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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

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

**Reply Comments
of
Telecommunications for the Deaf, Inc.**

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I. INTRODUCTION

1. The Federal Communications Commission (FCC) proposed on May 14, 1998 some rule amendments in its *Notice of Proposed Rulemaking (Notice)* that it believes will enhance the quality of Telecommunications Relay Services (TRS), and broaden the potential universe of TRS users. The FCC proposed to require that, within two years of the publication in the Federal Register of a *Report and Order* in this proceeding, common carriers providing voice transmission service must ensure that nationwide speech-to-speech (STS) relay services are available to users with speech disabilities throughout their service areas. NPRM ¶ 2 .

Second, the FCC proposed a number of amendments to its current TRS minimum standards that it believes will improve the overall effectiveness of the TRS program. NPRM ¶ 3. Third, it proposed amendments to its TRS enforcement rules to improve its oversight of certified state TRS programs and its ability to compel compliance with the federal mandatory minimum standards for TRS. NPRM ¶ 4.

2. Fifty-one parties responded with their comments to the FCC's *Notice of Proposed Rulemaking (Notice)* on July 20, 1998. Telecommunications for the Deaf, Inc. (TDI) submitted its comments supporting the FCC in areas of speech-to-speech relay services, revision of speed-to-answer calculation, in-call replacement of CAs, disclosure of customer information, and monitoring of state TRS programs. We also expressed disagreement with the FCC on issues such as reimbursement for same language transliteration only, non-adoption of CA requirements,

outreach and information activities, advisory mechanisms, and certain TRS features and capabilities. In our reply comments herein, we submit our views on some issues that were brought up by some of these parties in the recent *NPRM* proceeding. The issues revisited are: scope of TRS to include V.18 and enhanced TTY protocols, justification for Speech-to-Speech as mandatory TRS service, provision of VRI with regional, centralized interpreter pools, reimbursement for multilingual transliteration, crucial importance of ANI transfer in emergency call situations, full access to TTY and voice driven menu systems, daily calculations for ASA including blocked or abandoned calls lasting over 60 seconds, CA minimum typing speed standard, multivendoring for intrastate calls, carrier information and outreach activities, advisory mechanisms, and certain TRS features and capabilities.

II. BACKGROUND

3. TDI is a national consumer organization that seeks to represent the interests of 28 million Americans who are deaf, hard of hearing, late deafened, and deaf-blind. Celebrating its 30th year anniversary of its founding this year, its mission is to promote full visual access to entertainment, information, and telecommunications through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards, and national policy development and advocacy.

III. DISCUSSION

A. Coverage of Improved TRS Under Title IV of the ADA

1. Scope of TRS Generally

4. TDI supports the FCC's tentative conclusion that Title IV of the Americans with Disabilities Act (ADA) is applicable to any wire or radio communication service that enables persons with hearing or speech disabilities to engage in communication with persons without such disabilities and is not limited to services using TTYs. NPRM ¶ 14. NAD quoted the FCC stating that its present proceeding is intended to "ensure that its TRS regulations do not artificially suppress or impair development of TRS in a changing dynamic telecommunications landscape." NAD at 24, NPRM ¶ 8. TDI supports Ultratec, Inc.'s request that the FCC expands its list of improved services to include other technologies such as its FASTRAN voice recognition application. Comments of Ultratec at 4. TDI strongly feels this is not only in keeping with Title IV of the ADA, but necessary to accomplish the above stated goal of the FCC. Allowing voice recognition application for cost recovery would provide state relay providers the incentive they need to implement advanced technologies that bring closer to functionally equivalent telephone access. This will get us much closer to the "real-time transmission" expectation that the FCC's rules refer to in its eight-year minimum operational, technical and functional standards for TRS.¹ The Cellular Telecommunications Industry Association has challenged the FCC's reluctance to address the issue of enhanced protocols. TDI concurs with CTIA's request for consideration of V.18 in the TRS environment because it would allow

¹ 47 C.F.R. 64.604(b)(4)

international text telephone users access to our TRS network if calling into the United States on various protocols from the European Community. Comments of CTIA at 2. We reiterate that we favor proposed mechanisms for designation of "improved TRS" services and cost recovery by the FCC for new emerging technologies. We hope that the FCC will agree to the three-month limit for approving or disapproving requests for "improved TRS" status. Comments of TDI at 4 and Texas PUC at 3.

2. Speech-to-Speech (STS) Relay Service

5. TDI still supports the FCC's proposal that STS be classified as a mandatory TRS service and operated under current TRS minimum standards. The recent comments by AT&T and Bell Atlantic indicated that they believe demand for this service is too limited to justify the additional costs of personnel, specialized training and equipment that mandatory nationwide service would entail. See e.g., comments of AT&T at 3-4 and Bell Atlantic at 1-4. TDI believes that use of this service will gradually increase as outreach and information efforts are conducted aggressively with the nation's 2.5 million speech impaired citizens. This service ought to be provided from regional operations of the relay providers at the most efficient cost and manner possible. This service will experience similar growth and development as we have witnessed with the relay services for the TTY users and their contacts in the last twenty years. Ms. Sally F. Davis said that STS is analogous to services now being offered to the deaf at public expense, and that speech disabled folk are no less entitled to the right to communicate by telephone. Comments of Ms. Davis at 1.

3. Video Relay Interpreting (VRI) Services

6. The FCC has tentatively concluded that VRI should not be a required TRS service under its rules. NPRM ¶ 32. The FCC went on to say that it recognizes that TRS providers may voluntarily offer VRI services to TRS users as the technology develops and as the costs of providing VRI decreases. NPRM ¶ 33. MCI noted that “[a]s use of VRI increases, demand for traditional TRS will decline, so the costs of implementing VRI will be offset by cost reductions elsewhere.” Comments of MCI at 3. TDI proposed in its original comments that the Commission mandate a phase-in period, and revisit this issue on an annual basis, to determine whether it is ready to be a mandatory TRS service. When revisiting VRI, we need to look into related issues in speed transmissions, interpreter issues, and performance levels. TDI strongly encourages that the FCC consider the Section 706 of the Telecommunications Act of 1996 which basically requires that the FCC and state regulatory bodies encourage deployment of advanced telecommunications functions on a “reasonable and timely basis.” We need to make sure that VRI and other related technological solutions are covered by such emerging functions that would enable us to originate and receive high-quality voice, data, graphics, and video telecommunications. We originally also stated that as video products and network capabilities are made available, meeting the supply and demand needs for qualified or certified sign language interpreters will be a challenge. TDI commends the suggestion made by the State of Maryland Department of Budget and Management (SMDBM) that for the purpose of solving the nationwide interpreter shortage and VRI’s impact on this issue that: 1) there be development

and utilization of regional, centralized pools of TRS-qualified interpreters, to be accessed by any TRS program, and 2) have interpreter training centers establish classes specifically designed to train and prepare students to handle relay calls. Comments of SMDBM at 4-5. North Carolina's VRI set-up uses interpreters that are remotely located in Arizona, and there are no significant problems reported to discourage such an arrangement. TDI supports the FCC's proposal to apply the Department of Justice's definition of "qualified interpreter" to VRI, and to enforce confidentiality, conversation content, and type of call to VRI. TDI recommends that the FCC sends out a separate NPRM on VRI in a year or two. TDI agrees with Mr. Stoltz and SHHH that future offerings of VRI include captioning and VCO features. Comments of James H. Stoltz at 3, and SHHH at 3-4.

4. Multilingual Relay Services (MRS) and Translation Services

7. We want to reiterate our opposition to the FCC's proposal for the TRS Interstate Fund to only reimburse for same-language transliteration. NPRM ¶ 39. Sprint and Texas Public Utility Commission have expressed the same sentiment. In Texas, deaf and hard of hearing individuals often use Relay Texas to communicate with hearing Spanish-speaking family and friends through the English/Spanish translation service. See comments of Sprint at 9-10, and Texas PUC at 9.

5. Access to Emergency Services

8. TDI shares the FCC's concern that there is a lack of consistency among TRS providers regarding the handling of emergency calls, thus which may jeopardize public safety. NPRM ¶ 41. We take note of Sprint's and AT&T's recommendations that the FCC not adopt the proposed minimum standards for handling emergency calls by TRS, such as passing a caller's ANI to an emergency operator. Both companies cited substantial costs for smaller TRS providers to implement such a change. See comments of Sprint at 10-11, and AT&T at 6-8. We fully appreciate their position on the costs involved, but on the other hand, there are life and death situations to consider. Saving lives is crucial, and the capability to pass a caller's ANI to a 911 center should be taken by the TRS industry first as a social responsibility and then second as a business issue.

9. Texas Advisory Commission on State Emergency Communications (TACSEC) has been a recognized leader in outreach and training on 911 access and services for the nation's deaf and hard of hearing citizens. TDI fully concurs with TACSEC's recent comments such as follows: "TRS users should be provided as close to an equitable level of service as technically feasible to that which they would receive had they chose to dial the 911 digits directly. In order to reduce the time to process an emergency call through TRS, these emergency relay calls should be processed through an automated system. Until an automated database process was implemented, TRS providers should be required to use a regularly updated contact directory, indexed by city and county, with a section for major roadways and interstates, and mile

markers.” Comments of TACSEC at 2-4. We agree mostly with the President’s Committee on Employment of People with Disabilities’ suggestion that the TRS providers describe their current operating procedures for incoming emergency calls. Comments of PCEPD at 8-9. However, we suggest that the FCC delegate this responsibility to the state TRS programs that monitor the services of the TRS providers.

6. Access to Enhanced Services

10. Massachusetts Assistive Technology Partnership, the National Association of the Deaf (NAD) and the Consumer Action Network, and Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC) are correct to assert that Title IV did provide the FCC with ample authority to require relay service providers to handle audiotext calls, where the completion of these calls was technically feasible. NAD pointed out that the failure to require them violates the Americans with Disabilities Act requirement prohibiting “relay operators from failing to fulfill the obligations of common carriers by refusing calls”. See comments of NAD at 12-13, Massachusetts Assistive Technology Partnership at 4, and NVRC at 2. We also concur with Self Help for Hard of Hearing (SHHH)’s position in that it doesn’t make sense to allow access to making a phone call via TRS, but not to allow access to navigating a voice menu driven service to connect the call to the party trying to be reached. SHHH indicated that this partial access creates significant barriers to telecommunications for people with hearing loss given the proliferation of these “enhanced services”. SHHH contends that the only way to have functional equivalency was to mandate enhanced services, whatever that takes, to be done. Comments of

SHHH at 4-7. TDI agrees with Mr. Gregory's recommendation that the FCC should not hesitate in requiring that the TRS providers come up with solutions to menu-driven voice instructions which require a response. Comments of Stephen A. Gregory at 13-14. We welcome the recommendations of other parties in this proceeding who suggest about capturing and responding to audiotext information by recording the audiotext "messages", and then relaying the information to the TRS user. Comments of Texas Public Utility Commission at 11, and MATP at 4. We recommend that the FCC makes this procedure mandatory for the TRS providers.

11. Sprint contends that the FCC should not require TRS vendors to provide mandatory access to pay-per-call services, citing that access to menu-driven systems is the responsibility of system vendor, not the TRS provider. However, Sprint provides access to 900 service but cannot provide 976 since the LECs network allow such services on a calling area basis. Comments of Sprint at 11. The FCC can proceed on this basis to exercise its' authority to issue a mandate for the provision of TRS access to 900 telephone services.

12. TDI recently received a message through the Consumer Action Network from a deaf-blind lady currently living in Seattle, Washington. She expressed her frustration in accessing her voice mail for both voice and TTY messages. When she accesses voice mail messages, relay service will access only the voice messages but not the TTY messages. The message service is in voice, explaining what to do and what options she has. She uses a hearing person to listen to the instructions and press the appropriate keys to retrieve her messages, save,

delete, etc. When relay accesses her voice messages, there is no problem. However when TTY tones come on, relay would tell her to go use the Operator Services for the Deaf, which is a fee oriented service. She didn't mind paying for the service, but the OSD would not stay on the line to listen to the voice instructions. She has to explain every time she uses OSD what they need to do. When she asked relay why it couldn't access both the voice and TTY messages, it stated that it could only do voice to TTY. TDI strongly recommends that the FCC mandate that relay services process such requests from TTY users to retrieve voice and TTY messages from voice menu driven systems. This brings up one more example for those familiar with the situation where a TTY relay user is not allowed to access another TTY user through a company's voice switchboard with assistance of the relay service.

B. Mandatory Minimum Standards

1. Speed-of-Answer Requirements

13. In its recent comments to the FCC, TDI commended the FCC for its tentative decision to revise its speed-of-answer rules to require TRS providers to answer 85% of all calls within 10 seconds *by a CA prepared to place the TRS call at that time*. NPRM ¶ 50. TDI also believes that the calculation of whether a provider is in compliance with the 85% - 10 second rule must be performed on at least a daily basis. However, we have changed our position on the exclusion of abandoned or blocked calls from the calculations. We are now supporting the position taken by Maryland Department of Budget and Management (MDBM) and Kansas Relay Service, Inc. (KRSI) that abandoned calls after 60 seconds be included in the ASA calculations.

We agree that if a call is abandoned after 60 seconds, the reason would likely be the frustration of one's waiting for an unreasonable length of time. See comments of MDBM at 9-10, and KRSI at 8-9. Sprint contends that this would eliminate its' use of automated agents, which have been used to speed up the relay process by permitting the call set-up information to be gathered without the use of a CA. We are open to Sprint's suggestion that the ASA be measured as the difference between the time a call arrives at the TRS provider's switch and the time the call is answered by a CA, minus any time that the call was attached to an automated agent. However, we beg to differ with Sprint on the issue of daily calculations. We feel this new daily formula will help us monitor for higher, more consistent quality relay service.

2. CA Quality and Training

14. TDI reiterates its recommendation that the FCC impose a minimum standard for typing speed during this proceeding. The twenty-year plus experience of our nation's consumers in relay services on national, state, and local levels are sufficient grounds for the FCC to arrive at a reasonable level of typing speed. We share the same views of the National Association of the Deaf and the Consumer Action Network that there are many deaf and hard of hearing consumers who choose not to use relay services extensively, relying more on e-mail and faxes. See comments of the NAD and the CAN at 15-19. We are comfortable with a minimum level of between 60 to 100 words per minute, as per the recommendations of Ultratec, Inc. and University Legal Services. We support Ultratec's and University Legal Services' comments that the current minimal standards do not define or address the operational, functional, and technical

standards that are fundamental to a functionally equivalent service. See comments of Ultratec at 18 and University Legal Services at 6. We would like to recommend that the FCC revisit the minimum standard for typing speed, and see if the enhanced transmission features in the market and technology such as voice recognition applications create ground for a new higher typing speed transmission standard. We need to consider VRI, two-line VCO, and voice recognition software as among the means to produce real-time relay services. When we have technology implementing and supporting real-time relay, the issues of typing speed and capturing voice recordings will be taken care of. While we respectfully disagree with the New York State Education Department (NYSED) when it said it supports the FCC's decision not to establish typing speed, we agree with the Department that spelling accuracy and the ability to translate common typing abbreviations/errors are critical to the success of TRS. Comments of NYSED at 2.

C. Competition Issues

1. Multivendoring

15. TDI is still in favor of multivendoring with intrastate relay services for each of America's 50 states. We share the same views with the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons, the National Association of the Deaf, and the Consumer Action Network that the FCC has sufficient authority to mandate multivendoring at the state level. The FCC could announce such a requirement and each common carrier could fulfill its TRS obligations on its own or through other vendors in that state, that have been competitively

selected on a call-by-call basis by the consumers of that state. NVRC contended that since all states have single providers up to date, and that service is uniformly poor, there is a clear linkage between the single provider model and quality of relay service. It indicated that the FCC should rule against states that require specific in-state center location as this deters competition.

Comments of NVRC at 3 and NAD/CAN at 20-21.

16. The California Public Utilities Commission indicated that they now have experience with a multi-vendor relay service where prices have been established through competitive bidding. It went through a difficult process, however it believes it can still be done. It recommends that three factors be considered when designing a competitively bid multi-vendor environment: 1) ways to ensure that the price will be attractive to more than one vendor. 2) significant penalties for non-compliance with a contract. and 3) limited distinctions between vendors. It recommends that for higher probability of success, the TRS phone number remain the same with a TTY-voice driven menu that offers access to all providers, and that consumers are educated about their choices.

17. At minimum, to make provision of relay multi-vendoring work in each state of the Union, TDI respectfully asks the FCC to make a rule that would require involvement and participation of consumers, and key organizations of, by, and for the deaf and the hard of hearing citizens on each state's review and selection processes for relay service contracts. If there is a relay service advisory council in place with a state, then we strongly urge the state to consult with the council and involve it extensively in RFP development, selection, and evaluation

processes. TDI repeats its earlier assertion that the consumers have the fundamental right to make the selection of a provider to handle their long distance and local calls.

D. Other Issues

18. One of the issues in the FCC's *NOI* was the effectiveness of carrier information and outreach activities.² NPRM ¶ 77. The FCC received some comments but chose not to propose any rules on this issue at this time. In its earlier comments, TDI proposed that the FCC makes a rule in that it gets a progress report annually from each of the 50 states' TRS programs on the outreach and information activities that have been conducted by these programs or their relay providers. The State of Maryland strongly urged the FCC to reconsider its position on not proposing rules addressing the effectiveness of carrier information and outreach activities. TDI agrees strongly with the State of Maryland that TRS providers be required to do comprehensive outreach efforts. Maryland's idea of a coordinated national advertising campaign is worth pursuing. See comments of the State of Maryland at 12-13. Despite the fact that some states have conducted some outreach efforts, a great majority of the general population remains ignorant of the provision and benefits of relay services. Many of them take relay calls erroneously as solicitation calls, and many employment opportunities are not extended to deaf and hard of hearing citizens on account of the employers' fears and sometimes, past experiences of their capacity to use TRS for normal business transactions. Even those who use relay services extensively are not aware that they can take charge of their calls with the CA. Some don't know

² *NOI*, 12 FCC Red at 1169.

that they can set up their profiles with the TRS providers to have their calls handled routinely based on their individual needs and preferences, rather than repeating the special instructions to the CA for every call initiated.

19. The FCC has refrained from proposing establishment of an advisory committee to monitor TRS quality issues. NPRM ¶ 78. TDI went on record in unequivocal support for such an advisory mechanism at the national and state levels. The national mechanism can be patterned after the NECA's Interstate TRS Fund Advisory Council, such as meeting twice a year, but focusing only on relay service quality issues. We respectfully disagree with SHHH's idea that the interstate TRS Fund Advisory Council's role be expanded to allow that body to consider TRS quality issues. We prefer a separate body to address these issues. Comments of SHHH at 11-12. This national advisory group can be made up of representatives from deaf and hard of hearing consumer groups, telephone companies, TRS providers, public utilities commissions, state TRS advisory councils, and the FCC.

20. We strongly urge the FCC to mandate that each state's TRS program sets up and maintains a statewide advisory council. The state mechanism can support the state TRS program on a variety of issues or functions, such as contract selection process, service quality, outreach and information activities, employment opportunities, needs assessment, service enhancements, relations with business and industry, sensitivity and awareness efforts with the general public, and so forth. The national mechanism can review the statewide relay service efforts and come up with national perspectives on issues in relay services that warrant the FCC's attention and

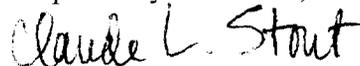
follow-up. Relay services were mandated as a result of the Americans with Disabilities Act in 1990. TDI feels the TRS providers and state programs need to conduct more aggressive outreach and information activities to educate and inform the deaf and hard of hearing Americans on current provision and benefits of the relay service. With both the national and state advisory mechanisms, the deaf and hard of hearing constituency groups would have representation and voice to dictate their needs, and evaluate the current provision of relay services on a regular basis.

21. In the recent *NPRM*, groups representing TRS users recommended that the Commission reconsider requiring TRS providers to implement certain TRS features and capabilities. *NPRM* ¶ 80. TDI strongly encourages the FCC to reconsider its position on "call release", Caller ID recognition, and "two-line VCO" as mandatory TRS features. Mr. Stoltz feels that the TRS vendors can develop technology to provide caller ID of calling party plus a symbol to show it is a relay call. He said 60% of calls to his house are relay calls. Comments of Mr. James Stoltz at 7. Another commentor noted that AT&T is currently passing 800-855-XXXX to indicate a relay call. Consumers want to experience functional equivalence and know who is making calls to us, as well as making decisions at the moment to take or not to take the calls. For some of us, the caller ID is a crucial safety and security measure, more so as many of us the deaf and the hard of hearing cannot depend on our hearing capability to detect the noise around or in the house.

IV. CONCLUSION

22. TDI appreciates the opportunity to submit reply comments in response to the original comments on the FCC's proposals in this *NPRM*. As our feedback reflects, we applaud some comments that collaborate our views on the proposals for further enhancement of relay services across the nation, and we disagree with other comments that don't support our particular needs for a high quality relay service mechanism. It is obvious that new technologies are available for "real-time" transmission, and other "improved TRS" services. The use of the interstate TRS fund to reimburse for these improvements is an appropriate incentive, and a "win-win" situation for all involved. We strongly recommend that there be advisory mechanisms on TRS service quality issues at the national and state levels. TRS is past the introductory stage, and in order for it to reach its full potential, aggressive outreach and information efforts, and application of appropriate technological solutions must be undertaken. Empowerment and information-sharing will then render TRS as an universal service, rather than just an "equal access" service. We thank the Commission for the additional opportunity to provide input in this proceeding. We intend to work closely with the FCC, other advocacy groups, business, and state government agencies to develop and maintain a better, more empowering telecommunications network that enables us to function equivalently in America and the rest of the world.

Respectfully submitted,



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September 14, 1998