

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications)	PS Docket No. 11-153
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
Implementation of Sections 716 and 717 of the Communications Act of 1934, et al)	CG Docket No. 10-213
)	

AT&T PETITION FOR WAIVER

AT&T Services, Inc., on behalf of its subsidiaries (collectively, “AT&T”), pursuant to Federal Communications Commission (“Commission”) Rule Section 1.925, requests a temporary waiver of Commission Rule Sections 20.18(c) and 64.603.

I. SUMMARY.

Commission Rule Sections 20.18(c) and 64.603 require covered service providers to enable 911 and 711 short code dialing using a text telephone (“TTY”) device.¹ Simultaneous with the filing of this Petition for Waiver (“Waiver Request”), AT&T filed a Petition for Rulemaking (“Petition”) to amend these and other Commission rules requiring TTY support to

¹ 47 C.F.R. §§ 20.18(c), 64.603.

recognize, for the first time, real-time text (“RTT”)² as an alternative accessibility solution to TTY. In its Petition, AT&T explained that it will deploy RTT because TTY is obsolete, offers inferior functionality and features, and does not operate reliably on newer Voice over Internet Protocol (“VoIP”) platforms. RTT would enhance the accessibility solutions available to persons who are hearing and/or speech impaired, without sacrificing existing accessibility solutions, like TTY. AT&T seeks this temporary waiver during the pendency of the rulemaking and until RTT is fully deployed to allow it to offer VoIP services that do not reliably support TTY. Grant of this waiver would further the TTY-to-RTT transition, bring the benefits of IP-based services, including voice, to the wireless marketplace, and enhance accessibility, without any reduction in current TTY support.

II. INTRODUCTION

There is a monumental change occurring in the communications sector, as service providers transition from legacy to cutting edge IP-based networks. In 2014, the Commission opened a docket to examine the policies for this transition. Concurrently, AT&T and its competitors rapidly are deploying IP-based calling solutions, such as Wi-Fi calling and Voice over LTE (“VoLTE”). Verizon recently announced that by the end of this year or early next year, the carrier will transition to a VoLTE-only network.³ T-Mobile⁴ and Sprint⁵ have deployed

² For purposes of this Petition, AT&T’s reference to RTT means the standard Internet Engineering Task Force (IETF) Request for Comments (RFC) 4103, Real-time Transport Protocol Payload for Text Conversation (2005), and its successor protocol as determined by a telecommunications industry setting body such as IETF and the Alliance for Telecommunications Industry Solutions (“ATIS”).

³ Communications Daily, *Verizon Moving to VoLTE Everywhere, but Traditional Network Important to IoT, CFO Says* (May 20, 2015).

⁴ T-Mobile, *Now Every Wi-Fi Connection Works Like a T-Mobile Tower*, <http://www.t-mobile.com/offer/wifi-calling-wifi-extenders.html> (last visited May 22, 2015).

and are widely advertising Wi-Fi calling across their networks, and AT&T hopes to begin to offer its own Wi-Fi calling service later in 2015.⁶

As these VoIP technologies become the preferred platform for voice services, new solutions, such as RTT, are emerging for providing access to these services to people with disabilities. RTT, which is designed to operate on IP-based networks, will be superior to TTY in every way—transmission speed, latency, reliability, features, privacy, conversation form, and ease of use. As the Commission has acknowledged, TTY—a legacy assistive technology developed 50 years ago—is obsolete: “The disabilities community considers TTY an antiquated technology with technical and functional limitations.”⁷ Thus, it is no surprise that TTY has been largely abandoned by persons with disabilities and surpassed by emerging solutions.⁸ Moreover, TTY is challenging to support with new VoIP technologies. Consequently, AT&T is developing and will deploy RTT over its new VoIP offerings in the 2017 timeframe.

Unfortunately, Commission accessibility rules, including Sections 20.18(c) and 64.603, continue to require TTY support for devices and services, which discourages the development and deployment of new VoIP technologies, including accessibility functions like RTT. This puts AT&T in a conundrum, faced with rules that require TTY support for VoIP networks and an

⁵ Press Release, Sprint Delivers Expanded Connectivity with Free Wi-Fi Calling to Millions of iPhone Customers, <http://newsroom.sprint.com/news-releases/sprint-delivers-expanded-connectivity-with-free-wi-fi-calling-to-millions-of-iphone-customers.htm> (April 8, 2015).

⁶ CNET, *AT&T plans to offer Wi-Fi calling in 2015* (Sept. 12, 2014), available at <http://www.cnet.com/news/at-t-plans-to-offer-wi-fi-calling-in-2015/>.

⁷ *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment*, Notice of Proposed Rulemaking, FCC 11-134, PS Docket Nos. 11-153 and 10-255, 26 FCC Rcd 13615, 13624 ¶ 26 (2011).

⁸ *Id.* at 13629-30 ¶ 36.

antiquated TTY technology that will not reliably work on those VoIP networks. Consequently, AT&T seeks a temporary waiver of Commission Rule Sections 20.18(c) and 64.603, during the rule change proceeding and until RTT is deployed, to resolve this problem and allow AT&T to offer VoIP services that are technically incapable of reliably supporting TTY.

III. DISCUSSION

The Commission may waive specific requirements of its rules where granting a waiver would be in the public interest and “[t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case.”⁹ In addition, the Commission may waive a rule if “[i]n view of unique or unusual factual circumstances . . . application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.”¹⁰ Given the difficulties of transmitting TTY over IP-based networks, the significant public interest benefits of IP-based voice services, and the superiority of RTT as an accessibility solution for an IP network environment, a waiver of the TTY requirements for AT&T’s new IP-based voice services is justified and will serve the public interest. Importantly, the requested waiver is short-term, ending on the later of the date that AT&T deploys RTT (expected 2017) and the date that new RTT rules become effective.

A. There is a Significant Need for the Waiver.

In furtherance of its efforts to deploy wireless IP-based voice services, including VoLTE and Wi-Fi calling services, AT&T respectfully requests a waiver of the following rules:

⁹ 47 C.F.R. § 1.925(b)(3).

¹⁰ *Id.*

1. Section 20.18(c),¹¹ which requires commercial mobile radio service (“CMRS”) providers to transmit 911 calls through means other than the mobile radio handset, e.g. TTY, the only current means to meet this requirement;
2. Section 64.603,¹² which requires common carriers, including VoIP providers,¹³ to support toll-free dialing to all relay services, including TTY, via the “711” dialing code;¹⁴ and
3. Any other Commission rule that would require support of TTY technology as an accessibility solution for voice calling on IP networks.

As discussed in AT&T’s concurrently filed Petition, limitations inherent in the operation of TTY on an IP platform—including packet loss, distortion caused by echo cancellation and compression techniques, and bandwidth issues—may impair or altogether prevent TTY message delivery over IP-based networks. Instead of retrofitting TTY for next-generation networks and services, AT&T plans to surmount these accessibility challenges by deploying RTT, which is designed for the IP network environment. Until RTT is fully deployed and allowed as an alternative to TTY under Commission rules, AT&T is faced with a choice (albeit a

¹¹ 47 C.F.R. § 20.18(c).

¹² 47 C.F.R. § 64.603. A waiver would relieve AT&T of any implied or express requirement to support TTY for a relay call placed from an IP-voice platform via 711 dialing, not its general obligation to enable 711 dialing to a telecommunications relay center.

¹³ See *IP-Enabled Services, et al*, Report and Order, FCC 07-110, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123, CC Docket No. 92-105, 22 FCC Rcd 11275, 11296 ¶ 42 (2007).

¹⁴ *IP-Enabled Services, et al*, Order, DA 07-4178, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123, CC Docket No. 92-105, 22 FCC Rcd 18319, 18320 ¶ 1 (2007) (“Among the requirements extended to interconnected VoIP providers is the obligation to offer 711 abbreviated dialing access to traditional relay services via a voice telephone or a text telephone (TTY)”).

straightforward one)—not offer Wi-Fi calling and other new VoIP services, which would put AT&T at a competitive disadvantage vis-à-vis other wireless providers, or seek a waiver of Commission rules requiring support for TTY. AT&T seeks this waiver to allow it to introduce cutting-edge VoIP services while remaining in compliance with Commission accessibility rules.

B. Granting a Waiver Will Serve the Public Interest by Enhancing Accessibility and Promoting Innovation and Competition.

Granting AT&T's request for a waiver will yield significant public interest benefits by accelerating the transition to IP-based services, including voice services, in the wireless marketplace, consequently enhancing accessibility. There is a large and growing consumer demand—from both the general public and the disability community—for IP-based services, and more particularly, IP-based voice services. Free of a TTY mandate, AT&T can use IP-based technologies to expand its wireless coverage for all services, including 911 calling, and all consumers, including persons with disabilities, while making additional capacity available on traditional wireless networks. For example, AT&T would be free to deploy efficient VoLTE networks in areas that are currently unserved and to offer Wi-Fi calling to enhance its conventional CMRS voice networks, including in areas that are challenging to serve (and, accordingly, difficult to provide TTY), such as deep indoors, underground, and remote parts of the country. With other service providers offering Wi-Fi calling and other VoIP services, this freedom would also enhance competition and consumer choice.

At the same time, grant of this waiver will enhance accessibility, as RTT is a superior solution for the hearing-loss and speech-impaired communities. Allowing AT&T flexibility not to retrofit TTY and, instead, to focus on deploying IP-based networks and solutions will hasten the development and deployment of RTT. Moreover, widespread implementation of IP-based voice solutions will spur demand for—and therefore development of—new features. This in turn

will encourage faster implementation of RTT and other new technologies that will give the hearing loss and speech-impaired communities additional accessibility options and solutions.

C. Granting a Waiver Will Advance, Rather Than Negatively Impact, Accessibility.

Grant of a waiver will not impair accessibility of communications services to persons with disabilities. During the waiver period, AT&T will continue to provide a variety of accessibility options to consumers, and no current TTY capabilities will be diminished. IP-based voice services like VoLTE and Wi-Fi calling will simply be added to existing service options. People with hearing loss or who are speech-impaired will still be able to use any of the following for 911 and 711 calling:

1. TTY on all platforms over which it is currently used by consumers, as there will be no decrease in areas covered by TTY-compatible technologies;
2. Other text-based accessibility solutions that are more optimal for IP-based networks than TTY, such as SMS and IP-based relay services;
3. Text-to 911 where it is deployed; and
4. RTT as it becomes widely implemented.

Specifically, there will be no reduction in accessibility even though there will be an increase in connectivity. In areas that traditional networks do not reach, but where new IP-based access technologies are possible, other text-based accessibility solutions like SMS and IP-based relay services are viable options for the disability community. And where the new IP-based services overlap with traditional 2nd Generation and 3rd Generation networks, TTY will remain an option alongside IP-based voice services. In addition, once AT&T implements RTT, it will be available on these IP-based voice networks and backwards compatible with TTY, meaning

that AT&T customers using RTT will continue to have the ability to communicate with TTY users, including PSAPs.

Moreover, waiver of the TTY requirements will not impair disability access because wireless consumers with hearing loss and/or speech impairments, for the most part, have already abandoned using TTY devices. As the Commission has concluded: “[t]he vast majority of people who are deaf, hard of hearing, or speech-disabled has discarded TTYs or has never acquired or used a ‘mobile’ TTY” and instead use “more ubiquitous forms of text messaging communications because of the ease of access, wide availability, and practicability of modern text-capable devices.”¹⁵ In addition, to ensure consumers are fully-informed about the transition, AT&T will proactively communicate about any new IP-based solution that is deployed. AT&T plans to clearly communicate the restrictions of its IP-based voice service offerings through its usual accessibility channels. As such, permitting AT&T to offer these services without TTY support will not adversely impact individuals who need accessibility solutions.

Not only will grant of the requested waiver not harm the disability community, ultimately, it will advance accessibility for individuals with hearing loss and speech-impairments, as it will accelerate the deployment of RTT. Facilitating the launch of RTT over wireless IP-based voice platforms ensures the emergence of a superior accessibility solution and allows resources to efficiently be dedicated to that objective. Ultimately, consumers will benefit through expeditious deployment of a more stable and feature-rich accessibility option.

¹⁵ See *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment*, Second Report & Order and Third Further Notice of Proposed Rulemaking, FCC 14-118, PS Docket Nos. 11-153 and 10-255, 29 FCC Rcd 9846, 9853-54 ¶ 14-15 (2014).

III. CONCLUSION

The ongoing transition to an all-IP network is gaining momentum and consumers will be the ultimate beneficiaries through the development of a wide array of new services. An important part of this transition will be a new accessibility solution, RTT, for persons who are deaf or are hearing and/or speech-impaired. In a separate filing, AT&T has requested that the Commission initiate a rulemaking proceeding to expressly recognize RTT as equivalent to and a replacement for TTY. In the interim, the Commission should grant a short-term waiver permitting the deployment of IP-based voice services without support for TTY, until the later of the date that AT&T deploys RTT (expected 2017) and the date that new RTT rules become effective.

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Respectfully Submitted,



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