

ORIGINAL

Commissioner	Yes	No	Not Participating
Huston	√		
Freeman			√
Krevda	√		
Ziegner	√		

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**VERIFIED APPLICATION OF INDIANA)
TELEPHONE RELAY ACCESS CORPORATION)
FOR THE HEARING AND SPEECH IMPAIRED) CAUSE NO. 39880 INTRAC 6
FOR AN ADJUSTMENT IN THE AMOUNT OF)
THE MONTHLY SURCHARGE THAT A LOCAL) APPROVED: AUG 10 2022
EXCHANGE TELEPHONE COMPANY MUST)
IMPOSE ON ITS CUSTOMERS PURSUANT TO)
IND. CODE CH. 8-1-2.8)**

ORDER OF THE COMMISSION

Presiding Officers:

David E. Ziegner, Commissioner

David E. Veleta, Senior Administrative Law Judge

On June 8, 2022, the Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired (“InTRAC”) filed with the Commission a Verified Application for an adjustment in the amount of the monthly surcharge that a local exchange telephone company (“LEC”) must impose on its customers pursuant to Ind. Code ch. 8-1-2.8. The Application included Exhibit A, a report prepared by an accounting firm regarding its review of InTRAC’s surcharge determinations and its review and audit of those accounts of InTRAC and its members relevant to the surcharge; Exhibit B, InTRAC’s audited financial statements; and Exhibit C, a proposed order. InTRAC is an Indiana not-for-profit corporation which was formed pursuant to Ind. Code ch. 8-1-2.8 to provide telecommunications relay services (“TRS”) on behalf of LECs in Indiana and to comply with federal mandate. The services provided by InTRAC are funded by a monthly surcharge imposed by LECs on each residential and business line (or line equivalent) of its customers. The existing monthly surcharge of three cents (\$0.03) was established pursuant to the Commission’s Order dated January 19, 2005, issued in Cause No. 39880 InTRAC 5 (“INTRAC5”) and became effective as of April 1, 2005. By its Application, InTRAC requests a downward adjustment to the monthly surcharge of one cent (\$0.01) per line pursuant to Ind. Code § 8-1-2.8-12.

The Commission, based upon the applicable law and the evidence of record, now finds as follows:

1. Notice and Jurisdiction. InTRAC is contemplated and authorized by Ind. Code ch. 8-1-2.8. Pursuant to Ind. Code § 8-1-2.8-12, InTRAC may apply to the Commission for an adjustment in the amount of the monthly surcharge that a LEC must impose on its customers. The Commission may approve any such adjustment so long as the adjustment does not result in a monthly surcharge that exceeds forty cents (\$0.40) per residential or business line (or line equivalent). This Application requests a downward adjustment in the monthly surcharge of one cent (\$0.01) which, if approved, would result in a total monthly surcharge of two cents (\$0.02). Therefore, the Commission has jurisdiction of InTRAC and the subject matter of this Cause

pursuant to Ind. Code ch. 8-1-2.8.

2. Relief Requested. InTRAC requests that the monthly surcharge that a LEC must impose on its customers be adjusted downward in the amount of one cent (\$0.01) from the current monthly surcharge of three cents (\$0.03) to a new monthly surcharge of two cents (\$0.02). Based upon its projections and an accounting report which reviewed and audited those accounts of InTRAC and its members relevant to the surcharge, InTRAC asserts that cash on hand plus the revenue generated by this new monthly charge will cover the costs incurred by InTRAC in providing services that meet the requirements imposed on telephone companies by the Americans With Disabilities Act of 1990 (“ADA”). As described in InTRAC’s Application, since the Commission’s approval of INTRAC 5 on January 19, 2005, the costs required to develop, provide for, and maintain InTRAC’s telecommunications relay services have continued to decrease due to advances in technology and other factors. InTRAC was established under Indiana law to provide deaf, hard of hearing, and speech impaired persons with access to telecommunications services that are functionally equivalent to those provided to hearing persons. Due to advances in technology and the availability of the Internet, certain of these populations have migrated away from using InTRAC’s telecommunications relay services to using other types of relay services, including video relay and captioned telephone services. The Federal Communications Commission (“FCC”) has previously signaled that these technologically advanced relay services would also become InTRAC’s responsibility; however, the FCC has never acted to transfer the responsibility of these calls to InTRAC and InTRAC does not anticipate it will ever be responsible for these forms of relay service. The costs to operate InTRAC’s TRS have therefore decreased since INTRAC 5, and InTRAC does not anticipate that these costs will return to pre-2005 levels. As such, InTRAC believes it is appropriate to reduce the surcharge as discussed in its Application filed in this Cause.

3. Discussion and Findings. Based upon the Commission’s review of InTRAC’s Application and supporting materials, the existing monthly surcharge amount has produced and is projected to continue to produce revenues in excess of the amount necessary to provide sufficient funding to develop, provide for, and maintain telecommunications relay services that meet or exceed the requirements imposed by the ADA. The report filed by the accounting firm of Kehlenbrink, Lawrence and Pauckner, which reviewed InTRAC’s surcharge determinations and evaluated those accounts of InTRAC and its members relevant to the surcharge, supports a downward adjustment to the monthly surcharge of one cent (\$0.01), from three cents (\$0.03) to two cents (\$0.02) per line. The report concludes that the revenue generated by a monthly surcharge of two cents (\$0.02) combined with cash on hand should be sufficient to fund InTRAC’s operations for the reasonably foreseeable future. This surcharge adjustment should provide sufficient funding to develop, provide for, and maintain telecommunications relay services that meet or exceed the requirements imposed by the ADA.

Based upon the foregoing evidence, the Commission finds and concludes that InTRAC’s proposed downward adjustment in the monthly surcharge that a LEC must impose on its customers under Ind. Code ch. 8-1-2.8 should be approved. To allow the Indiana local exchange telephone companies to have a reasonable opportunity to be advised of and implement the decrease authorized and directed herein, we find that the downward adjustment in the monthly surcharge should be effective as of November 1, 2022.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The monthly surcharge imposed pursuant to Ind. Code § 8-1-2.8-11 is adjusted downward by one cent (\$0.01) from the existing monthly surcharge of three cents (\$0.03) to a new monthly surcharge of two cents (\$0.02).

2. The monthly surcharge of two cents (\$0.02) shall become effective as of November 1, 2022.

3. All Indiana local exchange telephone companies, prior to placing in effect the increased surcharge, shall file a revised tariff with the Communications Division of the Commission reflecting the downward adjustment in the monthly surcharge.

4. This order shall be effective on and after the date of its approval.

HUSTON, KREVDA, AND ZIEGNER CONCUR; FREEMAN ABSENT:

APPROVED: AUG 10 2022

I hereby certify that the above is a true and correct copy of the Order as approved.

**Dana
Kosco**

Digitally signed by
Dana Kosco
Date: 2022.08.10
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**Dana Kosco
Secretary of the Commission**