

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Petition for Waiver of Rules Requiring Support of)	GN Docket No. 15-178
TTY Technology)	
)	

PETITION FOR WAIVER

Comcast Corporation (“Comcast”), pursuant to Section 1.3 of the Federal Communications Commission (“FCC” or “Commission”) rules, hereby requests, to the extent necessary, a temporary waiver (like the one it has granted to other parties and under similar conditions) of any Commission rules that obligate a service provider to support text telephony (“TTY”) technology when it provides an Internet protocol (“IP”)-based wireless calling functionality, whether as a facilities-based carrier or as a reseller.¹

I. BACKGROUND AND INTRODUCTION

As the Commission is well aware, the ongoing deployment of new technologies continues to drive advances in the communications industry. One such advancement is the proliferation of IP-based wireless calling capabilities. While the introduction of these advanced

¹ Comcast requests the instant waiver only to the extent necessary because, as previous waiver requests have explained, the existing rules arguably do not require a provider of today’s IP-enabled wireless services to obtain a waiver of the TTY rules. *See, e.g.*, Petition for Declaratory Ruling or, in the Alternative, for a Waiver of Competitive Carriers Association, GN Docket No. 15-178, at 5-13 (Nov. 3, 2015) (explaining that (1) compliance with accessibility and compatibility rules under Section 255 of the Communications Act of 1934, as amended, and the Communications and Video Accessibility Act of 2010 is not mandated where not achievable or readily achievable; (2) Section 20.18(c) of the FCC’s rules does not mandate accessibility through the use of TTY; and (3) Section 64.603 of the rules cannot be read to require TTY compatibility over IP-based networks if not achievable or readily achievable) (“CCA Petition”); Petition for Waiver of Verizon, GN Docket No. 15-178, at 2 n.4 (Oct. 23, 2015) (highlighting its position that “neither the existing rules nor the *AT&T Waiver Order* require such a waiver”).

calling capabilities plainly benefits most consumers, the record is unclear regarding whether TTY transmissions can be reliably supported over wireless IP networks.² In light of this uncertainty, the Commission has granted numerous temporary waivers of any rules that may require a provider to support TTY in connection with IP-enabled wireless voice services.³

Comcast hereby requests a similar waiver. Grant of the waiver would afford Comcast the flexibility to more expeditiously offer IP-based wireless calling capabilities to its end users.⁴ Accordingly, Comcast requests that the Commission promptly issue a temporary waiver (as it has done for others) of rule sections 6.5, 7.5, 14.20, 20.18, 64.603, and “any other Commission

² Comcast has received written advice from Original Equipment Manufacturers (“OEMs”) that produce handsets used by Xfinity Mobile customers that their devices can be used to transmit TTY messages. In contrast, there is other evidence in the record of this proceeding that suggests IP-based services do not reliably transmit TTY traffic. *See, e.g.*, Letter from Kevin Colwell, Ultratec, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-84, at 1 (Oct. 13, 2017) (explaining “how TTY that use low speed tone based signaling can sometimes work on IP based services but there are a number of characteristics of some IP networks that may result in inconsistent or poor performance”); *Petition for Waiver of Rules Requiring Support of TTY Technology*, Order, 30 FCC Rcd 10855, ¶ 9 (2015) (“there are major technical barriers to reliably supporting TTY transmissions over IP networks”) (“*AT&T Waiver Order*”); Comments of Verizon, GN Docket No. 15-178, at 1 (Aug. 24, 2015) (“legacy TTY technology is functionally limited and faces technical challenges as wireless communications networks continue to evolve”) (“*Verizon Comments*”).

³ *See AT&T Waiver Order; Petition for Waiver of Rules Requiring Support of TTY Technology*, Order, 30 FCC Rcd 12755 (2015) (“*Verizon Waiver Order*”); *Petition for Waiver of Rules Requiring Support of TTY Technology; Cellular South*, Order, 30 FCC Rcd 14404 (2015) (“*Cellular South Waiver Order*”); *Petition for Waiver of Rules Requiring Support of TTY Technology; Iowa Independent Telephone Companies*, Order, 32 FCC Rcd 529 (2017) (“*Iowa Waiver Order*”); *Petition for Waiver of Rules Requiring Support of TTY Technology; TracFone Wireless, Inc.*, Order, 32 FCC Rcd 6675 (2017).

⁴ For example, Comcast plans to offer a smartphone calling feature that will give Xfinity Mobile users the ability to make and receive voice calls over a Wi-Fi connection in certain circumstances. While Comcast has every reason to believe that the OEMs will conclude that TTY can be transmitted over Wi-Fi connections, Comcast has not yet received Wi-Fi-specific test results. Grant of the waiver also could aid Comcast, as a reseller of Verizon’s CMRS, in providing its wireless customers with access to Verizon’s IP-based calling options.

rules that require support of TTY technology as an accessible solution for VoIP networks.”⁵ Out of an abundance of caution, Comcast respectfully requests that the waiver be granted until June 30, 2021, the date by which resellers of CMRS that choose to support real-time text (“RTT”) rather than TTY must be capable of supporting RTT for all new authorized user devices.⁶ This approach would be fully consistent with the Commission’s recent decision to extend the waiver granted to TracFone Wireless, Inc. to June 30, 2021.⁷ Nevertheless, Comcast currently is working to expedite deployment of an RTT solution well before the 2021 deadline.⁸ Comcast also commits to comply with the conditions imposed on prior waiver recipients for the duration of the waiver period.⁹

II. GRANT OF THE REQUESTED WAIVER WOULD ADVANCE THE PUBLIC INTEREST

Waiver of Commission rules is permitted upon a showing of “good cause.”¹⁰ Specifically, the Commission may waive its rules where the particular facts would make strict compliance inconsistent with the public interest, taking into account, *inter alia*, considerations of “hardship, equity, or more effective implementation of overall policy on an individual basis.”¹¹

⁵ 47 C.F.R. §§ 6.5, 7.5, 14.20, 20.18, 64.603; *AT&T Waiver Order* ¶ 26; *Verizon Waiver Order* ¶¶ 7, 20; *Cellular South Waiver Order* ¶ 19; *Iowa Waiver Order* ¶ 15.

⁶ Verizon has “pursue[d] a solution that includes RTT natively implemented in user devices, rather than initially providing RTT through a downloadable application.” Verizon, Report, GN Docket No. 15-178, at 1, 3 (Nov. 13, 2017).

⁷ *Petition for Extension of Waiver of Rules Requiring Support of TTY Technology; TracFone Wireless, Inc.*, Order, 32 FCC Rcd 10470 (2017).

⁸ See discussion *supra* at 6-7.

⁹ *Id.*

¹⁰ 47 C.F.R. § 1.3.

¹¹ *Numbering Resource Optimization; Petition of California Public Utilities Commission for Waiver of the Federal Communications Commission’s Contamination Threshold Rule*, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (“*WAIT Radio*”); *Northeast Cellular Tel. Co. v. FCC*,

Waiver is particularly appropriate where “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”¹² In this case, grant of the proposed conditional waiver clearly would serve the public interest and advance the Commission’s public policy objectives.¹³

As an initial matter, given that the Commission has previously found good cause to grant numerous waivers of the same rules to wireless carriers,¹⁴ it plainly would be in the public interest for similar reasons to grant Comcast’s request for comparable relief.

Moreover, issuance of the requested relief would (as the Commission has previously recognized) facilitate more rapid introduction of new IP-based voice solutions and features, many of which likely will provide enhanced accessibility features for persons with disabilities.¹⁵ As the American Association of People with Disabilities has noted, “[n]ew IP-based services will offer millions of people with disabilities better coverage and the chance to be more independent and support their participation in all aspects of society.”¹⁶ Thus, by encouraging the continued

897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

¹² *Northeast Cellular*, 897 F.2d at 1166 (referencing *WAIT Radio*).

¹³ *AT&T Waiver Order* ¶ 17 (noting that the “application of TTY requirements to IP-based wireless services make[s] strict compliance with such requirements inconsistent with the public interest” and that, therefore, “a limited waiver of the requirements will promote more effective implementation of overall policy”).

¹⁴ *See, e.g., Verizon Waiver Order* ¶ 10 (“[F]or the reasons set forth in the *AT&T TTY-RTT Transition Waiver Order*, we are persuaded that the Commission’s goals of ensuring access to telecommunications specifically for individuals with disabilities and more broadly for the general public, will be best served by granting a temporary limited waiver of the Commission’s TTY requirements for Verizon’s wireless IP offerings.”).

¹⁵ *AT&T Waiver Order* ¶ 14 (noting that grant of the AT&T waiver “appears likely to create significant long-term benefits for consumers generally, including consumers with disabilities, because it has the potential to encourage the development and wider deployment of VoIP services using wireless technologies, . . . together with accessibility technologies that can enable the use of such technologies by people with disabilities”).

¹⁶ Letter from Helena Berger, American Association of People with Disabilities, to Marlene

deployment of IP-based wireless offerings, grant of the requested waiver will further the Commission’s “underlying goal of ensuring access to telecommunications specifically for individuals with disabilities and more broadly for the general public.”¹⁷ Grant of the waiver also will represent a further affirmation of the Commission’s focus on “facilitat[ing] an effective and seamless transition to RTT,” which “will offer functionality that is superior to that of TTY technology.”¹⁸

Furthermore, grant of the requested waiver will not lead to any significant countervailing harms. As the Commission has recognized, “[t]here is . . . general agreement that overall use of TTYs has declined greatly, and that TTYs are seldom used on wireless networks.”¹⁹ The Commission also concluded in granting AT&T’s request that “the waiver’s impact on the inability of consumers with communications disabilities to access 911 services over IP-based

H. Dortch, Secretary, FCC, GN Docket No. 15-178, at 1 (Aug. 24, 2015).

¹⁷ *AT&T Waiver Order* ¶ 8; *see also* CCA Petition at 15 (“Granting a waiver would . . . likely create significant long-term benefits for consumers generally, including consumers with disabilities, because it has the potential to encourage the development and wider deployment of VoIP services using wireless technologies[.]”).

¹⁸ *Transition from TTY to Real-Time Text Technology; Petition for Rulemaking to Update the Commission’s Rules for Access to Support the Transition from TTY to Real-Time Text Technology, and Petition for Waiver of Rules Requiring Support of TTY Technology*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 13568, ¶¶ 6, 9 (2016).

¹⁹ *AT&T Waiver Order* ¶ 10; *see also* Recommendation of the FCC Disability Advisory Committee, Ad Hoc Real-Time Text Subcommittee, GN Docket No. 15-178, at 1 (Oct. 8, 2015, filed Oct. 13, 2015) (“[W]ireline TTY usage has been in steady decline for some time and there is evidence to suggest that wireless TTY usage is extremely limited . . .”); Comments of Telecommunications for the Deaf and Hard of Hearing, Inc.; American Association of the Deaf-Blind; Association of Late Deafened Adults; California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc.; Cerebral Palsy and Deaf Organization; Deaf Seniors of America; Hearing Loss Association of America; National Association of the Deaf; and the Rehabilitation Engineering Research Center on Telecommunications Access, GN Docket No. 15-178, at 5 (Aug. 24, 2015) (“While TTY was a widely-used accessibility technology for many years after it was first introduced in 1964, its users have largely migrated to newer technologies – including RTT – except on the PSTN where it is still the only text technology that works.”); Verizon Comments at 4 (“[V]ery few customers at all use mobile networks for TTY, opting instead for other communications tools made possible by mobile technologies such as text messaging.”).

wireless services with their TTYs will be insignificant.”²⁰ Notably, the “availability of VRS, IP Relay, and IP Captioned Telephone Service (‘CTS’) on widely available smartphones allows those customers with communications disabilities to make calls – including to emergency services – in their native language (in the case of ASL over VRS) and/or more rapidly and with less chance for error (as in the case of IP Relay and IP CTS) than legacy TTY service.”²¹ In short, grant of the requested relief will not change the fact that the limited number of individuals who rely on TTY service today will continue to have access to a number of alternative accessible technologies. Moreover, as noted above, these individuals ultimately also will benefit from the IP-based voice offerings with enhanced accessibility features that will be made available by virtue of the waiver.

III. COMCAST WILL COMPLY WITH THE CONDITIONS IMPOSED IN PRIOR TTY WAIVERS

Should the Commission grant the requested waiver, Comcast agrees to comply with the same basic conditions imposed on prior waiver recipients. In particular, Comcast agrees to apprise customers of any limitations related to TTY technology on the voice calling platform in question.

Comcast further agrees to biannually “file a report with the Commission, and also inform its customers, . . . regarding its progress toward and the status of the availability of new IP-based accessibility solutions, such as RTT.”²² Toward that end, Comcast notes that the industry has made significant progress toward implementing RTT. For example, Apple’s latest iOS 11.2

²⁰ *AT&T Waiver Order* ¶ 12; *id.* ¶ 13 (“[W]e find that if granted for a limited duration and under the conditions [outlined in the Order], a waiver of the TTY support requirements is unlikely to cause significant harm to consumers who rely on text to access 911 services.”).

²¹ CCA Petition at 13.

²² *AT&T Waiver Order* ¶ 19; *Cellular South Waiver Order* ¶ 13; *Verizon Waiver Order* ¶ 15.

update for the iPhone includes support for RTT. With respect to other devices, Comcast actively is working with device manufacturers and suppliers to ensure that future handsets will be RTT-capable as quickly as possible.

IV. CONCLUSION

For the foregoing reasons, Comcast requests that the Commission grant it the same conditional waiver of TTY-related rules that previously has been issued to numerous other providers in this proceeding, subject to similar conditions to which Comcast is committed to comply.

Respectfully submitted,

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