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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	))))	CC Docket No. 98-67

REPLY COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY PACIFIC BELL AND NEVADA BELL

Southwestern Bell Telephone Company ("Southwestern Bell"), Pacific Bell and Nevada Bell (collectively referred to as "SBC") submit these Reply Comments in response to Comments submitted by various parties[1] in connection with the Notice of Proposed Rulemaking released in the above-captioned docket on May 20, 1998 ("Notice"). All of the commenters in this proceeding support the achievement of the same objective; i.e., the provisioning of quality telecommunications services to individuals with speech and hearing disabilities, albeit through differing approaches. However, as commenters have emphasized, while seeking to reach this goal, the Commission also must weigh and address logistical issues before mandating broad directives.

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[1] These Reply Comments address the Comments submitted by AT&T Corp. ("AT&T"); the Massachusetts Assistive Technology Partnership ("MATP"); Ultratec, Inc. ("Ultratec"); Ameritech; Bell Atlantic; Idaho Public Utilities Commission ("Idaho PUC"); the Texas Advisory Commission on State Emergency Communications ("Texas Advisory Commission"); the Missouri Assistive Council and Project ("Mo. ATC"); Idaho Telecommunications Relay Service ("Idaho TRS"); Kansas Relay Service, Inc. ("KRSI"); GTE Service Corporation ("GTE"); MCI; the USA Deaf Sports Federation; the University Legal Services; Sarah Blackstone, Ph.D. ("Blackstone"); Robert Segalman, Ph.D. ("Segalman"); the Cellular Telecommunications Industry Association ("CTIA") and the National Association of the Deaf and the Consumer Action Network ("NAD").

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I. THE COMMISSION SHOULD DELAY REQUIRING SPEECH-TO-SPEECH SERVICE ("STS") AS A TELECOMMUNICATIONS RELAY SERVICE ("TRS") UNTIL A VALID COST BENEFIT ANALYSIS IS PERFORMED AND IMPLEMENTATION ISSUES ARE FULLY ADDRESSED.

As noted by various commenters, the adoption of STS as a mandatory TRS raises numerous issues which have yet to be addressed by the Commission.[2] Among these issues are Communications Assistant ("CA") proficiency standards, including the knowledge, training and discrete competencies necessary to perform the position; the recruitment of qualified CAs; the impact of STS procedures on current TRS systems and the cost reimbursement for intrastate and interstate STS.

But of perhaps far greater concern is the recognition that the Commission lacks sufficient information upon which to base a cost benefit analysis in support of its mandate. SBC agrees with AT&T[3] that the implementation of STS as a mandated TRS within the two year window proposed by the Commission will require the dedication of significant resources, both in personnel and money, to develop required procedures and to recruit and train necessary personnel. While the costs of a national mandate in the absence of implementation guidelines by the Commission cannot be quantified with any accuracy at this time, there is no doubt that the nature of STS will require the TRS provider to incur a significantly greater expense in the provisioning of TRS.[4] Moreover, there is apparently no demonstrated need for the immediate categorization of STS as a required national TRS. Indeed, the figures quoted by entities which are already providing STS on a state basis seemingly would argue against the results of a cost benefit analysis

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[2] See; e.g. MATP, p. 3; Idaho PUC, pp. 1-2; Mo. ATC, pp. 15; Ameritech, p. 3.

[3] AT&T, pp. 3-5.

[4] Idaho TRS, p. 1; AT&T, pp. 3-4; BellAtlantic, p. 3.

supporting the Commission's proposal.[5] In the absence of additional demand data and a review of the costs involved in implementing as yet undefined standards, the Commission's adoption of this proposal at this stage would fail to meet legal requirements.

II. ISSUES CONCERNING THE ADOPTION OF MULTILINUAL TRANSLATION SERVICES SHOULD BE LEFT TO THE STATES' DETERMINATION.

SBC continues to endorse the position taken by such parties as MCI[6] and GTE[7] that given the diversity of the populations served by state programs, state entities are in the best position to determine the needs of their constituencies. For this reason, any requirements for TRS programs with regard to multilingual translations are more appropriately handled by the states.

III. THE COMMISSION'S JURISDICTION IN THIS REGARD DOES NOT EXTEND TO THE MANDATING OF ACCESS TO ENHANCED SERVICES AND THEREFORE, THE AVENUES AVAILABLE TO MAKE MECHANIZED VOICE SYSTEMS MORE ACCESSIBLE ARE LIMITED.

Unfortunately, the Commission, and carriers, have relatively few options available to secure the accessibility of voice mechanized systems. The Commission's conclusion regarding its own lack of jurisdiction in relation to enhanced services is correct. The only way in which to extend this authority is through Congressional action. Yet, as Ameritech properly notes, any law of this nature should properly impose upon the end users of mechanized voice systems responsibility for ensuring these systems are accessible rather than placing the burden on carriers which have no direct control related

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[5] AT&T, p. 4; BellAtlantic, p. 2-3; Idaho TRS, p. 1.

[6] MCI, pp. 4-5.

[7] GTE, pp. 8-9.

to this equipment.[8] In the absence of this legislation, there are only limited procedures which a TRS provider may employ in serving its customers.

SBC agrees with Bell Atlantic[9] and the KRSI[10] that it would be inappropriate for the Commission to require the verbatim recitation of a voice menu. Rather, as KRSI suggests, the TRS user should be offered the opportunity to request the form and extent of the information provided. Also, as recognized by Bell Atlantic, if a live operator is an option presented by the menu, that option should be utilized in placing a TRS call.

IV. SBC AGREES THAT THERE IS NO CURRENT NEED TO IMPOSE A NATIONAL MINIMUM TYPING SPEED.

Certain commenters endorse the adoption of a minimum typing speed.[11] Yet these entities fail to produce any evidence which would eliminate the Commission's concern, and the concern expressed by other entities,[12] that a requirement of this nature would only further reduce the limited pool of otherwise qualified CAs. As asserted in its Comments, SBC believes the Commission's conclusion in this regard is well-founded and that the provisioning of TRS would be adversely effected, rather than improved, by the imposition of a minimum typing requirement.

V. THE RECORD DOES NOT SUPPORT THE ADOPTION OF THE PROPOSAL THAT A CA MUST REMAIN ON A CALL A MINIMUM OF TEN MINUTES.

In its Notice, the Commission proposes to require that a CA who begins processing a call must continue to handle that call for a minimum of ten minutes prior to

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[8] Ameritech, p. 7.

[9] BellAtlantic, p. 6.

[10] KRSI, p. 7.

[11] USA Deaf Sports Federation, p. 4; Universal Legal Services, p. 7.

[12] See; e.g., Ameritech, p. 8.

any in-call replacement. The record developed in this proceeding does not support this disruptive and costly mandate. The few parties that do endorse this requirement fail to produce adequate data that would necessitate the adoption of this rule.[13] Rather the record shows the contrary. that disruptions caused by in-call replacements are rare and TRS calls generally are less than ten minutes in duration.[14] Moreover, as the comments of KRSI demonstrate, any perceived inconvenience to the caller can be dealt with by procedural means.[15] However, while the disruption to service caused by in-call replacement is minor, the adoption of the Commission's proposal would significantly disrupt the efficiency and effectiveness of the TRS provider's operations.[16] Since no need for the Commission's rule has been demonstrated and the consequences of the rule would be to adversely effect the provisioning of service, the Commission should refrain from adopting this proposal.

VI. WHILE A CA SHOULD PROVIDE CRUCIAL INFORMATION TO AN EMERGENCY PROVIDER IN RELATION TO A TRS CALL, THE CA MUST NOT BE PLACED IN THE POSITION OF DERTERMINING WHEN AN EMERGENCY EXISTS.

Comments filed with relation to the transfer of emergency TRS calls fall within two categories: (1) the feasibility of having TRS centers pass the calling party's automatic number identification ("ANI") information and (2) the necessity for defining "emergency calls" as part of the Commission's regulations. With regard to the first issue, there appears to be a misunderstanding among the commenters as to the means by which

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[13] Blackstone, p. 8; Segalman, p. 8; NAD, p. 19.

[14] KRSI, pp. 9-11; AT&T, pp. 11-13; GTE, p. 12.

[15] KRSI, p. 9-10.

[16] Ameritech, pp. 9-10; AT&T, p. 13; KRSI, pp. 10; GTE, pp. 12-13.

ANI information can be provided.[17] While it is critical that ANI information be provided to the emergency provider, current technology does not permit calls to be routed through all E911 tandems deployed in the local network.[18] As explained by AT&T[19], a TRS provider can employ methods and procedures to ensure that crucial information is orally relayed to the emergency provider. Requiring TRS centers to obtain the capability to automatically forward a caller's ANI to the emergency provider would impose a significant hardship on the TRS provider without any demonstrable benefit relating to the quality of the emergency response.

With regard to the definition of an emergency call, the CA must be allowed to rely upon the caller's own assertion that an emergency is involved.[20] It would be a dangerous practice to require a CA, who lacks any expertise in this area, to make this unilateral determination; a simple course in emergency awareness as suggested by the MATP[21] would not enable a CA to respond to an emergency in the same manner as trained emergency personnel. Moreover, if TRS centers were to maintain "a regularly updated contact directory, indexed by city and county, with a section for major roadways and interstate and mile markers" as recommended by the Texas Advisory Commission,[22] there would be an inherent delay in the transfer of the call while a possibly inexperienced CA delves through countless listings to try to determine the appropriate emergency provider. The persons best able to handle possible emergency calls are the 911 providers.

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[17] See, KRSI, pp. 6-7.

[18] See, MCI, p. 5.

[19] AT&T, pp. 5-9.

[20] BellAtlantic, p. 5; KRSI, p. 6.

[21] MATP, p. 3.

[22] Texas Advisory Commission, p. 3.

Any "definition" which would impede or delay the transfer of a call to these individuals could place a person's life at risk. For this reason, SBC supports AT&T's proposal that, if a definition is adopted, it should be one that defines an emergency call as a call in which the caller specifically requests connection to a 911 operator or in which the caller requests assistance from a public agency of the type typically accessed through a 911 system; e.g. fire departments, police, and ambulance or hospital services.[23]

VI. THE COMMISSION SHOULD NOT ADDRESS ENHANCED PROTOCOLS AS PART OF THE INSTANT PROCEEDING.

A sufficient record has not been developed in this proceeding to address the issue of whether the Commission should require the adoption of a specified protocol or leave this determination to the marketplace. Should the Commission deem it necessary to consider this matter, SBC agrees with the CTIA[24] that a separate proceeding is warranted. For this reason, it would be inappropriate for the Commission to adopt a specific protocol as contended by Ultratec.[25]

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[23] AT&T, p. 6, footnote 7.

[24] CTIA, p. 2.

[25] Ultratec, pp. 21-32.

VII. CONCLUSION

SBC fully supports the Commission's goal of ensuring quality telecommunications services for individuals with hearing and speech disabilities. Toward this aim, the Commission must address key issues associated with the adoption of STS as a required national TRS prior to mandating this service. The Commission also should be cautious of adopting standards which do not improve the quality of the service being provided, but which impose a burden on TRS providers.

Respectfully submitted,

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Certificate of Service

I, Mary Ann Morris, hereby certify that the foregoing "Reply Comments of Southwestern Bell Telephone Company, Pacific Bell and Nevada Bell." in CC Docket Number 98-67 has been served on September 14, 1998, to the Parties of Record.

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