

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Accelerating Wireline Broadband) MB Docket No. 17-84
Deployment by Removing Barriers to)
Infrastructure Investment)

COMMENTS OF CONSUMER GROUPS AND RERCS IN RESPONSE TO NPRM

Telecommunications for the Deaf and Hard of Hearing, Inc.
National Association of the Deaf
Communication Service for the Deaf, Inc.
Hearing Loss Association of America
Cerebral Palsy and Deaf Organization
Deaf Seniors of America
Association of Late-Deafened Adults
Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing
Trace Research & Development Center

Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Communication Service for the Deaf, Inc., Hearing Loss Association of America, Cerebral Palsy and Deaf Organization, Deaf Seniors of America, and Association of Late-Deafened Adults (collectively, “Consumer Groups”) and Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing (DHH-RERC) and Trace Research & Development Center (collectively, “RERCs”), respectfully submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) April 20, 2017 Notice of Proposed Rulemaking in the above-referenced proceeding (“NPRM”).¹

¹ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, FCC 17-37 (Apr. 21, 2017).

Consumer Groups and RERCs seek to promote equal access to telecommunications for the 48 million Americans who are deaf, hard of hearing, late-deafened, or deafblind, as well as those with other disabilities, so that they may fully experience the informational, educational, cultural, and societal opportunities afforded by the telecommunications revolution.

Introduction

The NPRM proposes to narrow the scope of service discontinuance that would require notice under 47 U.S.C. §214(a) and to eliminate certain notice requirements regarding discontinued services. These proposals are extremely concerning because they risk leaving users of text telephone (“TTY”) devices without warning of a service change that could affect the operability of these devices. In the midst of the TTY-to-Real Time Text (“RTT”) and Next Generation 911 (“NG-911”) transitions, these proposed changes also risk leaving consumers with disabilities unable to access 911 services.

I. A significant number of Americans continue to rely on TTYs

Many people with disabilities, their friends and families, businesses, and public services, including emergency services, continue to rely on TTYs. This reliance has been well documented in other proceedings and recognized by the Commission. In its December 2016 order initiating the transition from TTY to RTT technology (“RTT Order”), the Commission acknowledged the need to ensure that TTY use remains accounted for in the rapidly transitioning telecommunications ecosystem.² The Commission explained that “certain people who are still reliant on TTYs . . . including persons who cannot afford high speed access, people in rural areas for whom IP service is not available, and senior citizens who might be reluctant to try new technology.”³ The Commission also recognized that “TTYs are still used by many government

² See *Transition from TTY to Real-Time Text Technology*, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-196, CG Docket No. 16-145, GN Docket No. 15-178 (Dec. 16, 2016) (“RTT Order”).

³ RTT Order at para. 32.

agencies and that some places of public accommodation (e.g., hotels and hospitals) offer only TTYs as their method for text-based communication.”⁴

II. The Commission should ensure TTY users continue to receive discontinuance notices

Throughout that ongoing proceeding, consumers, academics, industry, and the Commission have all acknowledged that the transition to RTT must not cut-off TTY while the devices are still in use. The Commission must do the same with regard to service transitions in this proceeding. As Consumer Groups pointed out in their 2015 Comments in the Technology Transitions docket, “[c]onsumers may not be fully aware that a service transition might impact their existing devices.”⁵ Without adequate notice that these devices could be rendered inoperable by a change in service, the individuals, services, and businesses that rely on TTY machines will have no warning that they must take steps to adopt suitable replacements. It is imperative that users of TTY receive notice when service transitions might affect their accustomed communication.

III. People with disabilities may unknowingly be left without access to 911 services if discontinuance notice requirements are changed

Discontinuance notices are especially critical to ensuring that all people continue to have access to 911 services. The Commission explained in the RTT Order that “many PSAPs are still reliant on TTY technology to receive calls from people with disabilities.”⁶ This reliance is very likely to continue during the service transitions discussed in this proceeding because, although the transition to RTT is underway, “the complexity of the 911 system may delay PSAPs’ transition away from TTY,”⁷ a point stressed by AT&T during the RTT proceedings.

⁴ RTT Order at para. 32 (citing Consumer Group Comments at 12).

⁵ Comments of Consumer Groups on Technology Transitions, GN Docket No. 13-5, WC Docket No. 05-25, at 13 (Oct. 26, 2015).

⁶ RTT Order at para 32.

⁷ RTT Order at para 32 n.132 (citing AT&T Comments at 10-11).

Continued reliance on TTY and “uncertainty as to how soon RTT will be universally available and familiar to users of wireline and wireless services”⁸ kept the Commission from setting a sunset date for backward compatibility with TTY in the RTT Order. Indeed, in the most recent round of comments this year, public safety telecommunications groups opposed setting a sunset date for TTY compatibility. For example, the Association of Public-Safety Communications Officials-International believes that “a sunset date would harm public safety by leaving certain PSAPs and the public they serve without the option to communicate by TTY or RTT.”⁹ The Commission must not undermine efforts to ensure that TTY users remain able to communicate and access services in the coming years by narrowing or eliminating service discontinuance notifications.

Conclusion

Consumer Groups and RERCs urge the Commission to ensure that TTY users are not left without notice concerning service transitions that risk rendering their devices inoperable.

Respectfully submitted,

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⁸ RTT Order at para. 41.

⁹ Comments of APCO, CG Docket No. 16-154, Feb. 22, 2017 at 2. The Boulder Regional Emergency Telephone Service Authority, National Association of State 911 Administrators, and Texas 911 Entities have advocated for the Commission to not establish a sunset date until it has collected and assessed data on the extent of RTT adoption. *See* Comments of BRESTA, CG Docket No. 16-154, Feb. 22, 2017 at 2; Comments of NASNA, CG Docket No. 16-154, Feb. 22, 2017 at 3; Comments of Texas 911 Entities, CG Docket No. 16-154, Feb. 22, 2017 at 2. NASNA asserts that this assessment should not be undertaken until “after the sunset of the Public Switched Telephone Network (PSTN) and the transition of *all* consumers to IP-based wireless and wireline networks.” Comments of NASNA at 3.

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June 15, 2017