September 12, 2018

Marlene H. Dortch, Secretary

Federal Communications Commission

445 Twelfth Street, SW

Washington, D.C 20554

CG Docket Nos. 13-24 and 03-123

NPRM Comments - Misuse of Internet Protocol Captioned Telephone Service (IP CTS)

Dear Ms. Dortch:

I am submitting these comments on behalf of the membership of the Florida Deaf Service Center Association (DSCA) as the current representative to the Florida Telecommunications Access Systems Act (TASA) Advisory Committee to the Florida Public Service Commission. These comments are in response to the Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry released on June 10, 2018. In this document the Federal Communications Commission (FCC) seeks comment on issues related to the FCC’s Measures to Ensure the Sustainability of Internet Protocol Captioned Telephones Service (IP CTS). Specifically, the FCC is looking for comments on the need for TRS minimum standards to allow use of automated speech recognition (ASR) to generate captions, third-party assessment of eligible users, clarify requirements for IP CTS marketing and outreach methods or practices, IP CTC quality assurance measurements, and program efficiency.

The DSCA agrees with and applauds the FCC for implementing rules to control and measure the rapid growth of IP CTS minutes with the intention of safeguarding the integrity of the TRS programs. IP CTS provides Deaf and Hard of Hearing individuals with the opportunity to fully participate in telecommunication activities and it is our hope that through the promulgation of these measures this vital service will be sustainable for future generations. In general we agree in principle that there has been misuse of the IP CTS and that future regulations should include the FCC working in concert with current state programs. We agree that proper screening of individuals for this technology is lacking and that many of those individuals receiving the IP CTS would be better served using less complicated amplified telephones. We agree that marketing and outreach by IP CTS providers requires additional oversight. Potential clients currently view television advertising and print advertising that promotes a seamless, uncomplicated technology that is appropriate for all levels of hearing loss, when in fact this is not the case. Certifiers without the expertise in the technology are also viewing these and are certifying clients without knowledge of the availability of more appropriate technology that does not require the per minute expense associated with IP CTS. Finally we agree that any setting of compensation rates should be based on justifiable and verifiable expenses. As an example aggregated expenses such as “subcontractor expenses”, “value of intellectual property” and research and development should be well documented. We would suggest that in Florida the most appropriate agency to serve as oversight and marketing of this technology is Florida Telecommunications Relay, Inc. (FTRI). FTRI through the Equipment Distribution Program has a proven structure and as sophisticated/comprehensive database which includes tracking empirical data for clients, equipment, customer service and outreach.

The following are specific comments for sections under “Section V. Further Notice of Proposed Rulemaking”:

A. IP CTS Compensation: We agree that moving to a compensation rate closer to the average cost incurred is valid and should be pursued. Also we agree that a glide path approach to the reduction in the per minute rate is a solid conservative approach that will give the service providers ample time to adjust.

77. & 80. Outreach / Marketing Expenses: We feel that outreach (providing public information) would be provided in a more effective and accurate manner if performed by the state EDP programs. EDP programs currently deal with multiple manufacturers and have experience effectively disseminating the information and educating the public on a clear concise basis without bias or preference to any particular manufacturer. Our hesitation with providing marketing or branded advertising funds is that with all other companies in the US this is a cost of doing business and should not be a cost bourn by the FCC.

C. State Role in the Administration of IP CTS: We strongly feel that certified state TRS / EDP programs should take a more active role in the administration of IP CTS. These programs have the experience necessary to oversee this program. Current state programs have successfully run programs for many years that incorporate amplified phones, TTY TRS, and Uniphone TRS and are skilled in determining what technology will satisfy the client needs. Additionally, the infrastructure for administering this program is already in place.

115. We feel that state TRS programs should be required / permitted to certify IP CTS providers. In this way quality of service can be controlled on a state level. Also, it provides the consumer with means of resolving service issues on statewide basis as opposed to the “log jam” inherent in a nationally overseen program.

D. Ensuring Independent Assessments: We strongly urge the FCC to adopt regulations which would require an independent assessment before a person is issued any IP CTS equipment. The problem with the current system is education of the consumer and the certifier. The consumer is expecting a seamless system with ease of use (which is not the case) and the certifier with no or little technical experience with the system is promoting it. The current technology available is not for everyone. The members of the DSCA have “boots on the ground” as we are all regional distribution centers for the state EDP. This technology is far from mature and does not work well for seniors who are not technically savvy. From our prospective, this is another arrow in the quiver and an answer for an individual who no longer has the capability of discerning speech through an amplified phone.

123. Assessments by State Programs: We agree that eligibility assessments by the state programs is an effective and unbiased means of ensuring that the proper technology is provide to the consumer. We also, feel that current professionals certifying consumers for IP CTS technology should be discontinued. In many cases they are either poorly informed as to the limitations of the equipment or have bias due to service provider incentives. In either case the needs of the client are not first and foremost in the process.

E. Provider Practices, 1. Communications and Messaging on IP CTS

140., 141. We are and continue to be concerned with misrepresentation by service providers in print and media advertising. Current advertising does promote this technology for anyone with hearing loss regardless of degree of hearing loss. Additionally, the offer of free or reduced cost IP CTS phones in order to get the consumer to entice the consumer to subscribe to their service is common practice in the industry. In our opinion the IP CTS industry unfortunately does seem to have the hearing wellbeing of the consumer as their end goal. They are in the business to get consumers to use as many IP CTS minutes as possible. Any regulation promulgated by the FCC in this area must insure truth in advertising. The needs of the client must be first and foremost and need to be addressed honestly and clearly.

142. IP CTS installers should be trainers. When the Florida EDP program was in its infancy, trainers would go to the client’s home and not only install the phone but also train the consumer on the equipment. During this session the entire program was discussed with the client including responsibility for the equipment and how the program was funded. A paper outlining all the facets of the program signed by the client attesting that they received the information and signed by the installer would help to assure the client was properly informed.

2. IP CTS Registration Renewal and Phone Reclamation

146., 147., 148. We feel that the IP CTS providers should be made responsible for phone retrieval and service discontinuation. Also the consumer should be informed that if they choose to discontinue using the service they are obligated to return the phone and inform the service provider.

Section VI. Notice of Inquiry

A. Performance Goals 156 – 160. We agree with the goals as written and agree with the definition of functional equivalence.

Thank you for the opportunity to provide the above input. Please feel free to contact me with questions or clarification.

Sincerely,

Richard J. Kottler, Jr.

DSCA Representative to the TASA Advisory Committee to the Florida Public

Service Commission

Executive Director, Deaf and Hard of Hearing Services

of the Treasure Coast, Inc.