

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	
)	
Truth-in-Billing and Billing Format)	CG Docket 98-170
)	
ITTA Petition for Declaratory Ruling)	
Regarding TRS Line Item Descriptions)	

**COMMENTS OF
THE ENTERPRISE USERS COMMENTERS**

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On Behalf of The Enterprise Users
Commenters

Filed: June 18, 2018

SUMMARY

The Enterprise Users Commenters respectfully request that the Commission deny the *ITTA Petition*¹ as both procedurally and substantively deficient. Procedurally, the *ITTA Petition*, styled as a Petition for Declaratory Ruling, is, in fact, a Petition for Rulemaking to reverse the Commission's TRS *2005 Report and Order*.² It was in this *2005 Report and Order* that the Commission held that the collection of TRS funds through a TRS line item charge violated the Commission's TRS rules even in the face of its Truth-in-Billing rules. If ITTA would like the Commission to reverse this rule and allow TRS charges to appear on customers' bills or in carriers' descriptions of charges, ITTA should file a Petition for Rulemaking, thereby providing all affected entities with notice that it is seeking a revision of the Commission's rules, not merely an interpretation thereof.

Substantively, the *ITTA Petition* is also deficient. First, the *ITTA Petition* fails to acknowledge that the Commission's current rules properly harmonize the Truth-in-Billing rules and the TRS rules and follow the well-established canon of statutory interpretation that all statutory sections are to be given effect and none are to be read out of existence. Specifically, by allowing carriers to truthfully describe all permissible billing line items, and

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Truth-in-Billing and Billing Format ITTA Petition for Declaratory Ruling Regarding TRS Line Item Descriptions*, CG Docket No. 98-170, Petition for Declaratory Ruling of ITTA – The Voice of America's Broadband Providers (filed May 8, 2018) ("*ITTA Petition*").

² *Truth-in-Billing and Billing Format, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing*, CC Docket No. 98-170, CG Docket No. 04-208, Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, 20 FCC Rcd. 6448 ("*2005 Report and Order*").

holding that TRS charges are not a permissible billing line item, the FCC has given effect to both the Truth-in-Billing rules and the TRS rules.

Second, the Commission's prohibition on including descriptions of TRS charges on customers' bills has been acknowledged by the carrier community for a number of years, casting doubt on ITTA's assertion that the current rules require Commission interpretation. In particular, various carrier trade associations and carriers, in their Commission filings, have stated that the FCC's rules prohibit explicit TRS charges, and have requested relief from this requirement.

Third, the Petition miscites the FCC's online Consumer Guide as supporting the proposition that TRS charges may appear on customer bills consistent with the Commission's rules. Rather, the Consumer Guide provisions in question refer to charges for both intrastate programs (including E911 and state and local taxes) over which the States have jurisdiction, and interstate programs (including federal universal service) over which the FCC has jurisdiction. Against this background, the Consumer Guide's mere mention of "TRS charges" does not demonstrate that the FCC has approved of the placement of such charges on customers' bills.

Finally, the deaf community has – through its FCC comments – consistently and forcefully supported the public policy embodied in the Commission's TRS rules that allowing carriers to place TRS charges on end-user bills is both degrading to the disabled community and inconsistent with the goal of universal telephone service for all Americans, both able-bodied and disabled. Therefore The Commission should continue its present course of abiding by these worthy public policies and deny the *ITTA Petition*.

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COMMENTS OF THE ENTERPRISE USERS COMMENTERS

The companies listed below³ (collectively, the “Enterprise Users Commenters” or “Commenters”) respectfully submit their Comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice concerning a petition for declaratory ruling filed by ITTA – The Voice of America’s Broadband Providers (“ITTA”).⁴ The Enterprise Users Commenters, as business entities that purchase significant quantities of telecommunications services, are affected by any changes to the Commission’s rules governing the collection of taxes and fees, including the TRS fees that are the subject of the *ITTA Petition*.

³ The following enterprise users join in these comments: 3M Company, Cabela's Incorporated, Clearwater Paper Corporation, Covenant Care California, LLC, Mastercard Technologies, LLC, MediaNews Group, Inc., OceanX LLC, Office Depot, Inc., O'Neal Steel, Inc., O'Reilly Automotive, Inc., Ratner Companies, L.C., Reynolds Services, Inc., Sears Holdings Management Corporation, Terex Corporation, Universal Data Consultants, Young's Holdings, Inc.

⁴ *Consumer and Governmental Affairs Bureau Seeks Comment on ITTA Petition for Declaratory Ruling*, CG Docket Nos. 03-123, 98-170, Public Notice, DA 18-516 (rel. May 18, 2018).

In the *ITTA Petition*, ITTA asks the Commission to rule that, under its Truth-in-Billing rules and Section 225 of the Communications Act of 1934, as amended (“Act”), “it is and always has been permissible for a carrier recovering Telecommunications Relay Services (“TRS”) Fund contributions via an end user cost recovery fee line item (or the like) on customers’ bills to include TRS, among other references, in the line item description.”⁵

The *ITTA Petition* has two components: (1) ITTA opines that some carriers currently recover TRS Fund contributions via an end user cost recovery fee line item (or the like) on customers’ bills; and (2) ITTA requests the Commission to rule that it is and always has been permissible for carriers to include a reference to TRS in the line item description.

ITTA’s request of the Commission to allow carriers to “include TRS, among other references, in the line item description,” presupposes that the Commission has ruled that carriers may recover TRS Fund contributions as a specific line item or part of a specifically identified charge on customers’ bills. The history of the Commission’s rulings on this issue indicates that ITTA’s presupposition is incorrect – carriers are not permitted to recover TRS Fund contributions as a specific line item or even as part of a specifically identified charge on customers’ bills. As a result, the Commission’s Truth-in-Billing rules and Section 225 of the Act do not permit carriers to describe or reference unlawful charges on customers’ bills.

The Commenters urge the Commission to deny the *ITTA Petition* on the grounds that the Commission has previously ruled that the recovery of TRS Fund contributions

⁵ *ITTA Petition*, p. 1.

should not appear as a specific line item or part of a specifically identified charge on customers' bills. Because ITTA has overlooked this pivotal point when asking the Commission to allow carriers to include TRS, among other references, in line item descriptions on customers' bills, it cannot be granted the relief it seeks.

I. BECAUSE THE COMMISSION HAS ALREADY RULED THAT TELECOMMUNICATIONS CARRIERS CANNOT RECOVER TRS CONTRIBUTIONS THROUGH BILLING LINE ITEMS, ITTA'S PETITION IS PROCEDURALLY DEFECTIVE.

The TRS program was initiated by Congress through Title IV of the Americans with Disabilities Act of 1990 (the "ADA") and has been fully operational since July 26, 1993. The program is funded by common carriers' contributions to the TRS Fund, which are based on carriers' interstate telecommunications service revenues.

Since 1991, the Commission has issued many rulings that provide guidance to telecommunications carriers regarding "how" they are permitted to recover TRS Fund contributions from their customers. As set forth in greater detail below, because the Commission has long held that, even in light of the Truth-in-Billing rules, carriers are prohibited from recovering their TRS Fund contributions through a specific line item or part of a specifically identified charge on customers' bills, the *ITTA Petition* is procedurally defective. Specifically, rather than filing a petition for declaratory ruling that referencing TRS in a line item description on customers' bills is within Commission's rules, ITTA should have filed a petition for rulemaking requesting that the Commission promulgate a rule allowing carriers to: (1) recover their TRS Fund contributions through the use of a billing line item; and (2) describe the line item to customers as recovering the carrier's TRS Fund contributions.

The following are six examples of the many rulings the FCC has issued from 1991 to 2015 that indicate that carriers are not permitted to recover TRS Fund contributions via a line item or even “part of” a specifically identified charge on customers’ bills:

A. July 11, 1991 Commission Ruling.

In its Report and Order and Request for Comments the FCC amended its rules to require common carriers to provide TRS by July 26, 1993.⁶ In this same report and order, the FCC issued the following directive to carriers: “[I]n order to provide universal telephone service to TRS users as mandated by the ADA, carriers are required to recover interstate TRS costs as part of the cost of interstate telephone services and not as a specifically identified charge on the subscribers' lines.”⁷

B. February 19, 1993 Commission Ruling.

In its Order on Reconsideration, Second Report and Order, and Further Notice of Proposed Rulemaking, the Commission reiterated its July 11, 1991 directive: “In order to provide universal telephone service to TRS users as mandated by the ADA, carriers are required to recover interstate TRS costs as part of the cost of interstate telephone services and not as a specifically identified charge on end user's lines.”⁸

C. June 10, 2004 Commission Ruling.

In its Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, the Commission re-emphasized that: “[C]arriers obligated to contribute to

⁶ *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans With Disabilities Act of 1990*, CC Docket No. 90-571, Report and Order and Request for Comments, 6 FCC Rcd 4657 (1991).

⁷ *Id.*, ¶ 34 (emphasis added).

⁸ *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans With Disabilities Act of 1990*, CC Docket No. 90-571, Order on Reconsideration, Second Report and Order, and Further Notice of Proposed Rulemaking, 8 FCC Rcd 1802, ¶ 22 (1993) (emphasis added).

the Interstate TRS Fund (e.g., carriers providing interstate telecommunications services) may not specifically identify a charge on their consumers' bill as one for relay services."⁹

D. March 10, 2005 Commission Ruling.

In its Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, the Commission reiterated its long standing position that carriers are not prohibited, in general, from using line items on telephone bills; however, carriers are prohibited from using line items to recover TRS costs: "In sum, we reiterate that carriers are not prohibited per se under our existing Truth-in-Billing rules or the Act from including non-misleading line items on telephone bills. We note that this finding does not alter the role of any other specific prohibition or restriction on the use of line items. For example, this Commission has prohibited line items for interstate Telephone Relay Service (TRS) costs."¹⁰

This *2005 Report and Order*, promulgated thirteen years ago, squarely addresses the subject of the ITTA Petition – in light of the Truth in Billing rules, are carriers permitted to include TRS in a line item description on customers' bills? And, the Commission answered this question squarely in the negative, as set forth above. Therefore, the ITTA Petition is best described as an untimely petition for reconsideration of this *2005 Report and Order*.

Against this background, rather than filing a Petition for Declaratory Ruling, ITTA should have filed a Petition for Rulemaking, thereby alerting any interested parties that it

⁹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571, 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, ¶ 8, n.33 (2004) (emphasis added).

¹⁰ *2005 Report and Order*, ¶ 23, n.64 (emphasis added).

was asking the Commission to promulgate a new rule rather than an interpretation of existing rules.

E. April 27, 2012 Commission Ruling.

In its Further Notice of Proposed Rulemaking, the Commission reiterated that carriers may not recover TRS costs as even “part of” of a specifically identified charge on end users’ lines, as follows: “We note that carriers are not permitted to recover interstate TRS costs as part of a specifically identified charge on end users’ lines.”¹¹

F. June 30, 2015 Commission Ruling.

In its Order, the Bureau restated that: “The Commission has long prohibited carriers from specifically identifying charges for TRS Fund contribution costs in customer bills, and there is no basis for the Bureau to depart in this Order from the Commission’s prior decisions on this point.”¹²

The FCC has consistently articulated its position over the past twenty-five plus years, often by clarifying its guidance to avoid misinterpretation. Simply put, the Commission has ruled that carriers’ contributions to the TRS Fund may not be recovered by a “line item” or even “part of” a specifically identified charge on customers’ bills. Against this background, the *ITTA Petition* should be dismissed as procedurally deficient.

¹¹ *Universal Service Contribution Methodology, A National Broadband Plan For Our Future*, WC Docket No. 06-122, GN Docket No. 09-51, Further Notice of Proposed Rulemaking, 27 FCC Rcd 5357, ¶ 394, n.617 (2012) (emphasis added).

¹² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Structure and Practices of the Video Relay Service Program*, CG Docket No. 03-123, CG Docket No. 10-51, Order, 30 FCC Rcd 7063, ¶ 14 (2015) (emphasis added).

II. ITTA's TRUTH-IN-BILLING ARGUMENTS ARE INCONSISTENT WITH THE COMMISSION'S RULES AND WELL-ESTABLISHED CANONS OF STATUTORY INTERPRETATION

In its *Petition*, ITTA claims its request for a declarative ruling is in full accord with the Commission's precedents and guidance. To make its point, ITTA cites a variety of Truth-in-Billing rules. In particular, ITTA cites § 64.2401(b) of the Commission's Truth-in-Billing rules that "requires that a consumer's monthly bill contain descriptions of all billed charges so consumers are fully informed about the basis for the charges." Although ITTA correctly quotes § 64.2401(b), it glosses over the fact that Truth-in-Billing rules only apply to "billed charges" that can be "legally" charged on customers' bills.

In fact, the FCC has already addressed the application of the Truth-in-Billing rules to TRS charges and held that the prohibition on TRS line items trumps permission to describe these charges on customers' bills. In particular, as noted above, in its *2005 Report and Order*, the Commission held: "[W]e reiterate that carriers are not prohibited per se under our existing Truth-in-Billing rules or the Act from including non-misleading line items on telephone bills. We note that this finding does not alter the role of any other specific prohibition or restriction on the use of line items. For example, this Commission has prohibited line items for interstate Telephone Relay Service (TRS) costs."¹³

In reaching this conclusion, the Commission simply followed a well-established canon of statutory interpretation that whenever possible all statutory sections should be given effect. *Biodiversity Legal Found. v. Badgley*, 309 F.3d 1166, 1175 (9th Cir. 2002) (it is an elementary canon of construction that an interpretation which gives effect to all sections of a statute is preferred). Rather than reading the prohibition on TRS line items

¹³ 2005 *Report and Order*, ¶ 23, n.64 (emphasis added).

out of existence, as urged by ITTA, the FCC, consistent with well-established legal precedent, harmonized its TRS and Truth-in-Billing rules to give effect to both sets of rules and the policies underlying these regulations.

Against this background, if the recovery of TRS Fund contributions could be legally charged as a line item or part of a specifically identified charge, then, of course, it would be appropriate for TRS to be included in the description of the charge. However, carriers cannot recover TRS Fund contributions as a line item or even “as part” of a specifically identified charge on customers’ bills. Therefore, TRS cannot be “described” or “referenced” in a line item description on customers’ bills because the TRS charge should not appear on the bill in the first place.

III. THE COMMISSION’S PROHIBITION ON TRS LINE ITEMS HAS BEEN ACKNOWLEDGED BY THE TELECOMMUNICATIONS INDUSTRY.

In light of the procedural defects in ITTA’s petition and the Commission’s rules prohibiting carriers from recovering TRS Fund contributions as a line item, it is unnecessary to further explain the Commission’s past rulings on this issue. However, because ITTA suggests that the recovery of TRS Fund contributions via line items on customers’ bills is a “widespread industry practice” among carriers, it is important to defuse this rhetoric with references to actual industry commentary that is on the record regarding this issue. The commentary from various carriers and industry groups speaks for itself in demonstrating their clear understanding of the Commission’s rules, as represented by the following organizations:

A. Competitive Telecommunications Association (COMPTEL)

COMPTEL, n/k/a INCOMPAS, is a trade association that represents over 200 communications and technology companies. On behalf of its members, COMPTEL

advocates for laws and policies before Congress, the FCC, and the courts. Specifically, as it relates to TRS, COMPTTEL has often lobbied the Commission requesting changes in the rules governing how carriers are allowed to recover TRS Fund contributions from their customers.

COMPTTEL's commentary to the Commission, over the years, reflects the following understanding: (1) the Commission *does* allow carriers to recover their TRS Fund contributions from their customers; however, if carriers choose (at their discretion) to recover their TRS Fund contributions from their customers, they must do so by incorporating the cost of their TRS Fund contributions into the "rates" they charge for their services; and (2) the Commission *does not* allow carriers to recover their TRS Fund contributions through a "line item" or "part of" a specifically identified charge on their customers' bills. The following excerpts, from COMPTTEL's commentary to the Commission depict COMPTTEL's understanding of the Commission's rules governing "how" carriers are permitted to recover TRS Fund contributions from their customers:

1. COMPTTEL's Petition for Forbearance, December 12, 2013.

In its Petition for Forbearance , COMPTTEL concedes that the Commission's rule is very clear – if carriers wish to recover their TRS Fund contributions from their customers, they must do so by incorporating the cost of TRS Fund contributions into the price of their telecommunications services; otherwise, carriers must absorb the cost themselves: "Each provider contributes to the [Telecommunications Relay Service] Fund based on its prior year revenues. As a result, providers cannot anticipate the magnitude of annual increases in the TRS contribution factor when setting their rates. They must either pass through increases in the contribution amount via a general rate hike, or they must absorb

the increases where contracts or other billing arrangements with customers restrict their ability to raise their rates.”¹⁴

2. COMPTEL’s Comments, June 4, 2015.

In their Comments on the Proposed Contribution Factor, COMPTEL acknowledges that the Commission has ruled, many times, that carriers are prohibited from using line items on customers’ bills to recover TRS Fund contributions but, instead, must incorporate the recovery of TRS Fund contributions into the price of their services, if they wish to recover this cost from their customers: “...the Commission has stated on several occasions that providers are not permitted to identify TRS contributions as separate line items on subscriber bills but instead are required to incorporate TRS contributions into the prices of their interstate telecommunications services.”¹⁵

B. IDT Telecom, Intermedia.net, Vocalcity, and Vonage.

In their May 31, 2013 Comments, IDT Telecom, Inc., Intermedia.net, Vocalcity, Inc., and Vonage Holdings Corp. collectively reiterated their understanding of the Commission’s rules regarding recovery of TRS Fund contributions by carriers: “Carriers contribute to the TRS Fund based on their previous year revenues and are not allowed to seek reimbursement of this fee through a separate line item charge to customers, but instead must integrate the additional cost into their rates.”¹⁶

¹⁴ *Petition for Forbearance Pursuant to 47 U.S.C. § 160 From Enforcement of The TRS Line Item Prohibition*, WC Docket No. 13-, Petition for Forbearance of COMPTEL, p.5-6 (filed Dec. 12, 2013) (this petition was pulled from Commission’s physical archives) (emphasis added).

¹⁵ *Telecommunications Relay Services and Speech-to-Speech for Individuals With Hearing and Speech Disabilities, Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123, 10-51, COMPTEL’s Comments on the Proposed Contribution Factor, p. 4-5 (filed June 4, 2015) (emphasis added).

¹⁶ *Telecommunications Relay Services and Speech-to-Speech for Individuals With Hearing and Speech Disabilities*, CG Docket No. 03-123, *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Comments of IDT Telecom, Inc., Intermedia.net, Vocalcity, Inc., and Vonage Holdings Corp., p. 8 (filed May 31, 2013) (emphasis added).

IV. THE FCC CONSUMER GUIDE CONTAINS DESCRIPTIONS OF BOTH INTRASTATE AND INTERSTATE CHARGES

ITTA points to the FCC Consumer Guide, which refers to TRS, as anecdotal evidence of the Commission's support for describing TRS on customers' bills. What ITTA fails to mention is the FCC Consumer Guide describes charges that fall under both the States' jurisdiction (e.g., intrastate charges) as well as charges that fall under the Commission's jurisdiction (e.g., interstate charges). The Commission does not have authority over the States' TRS programs just as it does not have authority over the States' 911 programs, which is also listed on the FCC Consumer Guide. Nonetheless, as a public service to consumers, several State charges are listed in the FCC Consumer Guide to help consumers understand many of the typical charges that appear on their bills, not just the charges that fall under the Commission's jurisdiction.

V. THE PROHIBITION ON TRS LINE ITEMS HAS ENJOYED HISTORICAL SUPPORT FROM THE DEAF, HARD OF HEARING, AND SPEECH IMPAIRED COMMUNITIES

In 1990, when the ADA was enacted into law and TRS was initiated, the Self Help For Hard of Hearing People, Inc. reported "There are 2 million deaf people in the United States while there are approximately 22 million individuals who have a hearing loss, but whom are not deaf.... Furthermore, the National Advisory Neurological and Communicative Disorder and Stroke Council (1989) tells us the prevalence rate of speech and language impaired Americans is 16.5 million."¹⁷ The purpose of TRS, which was established by Congress through the passage of the ADA, was to extend universal telephone service to the hearing and speech impaired communities. At the time TRS was

¹⁷ *Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, The Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Comments of Self Help for Hard of Hearing People, Inc., p. 2 (filed January 15, 1990).

established, Congress voiced its concern that the hearing and speech impaired communities might be ostracized and discriminated against by able-bodied Americans, if carriers identified or labeled TRS charges on customers' bills.

Since the Deaf, Hard of Hearing and Speech Impaired communities are directly affected by the Commission's rulings on issues relating to how carriers are permitted to recover and label TRS Fund contributions from their customers, they have frequently voiced their opinions and concerns to the Commission. The following are several examples of the many comments they have provided to the Commission over the years.

A. 1991 – Seventy-One Deaf, Hard of Hearing and Speech Impaired Community Organizations Provided Comments to the Commission.

In 1991, shortly after the ADA was passed, a group of seventy-one organizations representing the Deaf, Hard of Hearing and Speech Impaired Communities, submitted the following Comments voicing their concern that undue attention should not be drawn to their communities by labeling TRS charges on customers' bills: "The goal of Congress in enacting Title IV of the ADA was to extend universal telephone service to that part of the population which has been denied this service for the last half century. Relay services are not a 'special' or 'social' service; they merely extend to the hearing impaired community what is already provided in the general telephone network to hearing persons. Congress recognized this, and both the House and the Senate noted their disapproval of labelling on consumer telephone bills that would suggest otherwise."¹⁸

¹⁸ *Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, The Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Comments of The National Center for Law and the Deaf, p. 42 (filed January 15, 1991).

B. 1991 – Telecommunications for the Deaf, Inc. Provided Comments to the Commission.

In its September 25, 1991 Comments, the Telecommunications for the Deaf, Inc. reminded the Commission that the labeling of TRS charges on customers' bills would cause the deaf community to be unduly ostracized: "A separately itemized charge on a telephone bill, regardless of the language used, will give the subscriber the impression that he is paying for something 'extra'. This monthly reminder of what is perceived as an 'extra' charge will only irritate the public, generating consumer calls to common carriers. Whereas TRS is an integral part of universal telephone service and not an 'extra'."¹⁹

In addition, the Telecommunications for the Deaf, Inc. reminded the Commission that identifying TRS costs on customers' bills would be considered discriminatory and offensive to the deaf community: "It is the routine practice of common carriers, not to separately identify cost of service items on subscribers' telephone bills. Therefore, the singling out of ...TRS costs, regardless of the language used, and identifying those costs on subscribers' telephone bills is discriminatory and would be offensive to the public. This labeling contradicts the Americans with Disabilities Act's mandate to eliminate discrimination against people with disabilities."²⁰

In the same Comments, the Telecommunications for the Deaf, Inc. then implored the Commission to forbid carriers from labeling TRS costs on customers' bills:

¹⁹ *Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, The Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Comments of Telecommunications for the Deaf, Inc., p. 4 (filed September 26, 1991).

²⁰ *Id.* at p. 3.

“Telecommunications for the Deaf, Inc. proposes that the FCC prohibit labeling of both interstate and intrastate TRS costs on subscribers’ telephone bills...”²¹

C. 1993 – Three National Organizations Representing the Deaf Community Provided Comments to the Commission.

In its April 19, 1993 Comments, the National Center for Law and Deafness, Telecommunications for the Deaf, Inc., and the National Association of the Deaf commended the Commission’s decision to forbid carriers from identifying TRS charges on customers’ bills: “Additionally, the Commission’s decision to prohibit carriers from identifying interstate TRS costs as specific charges on end user lines will further the overall goals of providing universal telephone service.”²²

Against this background, the deaf community, which clearly has a significant stake in this proceeding, has categorically rejected ITTA’s request for relief as degrading to deaf individuals and compromising to universal service for both able-bodied and disabled Americans.

CONCLUSION

As described above, the ITTA Petition is procedurally defective, inconsistent with the Commission’s existing rules and well-established canons of statutory interpretation,

²¹ *Id.* at p. 4.

²² *Telecommunications Services for Individuals with Hearing and Speech Disabilities, The Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Comments of The National Center for Law and Deafness, Telecommunications for the Deaf, Inc., and the National Association of the Deaf, p. 1 (filed April 5, 1993) (emphasis added).

and injurious to the dignity of deaf Americans. As such, the Commission should reject this Petition.

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