all that complicated as far  
12          as what's being advocated. I think there could be  
13          other ideas, but in general, the section that  
14          changes that landline component, or that  
15          telecommunication component, would allow some  
16          leeway for at least Mr. Bradley to get started.

17          I know, Mr. Bradley, it might not be perfect.  
18          It might not do everything that you would be  
19          interested in doing, but I know you won't give up  
20          on that either, and so I think we need to make sure  
21          that where we can make strides, we do so, and so --  
22          and I will let you respond, Mr. Bradley.

23          But, Mr. Williams, I know, from a docket  
24          perspective, and budget, Commissioners would be  
25          somewhat limited in our role with the entity

1           itself. But from a staff perspective, do -- are we  
2           able -- do we have the resources to at least help  
3           with some legal guidance? Because if we don't,  
4           then we, as Commissioner Passidomo pointed out, we  
5           need to look at the legal budget for this. If they  
6           need if they need Ms. Brown to help them draft  
7           language to be able to go to the Legislature to do  
8           what they need, we shouldn't leave here today  
9           without at least giving some of that consideration,  
10          so -- and it might be a question for Mr. Fogelman  
11          man too. But is there -- do we have the ability to  
12          support them going forward in a way that would  
13          allow them to advocate what they need to?

14                 MR. WILLIAMS: Yes, Chairman Fay, we do work  
15                 with FTRI, just in a broad sense, working with  
16                 other agencies and other programs. And with your  
17                 directive, staff, you know, we are capable of doing  
18                 more, you know, working with the Office of  
19                 Broadband and researching different opportunities  
20                 for them.

21                 Specifically, in regards to the statute.  
22                 Staff has looked at, you know, some suggested  
23                 changes to the statutes. Mr. Fogelman has done a  
24                 lot of work on that, so I will let him go into the  
25                 specifics. But we also would cite to a section in

1 the statute that kind of directs the Commission be  
2 prepared to bring suggestions before them, so in  
3 terms of how the program can be improved.

4 CHAIRMAN FAY: Commissioner La Rosa, is that  
5 -- and I will let you respond, Mr. Fogelman, but  
6 then I also want to give Mr. Bradley a chance. Is  
7 that sort of what you were envisioning?

8 COMMISSIONER LA ROSA: Yeah. That's  
9 certainly, you know, a step in that direction, is  
10 being able to put those resources together and make  
11 them known to those that have the ability to make  
12 changes.

13 CHAIRMAN FAY: Okay. Great.

14 And, Mr. Fogelman, anything you want to add  
15 before Mr. Bradley?

16 MR. FOGLEMAN: Sure. Just the point that this  
17 -- what Curtis was talking about was essentially  
18 the annual report, the annual relay report. Part  
19 of the requirements for that annual report that we  
20 publish related to the Relay Program we are  
21 supposed to provide it to the Legislature, asks for  
22 proposals for improvements or changes to the  
23 Telecommunications Access System.

24 So the Legislature is specifically asking for  
25 that. And I believe in last year's report, we had

1           also indicated that, you know, that it was time.  
2           That, you know, the law passed in '91 is kind of  
3           long in the tooth, and some reforms could -- should  
4           be made.

5                        So we didn't provide specificity. So, you  
6           know, to the extent that maybe you would want to  
7           have this relay report brought to Internal Affairs  
8           before it's published to kind of take a look at  
9           what information is provided, and additional  
10          details, then, you know, we would be happy to do  
11          that.

12                      CHAIRMAN FAY: Okay. And based on the  
13          funding, if we just adjusted sort of the available  
14          devices, that would arguably be sufficient to at  
15          least get them started, correct? Because I know  
16          there is a discussion about the revenue, and how  
17          all that works, but just putting that aside --

18                      MR. FOGLEMAN: There is -- right. I mean, I  
19          have been working on a number of proposed changes,  
20          but I think last year, I had tweaked a couple of  
21          sections that would just do that, that would  
22          provide, I think, some -- that would address the  
23          issues that we've identified in the -- in our  
24          recommendation.

25                      CHAIRMAN FAY: Okay. Great.

1           And, Mr. Bradley, I want to give you an  
2           opportunity, if you want to add anything before  
3           Commissioner La Rosa --

4           MR. BRADLEY: I mean, you -- you have hit the  
5           jackpot basically. I was going to mention that the  
6           TASA law is very clear in paragraph 9, 427.704, the  
7           last part of the paragraph states: And propos  
8           improvements and changes to Telecommunication  
9           Access System.

10           So I have looked in the past five year of the  
11           annual report, the last five years, and nothing has  
12           been mentioned about this at all. And even when  
13           we've discussed with the Advisory Committee, with  
14           TASA, they have expressed for 15 years plus things  
15           that maybe we could change, but I haven't seen it  
16           mentioned. So the report talks about the Advisory  
17           Committee will prepare a report, and put in  
18           appropriate recommendations.

19           So I am sad to say it's not been mentioned. I  
20           think it would be awesome if we could add it for  
21           next year. I would really appreciate it.

22           CHAIRMAN FAY: Thank you, Mr. Bradley.  
23           Commissioner La Rosa, go ahead.

24           COMMISSIONER LA ROSA: Thank you, Chairman.

25           Just -- I don't have it in front of me. When

1 is -- when does the report get drafted and when is  
2 it due to the Legislature?

3 MR. WILLIAMS: The report is drafted in the  
4 fall, early in the fall. We will get started on  
5 that in about a month. And the Legislature directs  
6 the Commission to provide the report annually.  
7 There is not a specific date. So we will -- we  
8 will have time to develop it and bring it to you  
9 before the end of the year, December 31st.

10 COMMISSIONER LA ROSA: Excellent. And thank  
11 you for that.

12 So, Chairman, I think that's a step in the  
13 right direction. Legislative meetings start a  
14 little earlier than maybe they do in other years  
15 this year, this year coming, so that would give us  
16 time to talk about it again in an IA, and then, of  
17 course, you know, direct it as we see necessary.

18 But I think -- I think that's a good start to  
19 moving the ball in the right direction. I think we  
20 can have some more detail, and I think we are all  
21 saying something similar, that, you know, the time  
22 has come for there to be some type of change.

23 CHAIRMAN FAY: Great. Thank you, Commissioner  
24 La Rosa.

25 Commissioners, any other comments or questions

1 before we move forward on the item?

2 I just -- I want to thank Mr. Bradley, our  
3 staff and my colleagues. As many of you know, this  
4 has been an issue and a priority of mine since I  
5 have been at the Commission, and I think, as a  
6 community, Mr. Bradley represents the struggle  
7 really well.

8 This program has been around for a while. And  
9 based on the statutory limitations, we are not  
10 giving individuals the resources they need to be  
11 able to communicate, to work and engage with  
12 society, and so we have to make a change here. And  
13 I think that's something that we can do within our  
14 purview. And based on Commissioner La Rosa's, I  
15 think guidance, I think we are really able to move  
16 forward with some directive to staff, get you what  
17 you need, Mr. Bradley, both technically and legally  
18 to move forward. And then I think knowing you very  
19 well, you are a great advocate, and so you will  
20 inform and educate others the situation that the  
21 program is in and see what we can do to improve it.

22 So I know it's not something that will be  
23 fixed overnight, but I appreciate your patience.  
24 And I don't think legally I can make you promise  
25 you won't leave this job until we get this

1 resolved, but I do really want to thank you for  
2 your commitment to this, because I know you came  
3 in, and there were a lot of moving parts, and it  
4 was not an easy -- it was not easy to follow the  
5 person before you that maybe didn't set you up for  
6 success necessarily. And I appreciate that,  
7 because I think you have worked really hard on  
8 this.

9 And so, Commissioners, if we took a motion on  
10 staff's recommendation, including Commissioner La  
11 Rosa's guidance to have our staff move forward with  
12 that annual report, with some legal guidance as to  
13 the statute, Commissioner La Rosa, is that -- that  
14 makes it -- and I will allow you to put the motion  
15 forward, but I just -- I want to make sure that  
16 that would be inclusive of what you were thinking.

17 COMMISSIONER LA ROSA: Yes, it does. So I  
18 will motion to approve staff's recommendation with  
19 the comments you just made.

20 CHAIRMAN FAY: Okay. Great.

21 And do we have a second?

22 COMMISSIONER CLARK: Second.

23 CHAIRMAN FAY: Okay. We have a motion and a  
24 second.

25 All that approve staff's recommendation,



1 including the direction for staff in the relay  
2 ports say aye.

3 (Chorus of ayes.)

4 CHAIRMAN FAY: Showing that item passed  
5 unanimously.

6 Thank you again, Mr. Bradley and Ms. Brown,  
7 for being here. We look forward to continuing to  
8 work with you.

9 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

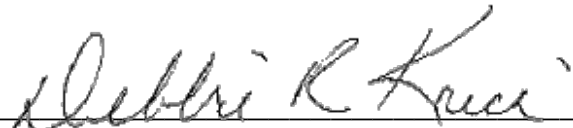
STATE OF FLORIDA )  
COUNTY OF LEON )

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 21st day of July, 2023.

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