

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. 20200073-TP

Commission Approval of Florida
Telecommunications Relay, Inc.'s
Fiscal Year 2020/2021 Proposed Budget.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 2

COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER DONALD J. POLMANN
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, June 9, 2020

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
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

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

2 CHAIRMAN CLARK: All right. Next up is Item
3 No. 2. Mr. Futrell will introduce this item for
4 us.

5 MR. FUTRELL: Thank you. Good morning, Mr.
6 Chairman and Commissioners. Mark Futrell with the
7 staff.

8 Item 2 is staff's recommendation on the
9 Florida Telecommunications Relay, Incorporated's,
10 or FTRI's, 2020/2021 proposed budget and the
11 surcharge that fund FTRI's operations.

12 Staff recommends that the Commission reduce
13 FTRI's proposed budget expenses by \$315,078, and
14 allow FTRI to transfer \$165,211 from the reserve
15 account to offset a projected revenue shortfall.

16 Staff also recommends that the monthly
17 surcharge be maintained at 10 cents per access line
18 for fiscal year 2020/2021.

19 Lastly, staff recommends that the Commission
20 require FTRI to conduct a financial break-even
21 analysis of the Regional Distribution Centers' fee
22 structure and present the results to the Commission
23 with its proposed fiscal year 2021/2022 budget.

24 Representatives of FTRI would like to address
25 the Commission, and staff is available for

1 questions.

2 CHAIRMAN CLARK: All right. Are there
3 representatives from FTRI on the line?

4 MR. BANKSTON: Yes. This is Sean Bankston,
5 Executive Director of Florida Telecommunications
6 Relay.

7 CHAIRMAN CLARK: You are recognized, Mr.
8 Bankston.

9 MR. BANKSTON: I actually didn't have any
10 prepared remarks for the Commission. We submitted
11 written comments in lieu of taking up time to
12 address the Commission directly, and so we will
13 move into addressing any questions that there may
14 be.

15 CHAIRMAN CLARK: All right. Thank you very
16 much.

17 Commissioners, do you have any questions?

18 COMMISSIONER BROWN: Yes, sir.

19 CHAIRMAN CLARK: Commissioner Brown.

20 COMMISSIONER BROWN: Thank you, Mr. Chairman.

21 And I want to thank staff for a very thorough
22 recommendation. I appreciate you asking questions
23 and FTRI responding so that we can get to a
24 well-established budget here. I have a question --
25 a couple of questions just for FTRI.

1 First regarding the RDC's and the compensation
2 for the RDC's, as well as the associated costs, I
3 am confused about what the rate is, and why staff
4 is asking for a financial breakdown analysis. Has
5 it not been provided?

6 MR. BANKSTON: This is Sean Bankston.

7 The -- we -- I started in December at Florida
8 Telecommunications Relay, so I am still relatively
9 new.

10 So one of the things that we opened up was a
11 dialogue with our regional distribution centers,
12 working with -- excuse me -- working with some of
13 the members of the TASA Advisory Committee, who
14 also are involved in the Regional Distribution
15 Center network. And the feedback we received from
16 the Florida Association of Centers for Independent
17 Living, FACIL, we received feedback from some of
18 their respective members saying that the program
19 with our current fee structure, which is a
20 fee-per-service structure, that the current fee
21 structure doesn't enable them to provide services
22 associated with FTRI programs at a break-even.

23 And so we had I just started that dialogue
24 around the time that the pandemic hit, and so we
25 have had one -- we established a workgroup with a

1 subset of the FACIL members, and we provided that
2 feedback and the information we shared with the
3 Commission staff just to let them know that that
4 was part of the reason that we had recommended that
5 the line item associated with the Regional
6 Distribution Center services remained flat in the
7 current budget year.

8 COMMISSIONER BROWN: Thank you, Sean. I
9 appreciate the answer.

10 And did Jim Forstall retire?

11 MR. BANKSTON: Yes. He's -- James retired in
12 October of 2019.

13 COMMISSIONER BROWN: Well, welcome. And I
14 appreciate your -- your thoughts on this.

15 Previously, we talked to FTRI, Mr. Forstall,
16 regarding FTRI's efforts to ramp up legislation,
17 and what is the status of that? I know you guys
18 requested to have iPads, newer technology that
19 staff, you know, analyzed really doesn't comport
20 with the current law that we have -- (inaudible) --
21 that users are not -- no longer really relying on
22 traditional relay services equipment. Can you talk
23 a little bit about what legislation -- (inaudible)
24 -- going on?

25 MR. BANKSTON: I think on the legislative

1 side, you know, I think there is interest, and we
2 have talked to the Commission staff about this as
3 well. And I am very appreciative of the collegial
4 relationship we have with the Commission staff, and
5 they have been very supportive from the standpoint
6 of recommending that the TASA Advisory Committee
7 take up addressing modernization of TASA, you know,
8 recommendations for approving TASA as it aligns
9 with ADA and EDAA of 2010 and Title 47, and things
10 like that, that should be at the federal level,
11 because, you know, as we know, TASA is 29 years
12 old, and next year we turn 30. And while some of
13 the terminology AND verbiage in the legislation is
14 a bit outdated, we do think that, from the
15 standpoint of the technology provisions that are in
16 there, there was foresight on the part of the
17 Legislature to acknowledge that technology would
18 change.

19 So while there is a provision in the intent
20 and later in the existing legislation that talk
21 about providing state-of-the-art technology, you
22 know, and continuing to be open to new technology
23 as it becomes available on the market, the
24 disconnect is between, not so much on the
25 technology side, but actually on the funding

1 mechanism.

2 And so I think the interest right now on the
3 part, as far as what I have heard from the members
4 of the TASA Advisory Committee, is that the real
5 interest is focusing on updating and modernizing
6 the funding mechanism, and then, you know, if we
7 can clean up some of the terminology that's in the
8 remainder of the legislation, that's great, but the
9 funding mechanism is actually the area that needs
10 the most work.

11 COMMISSIONER BROWN: Got it. Thank you.
12 Yeah. I think it's ripe for consideration.

13 Also staff notes that, you know, with the
14 significant decline, on page four, in FTRI's
15 proposed budget request, it -- pardon me -- it says
16 that the -- that FTRI needs to see a continued
17 effort to reduce expenses; however, it doesn't look
18 like a big reduction in expenses other than, I
19 guess, the decline in minutes of use, really, as
20 indicated in the budget.

21 Can you talk about the efforts that you are
22 exploring to complete the review budget? We have
23 been trying to, you know, reinforce hold-the-line
24 with FTRI for years. Given the decline in minutes
25 of use, can you -- can you talk a little bit about

1 what you are doing to hold that line?

2 MR. BANKSTON: Well, we are always looking
3 at -- you know, again, I have only got seven months
4 here under my belt, so I can only talk a little bit
5 about the history that I have seen when I look at
6 the numbers for FTRI, you know, over the last 10
7 years, FTRI's budget has actually been reduced by
8 about 51 percent. So the operating budget has
9 gone, you know, from almost double down to what you
10 see today.

11 Over that same 10-year period, our general
12 administrative expenses have averaged about
13 13 percent, which is up there with the best, you
14 know, most efficient operating nonprofits in the
15 country.

16 And so I think, you know, on a consistent
17 basis, we look at that, and that's represented in
18 the numbers that we present each year.

19 COMMISSIONER BROWN: Yeah. You are down to
20 eight -- eight employees now, so I applaud those
21 efforts, but I would definitely continue to
22 encourage you, given the -- the, you know, the
23 position that we are in and the current statutory
24 framework that we are in to, you know, reduce
25 efforts as we move forward. And I thank you and

1 welcome you to the PSC.

2 MR. BANKSTON: Thank you so much.

3 CHAIRMAN CLARK: All right. Commissioner Fay.

4 COMMISSIONER FAY: Thank you, Mr. Chairman.

5 Thank you, Mr. Bankston.

6 I want to start with the marketing component
7 of -- of your budget. So I know there is
8 discussions about improving the communications
9 that -- the use of newspapers and what's put out
10 there, but I know you are -- you are new on the
11 job, so we are kind of putting you on the spot here
12 for a number of issues, but if you could talk about
13 maybe your perspective moving forward to ensure we
14 are reaching the individuals who need these
15 services and could -- could most benefit from these
16 services in a way that is cost-effective.

17 MR. BANKSTON: Sure.

18 Yeah, so I think, you know, going back -- I
19 had an opportunity to go back and watch some of the
20 previous Agenda conferences from past fiscal years,
21 and so I definitely saw the interest there to move
22 away from more traditional advertising methods.
23 And I think, you know, FTRI has taken steps in that
24 direction, you know, moving from what may have been
25 kind of a 90/10 split as far as your print

1 traditional marketing and then 10 percent kind of
2 focused on electronic; you know, now where we are
3 looking at more like a 70/30. So it's -- I think
4 that's a, you know, a noteworthy shift and step in
5 the direction of looking at, you know, a 30 percent
6 investment in digital marketing.

7 And I think, you know, there is interest and
8 focus for us to continue to move in that direction.
9 The challenge, I think, is that such a large
10 percentage of the demographic that we serve is over
11 the age of 70. And some, like my parents, as an
12 example, fall into that, some are not adopters from
13 a technology perspective. My parents don't --
14 still to this day don't have a computer at home.
15 And, you know, me being in the technology field for
16 the last 12 years, that's -- that's a shame, I
17 guess I haven't been able to convince them to move
18 forward in that direction.

19 I think that's the -- that's the balance we
20 have to strike, is understanding the populations we
21 serve, how they consume information, you know, what
22 are they leery of and that type of thing.

23 So a lot of electronic marketing is actually
24 perceived as, you know, phishing, or spam, and
25 there is a lot of warnings around about fraudulent

1 activity. And so part of a barrier that I think we
2 face in moving more toward electronic marketing is
3 making sure we still instill a sense of trust on
4 the part of the client that we serve. And so
5 that's something that we will continue to focus on,
6 but I think it is noteworthy that FTRI has moved
7 from, like I said, from about a 90/10 split between
8 print and traditional marketing, electronic
9 marketing now to about 70/30 split.

10 COMMISSIONER FAY: Great. I appreciate the
11 answer.

12 And part of, it too, I think, is a discussion
13 about how the -- the targeting occurs to those
14 individuals, because I think, to your point, there
15 is the distinguishing between written and -- and
16 digital content. But if content, to your point,
17 comes through a reputable senior organization that
18 puts that information out, it might be -- it might
19 be targeting the more likely audience to use those
20 services. So I think that's -- that's something
21 that you will probably take into consideration in
22 your -- your new role in this position.

23 The other component of it is I -- I just -- I
24 want to start by saying I don't think there is --
25 there is anything wrong with coming into a new

1 position and having some -- some ideas about how
2 technology could be incorporated to improve that --
3 that area. So -- so I appreciate your -- you
4 putting forward the proposal related to the
5 requested iPads.

6 I think there is -- there is -- and you have
7 touched on it a little -- a much bigger discussion
8 that -- that likely should occur related to both
9 the cost and the function of those devices.

10 As you know, there are different hardware and
11 different software components out there that could
12 be used to -- to benefit this -- this population.
13 And this commission historically, even before I --
14 I was here, has been very mindful that every dollar
15 matters for these individuals and the services that
16 they get. And we have historically honed in on
17 specific areas in the budget that we think could be
18 improved and potentially costs could be reduced
19 that then, therefore, could be used for those --
20 those individuals in need.

21 So I think when I -- when I see a request
22 close to \$100,000 for 80 devices, I -- I have some
23 cost concerns with it. In addition to that, the
24 recommendation points out the legal parameters that
25 the statute sets out and where this request could

1 potentially fall into those parameters.

2 I actually don't necessarily have the -- the
3 same interpretation of what the current statute
4 might allow under there. I think there is some ors
5 in the section of specialized communication device
6 that would allow potentially some of these types of
7 devices, whoever the manufacturer may be, if it's
8 Apple or Samsung, or anybody who makes the tablets.

9 But I do think, from a nonprofit perspective,
10 there should be some conversations with your
11 organization about the acquisition of these at a
12 price that is both fair and reasonable, and -- and
13 gives you the most bang for your buck to help as
14 many people as we can under this organization, and
15 I am not sure this request does that at this time,
16 and so I am inclined to support staff's
17 recommendation for that part.

18 But what I -- what I would like to request to
19 our Executive Director, and if the Chair will allow
20 me. I think if we move forward with staff's
21 recommendation of this budget and potentially have
22 other components of it that -- that we would want
23 to adjust, at the end of the day, I do think we
24 need to have a discussion about what -- what
25 function this organization serves. The state

1 statute requires compliance with the relay services
2 under the Americans with Disabilities Act, and I
3 think that -- that should be a great place to
4 start to make sure the services we are providing
5 are meeting those requirements; and then in
6 addition to that, have some good conversations
7 about where technology might improve the situation
8 that we have. Because -- because once again, I
9 am -- I have got a family member who we just got an
10 Apple watch for, and I think it's got a number of
11 components in it that are fantastic, and that are
12 really beneficial to certain components of the
13 population.

14 I think these -- these potential devices that
15 you are requesting could have the same impact. I
16 just think we need to -- to have a better
17 understanding of the cost and benefits that -- that
18 occur with acquiring something at -- at that level.

19 So -- so with that, there might be other
20 commissioners that have comments, but -- but, Mr.
21 Chairman, if appropriate, in addition to the item
22 before us, I -- I hope to, I guess, officially
23 request that our commission, I guess through our
24 Executive Director or potentially through our
25 General Counsel, could help me understand what the

1 best procedures would be going forward for what I
2 presume would be a staff workshop to -- to have
3 some discussions with the organization, the
4 advisory board and other interested parties to
5 discuss where the improvements would be.

6 And -- and to my last point, and then I will
7 let our Executive Director opine on this. I am not
8 sure that the discussion about the statute being
9 changed should be first on our list. I -- I think
10 it's always appropriate to have that conversation,
11 but I think it's also, from a timing perspective
12 with a new Executive Director and potential changes
13 in how we communicate after -- after the
14 experiences with COVID, I think it's very timely
15 that we have a discussion about what these services
16 do, and how they are paid.

17 And so with that, it might lead us to a
18 discussion about the statute at some point, but my
19 hope is that there is some improvements that could
20 be made before we have to have that conversation.

21 CHAIRMAN CLARK: Thank you, Commissioner Fay.

22 Mr. Baez, would you like to respond?

23 MR. BAEZ: I did hear the word workshop.

24 And -- and while that's probably one -- one way. I
25 think what I would propose is, Commissioner, with

1 your indulgence, we would like to work with your
2 office to figure out what the best way to --
3 because I think I -- I think I can grasp your
4 objective. You want to -- you want, among other
5 things, a better understanding of where the -- what
6 the friction points are, and -- and what the issues
7 really -- really are on the ground with FTRI. And
8 for that, you need stakeholder -- some kind of
9 stakeholder input of sorts, or at least an
10 education on what the stakeholders have. And maybe
11 a workshop is the appropriate one. It could be,
12 you know, I know that the Chairman has mentioned,
13 you know, single subject IA days of -- of sorts, so
14 maybe that might be a vehicle as well.

15 But, Chairman, with your -- with your
16 permission, we would like to be able to work with
17 Commissioner Fay --

18 CHAIRMAN CLARK: Absolutely.

19 MR. BAEZ: -- and any other commissioners that
20 may have thoughts on -- on the matter to see what
21 the best -- what the best forum is for it, to have
22 the discussion.

23 COMMISSIONER FAY: Thank you. I appreciate
24 that.

25 And I think that -- that will satisfy that.

1 We can have the conversation.

2 I just want to be mindful that there are some
3 Commissioners who have -- who have been here a
4 while. And that's -- that's not saying they are
5 old or anything, just they have been at the
6 Commission for a while.

7 COMMISSIONER BROWN: Thanks.

8 COMMISSIONER FAY: -- and they -- they might
9 have some --

10 COMMISSIONER GRAHAM: (Inaudible)

11 COMMISSIONER FAY: They might have some better
12 knowledge of this organization and its history, and
13 so I prefer to not -- not have -- and to your
14 point, it might be an IA, it might be a workshop,
15 but I prefer not to sort of rehash the basics of
16 what the organization would do. I much more prefer
17 to have the organization and the interested parties
18 that are impacted by the decisions they make to
19 have a discussion about what -- what their -- their
20 goals are, and what they would like to do.

21 So we can -- we can talk more about that to
22 make sure we get it in the right posture. And I
23 appreciate our Chair for allowing me to -- to move
24 forward with that, so...

25 CHAIRMAN CLARK: Thank you, sir.

1 COMMISSIONER FAY: And -- and with your
2 indulgence, Mr. Chair --

3 CHAIRMAN CLARK: Yes, sir.

4 COMMISSIONER FAY: -- whenever you are ready,
5 I am happy to move the item.

6 CHAIRMAN CLARK: Let's -- Commissioner Polmann
7 had a light on.

8 Commissioner Polmann.

9 COMMISSIONER POLMANN: Thank you, Mr.
10 Chairman.

11 Being the oldest, I must respond to the
12 youngest on the Commission, and remembering earlier
13 phones I -- I must inform the esteemed Commissioner
14 Fay that I have been working with computer
15 technology longer than you have been around.

16 But however, putting that aside, I want to
17 thank Commissioner Brown for her thoroughness, as
18 always, annually to review the budget issue --
19 budget issues and her questions for Mr. Bankston
20 and his responses.

21 I want to thank Commissioner Fay for his
22 thoughtful remarks here on the technology. What I
23 understood sincerely, Commissioner Fay, is your
24 interest in examining going forward with the new
25 technology sort of alternative, and what I heard,

1 if I can -- (inaudible) -- your comments, was a
2 suggestion for a staff workshop.

3 I appreciate Mr. Baez's response in working
4 with your office. I -- I believe that would be an
5 excellent idea. I would ask for a follow-up to --
6 to your discussion with executives that the
7 information be shared around to the other suites.
8 And then perhaps a staff discussion with interested
9 parties, and then, Mr. Chairman, have -- have that
10 information be brought back to an IA meeting.

11 I am encouraged by all -- all of the questions
12 and answers in the discussion that I heard here
13 today. I -- I believe this organization does
14 provide needs beyond the statutory requirement an
15 excellent and necessary service to -- to the
16 Florida citizens. And I am very encouraged about
17 the engagement, Commissioner Fay, on the technology
18 side; and, again, Commissioner Brown for continuing
19 to look very closely at the budgeted items.

20 I will comment that the briefing that I had
21 with staff did answer many of the questions that I
22 had on this agenda item, so I -- I don't have any
23 specific questions on the agenda item, Mr.
24 Chairman. I appreciate the time that you have
25 given me to make the other comments. So thank you.

1 CHAIRMAN CLARK: Thank you, Commissioner
2 Polmann.

3 Commissioner Fay, you are recognized for a
4 motion.

5 COMMISSIONER FAY: Thank you, Mr. Chairman.
6 I would move staff's recommendation on all
7 issues for Item 2.

8 CHAIRMAN CLARK: Do I have a second?

9 COMMISSIONER BROWN: Second.

10 CHAIRMAN CLARK: I have a motion and second to
11 approve all issues on Item No. 2.

12 Any further discussion?

13 All the in favor, say aye.

14 (Chorus of ayes.)

15 CHAIRMAN CLARK: Opposed?

16 (No response.)

17 CHAIRMAN CLARK: Motion carries.

18 (Agenda item concluded.)

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 15th day of June, 2020.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #GG015952
EXPIRES JULY 27, 2020