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

In the Matter of	)	
	)	
Transition from TTY to Real-Time Text Technology	)	CG Docket No. 16-145
	)	
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	)	GN Docket No. 15-178

REPLY COMMENTS OF THE RURAL WIRELESS ASSOCIATION, INC.

The Rural Wireless Association, Inc. ("RWA")[1] replies to the comments filed in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking in the above-captioned proceeding.[2]

In its NPRM, the FCC proposed to replace its rules governing the obligations of wireless service providers and equipment manufacturers to support TTY technology with rules obligating these entities to support Real-Time Text ("RTT") over IP-based wireless voice services. The Commission sought comment regarding when non-Tier 1 wireless providers (and manufacturers of equipment used with such services) should be required to support RTT. The Commission sought specific information regarding when: (1) RTT communications must be

[1] RWA is a 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies who serve rural consumers and those consumers traveling to rural America. RWA's members are small businesses serving or seeking to serve secondary, tertiary, and rural markets. RWA's members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies. Each of RWA's member companies serves fewer than 100,000 subscribers.

[2] *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,* Notice of Proposed Rulemaking, CG Docket No. 16-145; GN Docket No. 15-178 (rel. April 29, 2016) ("*NPRM*").

interoperable across networks and devices; (2) RTT communications must be backward compatible with TTY technology; and (3) wireless services and equipment capable of sending, receiving and displaying text must support specific RTT functions, features and capabilities necessary to ensure that people with disabilities have accessible and effective text-based communications service.

RWA agrees with the comments filed by Competitive Carriers Association ("CCA") that conclude that non-nationwide wireless carriers will need additional time beyond that required by larger carriers to deploy RTT.[3] RWA agrees with CCA that smaller carriers will be unable to support RTT any sooner than the third quarter of 2019, and RWA's members will likely need additional time beyond the time requested by CCA in order to do so.

The FCC has correctly recognized that non-Tier 1 carriers "generally serve smaller subscriber populations and may have fewer device options."[4] For the smallest of these carriers (i.e., RWA members) the number of customers served and the available device options are reduced even further. As RWA has previously noted many times in the context of hearing aid compatible phones, its members are often some of the last carriers to acquire the latest handset models.[5] As CCA correctly notes, "Because of their size and dominance of the technical

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[3] *See* Comments of Competitive Carriers Association; *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*; CG Docket No. 16-145; GN Docket No. 15-178 (July 11, 2016) ("*CCA Comments*").

[4] *NPRM* at ¶ 27.

[5] *See e.g.,* Comments of the Rural Wireless Association, Inc.; *Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*; WT Docket Nos. 07-250, 15-285 (Jan. 28, 2016) (noting that RWA members are often unable to purchase handsets directly from manufacturers, and that new handsets generally become available to rural carriers between 18 and 24 months after they become available to nationwide or regional carriers).

ecosystem, development of a fully interoperable and backwards-compatible solution . . . will necessarily be driven by the two largest wireless providers who have been driving the equipment ecosystem for RTT functionality. At the same time, Tier II and Tier III carriers have less ability to influence the technical ecosystem in which RTT will operate."[6]

CCA recommends that: (1) the Commission grant non-Tier 1 carriers that have already deployed IP-based networks an additional eighteen months to deploy RTT; and (2) those carriers that have not deployed IP-based networks should be subject to a different deadline, tied to the date of their deployment of IP-based wireless networks.[7] RWA believes that its members would need *a minimum of* 18 months from the deadline imposed on Tier 1 carriers in order to become RTT compliant, and likely additional time beyond that.

Two commenters suggested that non-Tier 1 providers should be required to implement RTT by June 30, 2018.[8] However, neither of these comments provided any support for their apparent assumption that smaller carriers would be capable of supporting RTT by this date. Indeed, the Consumer Groups take a logical leap from the FCC's recognition that smaller carriers need additional time for compliance to a conclusion that "an implementation date of June

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[6] CCA Comments at p. 4.
[7] *Id.*
[8] *See* Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., Cerebral Palsy and Deaf Organization, Hearing Loss Association of America, and National Association of the Deaf; *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*; CG Docket No. 16-145; GN Docket No. 15-178 (July 11, 2016) ("*Consumer Group Comments*"). *See also* Comments of the Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, the Rehabilitation Engineering Research Center on Universal Interface and IT Access, and Omnitor; *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*; CG Docket No. 16-145; GN Docket No. 15-178 (July 11, 2016) ("*RERC Comments*").

30, 2018 is reasonable for non-Tier 1 providers."[9] RERC's conclusion that "an additional period of 6 months after the Tier 1 provider deadline seems reasonable" is equally lacking any evidence that non-Tier 1 providers will be capable of meeting such a deadline.[10]

The Commission has granted additional time for smaller carriers to comply with certain regulatory obligations (hearing aid compatibility, E911) based on their inability to drive the development of technology and to obtain equipment as quickly as larger carriers, and RTT presents yet another situation where affording smaller carriers additional time to come into compliance is appropriate. Absent a realistic deadline for compliance with the proposed rules, RWA members and other small carriers will be forced to expend scarce resources on the preparation and prosecution of waiver requests, a time consuming and expensive undertaking for carriers with limited personnel and financial resources.[11]

As CCA notes in its comments, any RTT requirements adopted by the Commission must be consistent with the FCC's statutory authority under Sections 255 and 716 of the Communications Act of 1934, as amended, which limit obligations imposed on covered entities to what is "readily achievable" (i.e., "easily accomplishable and able to be carried out without much difficulty or expense") or "achievable" (i.e., "with reasonable effort or expense").[12] Requiring small carriers to support RTT within the timeframe proposed by some commenters

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[9] *Consumer Group Comments* at p. 6.
[10] *RERC Comments* at p. 12.
[11] A short RTT compliance window will disproportionately impact small mobile wireless carriers because these service providers have far fewer subscribers (and therefore revenues) with which to absorb the costs of developing and implementing necessary technology and procedures. Rural wireless carriers are expected to provide service in the nation's most remote areas in the face of ever-increasing regulatory compliance costs, decreasing universal service funding, and declining roaming revenues. Regulatory compliance costs imposed on small mobile wireless providers are compounded by significant delays in Mobility Fund Phase I fund disbursement and uncertainty surrounding Mobility Fund Phase II funding and implementation.
[12] *CCA Comments* at p. 2.

(and even perhaps within the timeframe proposed by CCA) will necessitate the filing of numerous waiver requests and burden the Commission. Small carriers would not be able to meet compliance deadlines "with reasonable effort or expense." Accordingly, the Commission should afford non-Tier 1 carriers *at least* 18 months beyond the time afforded Tier 1 carriers for compliance and provide a mechanism for the extension of such deadline that does not require the filing of full blown waiver requests.

Respectfully submitted,

RURAL WIRELESS ASSOCIATION, INC.

By: */s/ Caressa D. Bennet*

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