

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

In the Matter of)	
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)	
Petition for Rulemaking to Update The)	
Commission's Rules for Access to Support)	GN Docket No. 15-178
The Transition From TTY to Real-Time Text)	
Technology, And Petition For Waiver of)	
Rules Requiring Support of TTY Technology)	

REPLY COMMENTS OF AT&T

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TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY	1
II.	DISCUSSION.....	5
A.	Petition for Waiver.....	5
1.	A waiver will deliver public interest benefits, even for persons with hearing or speech impairments.....	5
2.	Commenters support grant of the waiver to AT&T.....	7
3.	No reasonable justification exists for delaying the waiver grant.....	8
B.	Petition for Rulemaking.....	12

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AT&T Services, Inc., on behalf of its affiliated companies, (collectively “AT&T”) files these reply comments in support of its Petition for Rulemaking to allow for real-time text (“RTT”) in lieu of text telephony (“TTY”) technology and its Petition for Waiver of Federal Communications Commission (“Commission”) TTY rules during the pendency of the rulemaking.

I. INTRODUCTION AND SUMMARY.

On June 12, 2015, AT&T filed a Petition for Rulemaking asking the Commission to modify its rules to allow IP-based voice service providers to offer RTT in lieu of TTY to make the service accessible to persons who are hearing or speech impaired. Contemporaneously, AT&T filed a Petition for Waiver asking the Commission to waive its TTY rules during the pendency of the rulemaking, specifically rule sections 20.18(c) and 64.603, so that AT&T could deploy IP-based voice services while RTT and updated TTY to RTT transition rules are developed. Following release of a Public Notice soliciting comments,¹ 16 commenters filed, including comments by the American Association of People with Disabilities (“AAPD”) and

¹ Request for Comment on 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, Public Notice, 30 FCC Rcd 7438 (2015) (“*Notice*”).

joint comments by Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), American Association of the Deaf-Blind, Association of Late Deafened Adults, California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc., Cerebral Palsy and Deaf Organization, Deaf Seniors of America, Hearing Loss Association of America (“HLAA”), National Association of the Deaf, and Rehabilitation Engineering Research Center on Telecommunications Access (collectively, the “Disabilities Rights Advocates”). Commenters unanimously supported AT&T’s Petition for Rulemaking, all generally agreeing that TTY is antiquated and no longer meets the needs of persons who are hearing or speech impaired and that the Commission should begin a proceeding to allow for the provision of RTT in lieu of TTY for IP-based voice networks.

Commenters also generally supported AT&T’s Petition for Waiver. No commenters opposed, and most, including the Disability Rights Advocates and AAPD, agreed that waiving the TTY rules during the pendency of the rulemaking would serve the public interest. Commenters recognize that this short-term waiver would not reduce or impede services for persons who are hearing or speech impaired, as the technical limitations that make TTY use unreliable on IP-based voice networks will still exist. Rather, waiving sections 20.18(c) and 64.603 during the rulemaking would allow AT&T and other providers to deploy advanced IP-based voice services in areas that are difficult to serve for the benefit of consumers without disabilities and consumers with disabilities who are not hearing or speech impaired. And, to the extent that the ability to offer a comprehensive suite of IP-based services would incent providers to expand their Wi-Fi, VoLTE, or wireless local loop networks in unserved and underserved areas, customers with hearing and speech impairments would have increased broadband access

from which they could access IP relay services. The waiver would also free-up AT&T to compete with T-Mobile, Sprint, and other Wi-Fi calling services.

Some commenters propose conditions to be placed on any waiver. The Disability Rights Advocates agree with AT&T that the waiver should extend until RTT is deployed, but propose a specific RTT deployment date due to concerns about a waiver that continues *ad infinitum*. AT&T agrees that a specific waiver end-date is reasonable and with the Disability Rights Advocates proposal of an expiration date based upon the date RTT is expected to be widely deployed, which AT&T proposes to be December 31, 2017, and the effective date of new TTY to RTT transition rules, if later.

The Michigan Public Service Commission (“PSC”) proposes to condition any waiver on receiving answers to questions about RTT in a proceeding independent of the rulemaking. Such a proceeding and the attendant delay in the waiver grant are unnecessary, negate the purpose of the waiver—to timely provide IP-based voice services to the public, and thus, disserve the public, including persons with hearing or speech impairments. Most of the questions posed by the Michigan PSC pertain to RTT generally, not to a waiver or the subsequent offering of IP-based voice service, and will be addressed in the rulemaking proposed by AT&T. The Michigan PSC’s questions that pertain to the waiver are addressed in this docket and present no issues that justify delaying the waiver grant.

The record in this docket is compelling—TTY has run its course, no longer supports the needs of persons who are hearing or speech impaired, should be replaced by other accessibility solutions, and should not be an impediment to the provision of IP-based voice services. Unfortunately, Commission rule sections 20.18(c) and 64.603 are static and constrain the ability of service providers to evolve to offer RTT in lieu of TTY and to deploy advanced IP-based

voice services that would benefit all consumers. To correct this deficiency, the Commission should open a proceeding to modify its TTY rules and grant AT&T's Petition for Waiver without delay.

II. DISCUSSION.

A. Petition for Waiver.

1. A waiver will deliver public interest benefits, even for persons with hearing or speech impairments.

Grant of the waiver is in the public interest. The waiver will allow AT&T to deploy IP-based voice services where they may not be available. By way of examples, (a) Wi-Fi calling could be deployed to improve service in difficult to serve areas, such as the interior of buildings and rural areas with internet but no cell coverage; or (b) Voice over LTE ("VoLTE"), without an overlapping TTY-capable GSM or UMTS network, could be provided in rural areas where it may not otherwise be available; or (c) wireless local loop calling could be deployed in rural areas where it may not be economical to provide traditional wireline service. These and potentially similar technologies would increase the ability of consumers, including consumers with disabilities that are not hearing or speech impaired, to make voice calls in areas where wireless or wireline service may be unavailable or limited, without reducing service for consumers with hearing or speech impairments.

The ability to offer a comprehensive set of IP-based services, including VoIP, will also incent service providers to more generally expand broadband deployment, which will increase broadband access for the public at large giving *persons who are hearing or speech impaired increased access to IP relay services*. Thousands of customers are already learning about these

benefits through an Apple iOS9 beta trial incorporating Wi-Fi calling.² The quicker AT&T can deploy these IP-based voice technologies, the quicker all consumers begin to recognize these benefits.

Allowing AT&T, and potentially other service providers, to offer IP-based voice services without TTY would also increase competition. “T-Mobile . . . and Sprint are pioneering Wi-Fi Calling as part of their core offerings to cost effectively improve coverage” and “nearly 7 million [T-Mobile] customers us[e] Wi-Fi Calling during any given month.”³ Until the waiver is granted, AT&T operates at a competitive disadvantage vis-a-vis these operators because it cannot offer Wi-Fi calling or realize these benefits. Grant of the waiver would be equitable to AT&T and other providers by allowing them to level the playing field. It would also allow AT&T and potentially other providers to more efficiently manage spectrum, such as by deploying VoLTE without the need to deploy overlapping GSM or UMTS coverage. “LTE offers twice the spectral efficiency of 3G/HSPA and more than 6 times the efficiency of the GSM technology. This improved spectral efficiency makes it possible for VoLTE to handle twice as many calls, helping to optimize the use of radio resources and reduce costs.”⁴

² The iOS9 beta trial is ending soon as Apple prepares for a global commercial launch of iOS9. Without the waiver, AT&T customers involved in the trial will no longer be able to make Wi-Fi calls. AT&T will be competitively disadvantaged if it cannot participate in the global launch because it believes a waiver is required while other carriers, who are already in the market with Wi-Fi calling, presumably plan to participate in the Apple launch regardless of whether a waiver is granted.

³ Openet Telecom, White Paper, Wi-Fi Calling and VoLTE : The Latest in the Evolution of Voice Services at 3 (2015) (available at http://www.openet.com/doc-redirect/index_form2.php?docid=575&caid=7016000000FODM&cname=2013-PDF-Website-Form&source=Website) (“Openet White Paper”).

⁴ Openet White Paper at 7.

These public interest benefits would not be accompanied by a reduction in service to persons who are hearing or speech impaired. In other words, grant of the waiver does not alter the *status quo* relative to the hearing and speech impaired community. As AAPD explains, “the waiver, if granted, will not reduce TTY access for existing services, but will expand the availability of innovative calling options for everyone, including those with disabilities.”⁵ TTY will continue to work with all existing and any new services that support it. The Disability Rights Advocates have explained that although TTY will not reliably work with IP-based voice services, expecting it to work only creates frustration and a potential danger in an emergency situation for persons who are deaf or hearing impaired.⁶

Consumers who subscribe to new VoIP services will have the same access to IP-based relay services, such as IP relay, IP captioned telephone service (“CTS”), and video relay service (“VRS”), via their broadband service provider and increased access to such services via AT&T’s broadband coverage. As the Disability Rights Advocates have confirmed, persons who are hearing or speech impaired have migrated to these IP TRS and other IP-based technologies and no longer rely on TTY.⁷ For all of these public interest benefits, the Commission should,

⁵ Comments of the American Association of People with Disabilities, GN Docket No. 15-178, at 1 (filed Aug. 24, 2015) (“AAPD Comments”).

⁶ Comments of the Telecommunications for the Deaf and Hard of Hearing, Inc., through counsel, American Association of the Deaf-Blind, Association of Late Deafened Adults, California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc., Cerebral Palsy and Deaf Organization, Deaf Seniors of America, Hearing Loss Association of America, National Association of the Deaf, and the Rehabilitation Engineering Research Center on Telecommunications Access, GN Docket No. 15-178, at 7 (filed Aug. 24, 2015) (“Disability Rights Advocates’ Comments”). This same frustration and risk would occur for persons who are speech impaired and tried to rely on TTY over an IP-based voice network.

⁷ *Id.* at 5.

without delay, grant the waiver from Sections 20.18(c) and 64.603, as applicable, for all wireless IP-based voice services and other IP-based voice services introduced after the grant date.⁸

2. Commenters support grant of the waiver to AT&T.

The Commission should grant the waiver in the absence of any objection. Of the 16 commenters, none opposed grant of the waiver requested by AT&T.⁹ More importantly, 12 commenters supported a waiver grant, including the Disability Rights Advocates and AAPD. The Telecommunications Industry Association (“TIA”) emphasizes that “[w]ith a flexible approach, TIA would be supportive of a waiver to begin the process of sun-setting the existing TTY rules.”¹⁰ The AAPD “supports granting the waiver . . . until such time as the new accessibility requirements under Commission Rule Sections 20.18(c) and 64.603 become effective.”¹¹ And, the Disability Rights Advocates, “generally support AT&T’s request that the Commission temporarily waive the rules requiring support for TTY for ‘AT&T’s new IP-based voice services.’”¹²

The totality of the comments demonstrates that most commenters, and in particular, those representing persons with disabilities, understand and appreciate that a waiver is AT&T’s only

⁸ More generally, grant of the waiver would allow AT&T and other providers to focus on making RTT a reality rather than spending finite time and resources on attempting to make TTY operate better on IP-based voice networks, which could potentially delay the introduction of RTT.

⁹ The Michigan Public Service Commission (“Michigan PSC”) did not oppose the waiver, but, as discussed below, seeks more information in advance, which would negate the value of the waiver.

¹⁰ Comments of the Telecommunications Industry Association, GN Docket No. 15-178, at 6 (filed Aug. 24, 2015) (“TIA Comments”).

¹¹ AAPD Comments at 2.

¹² Disability Rights Advocates’ Comments at 9-10

reasonable alternative to a troublesome dilemma in situations where technical limitations prevent TTY support—deploy IP-based voice services without TTY or do not deploy IP-based voice services.¹³ AT&T has explained that TTY does not work reliably with IP-based voice services because packet loss reduces communications’ quality and compression technologies distort TTY tones.¹⁴ The Consumer Groups agree and add that deploying IP-based voice services with unreliable TTY capabilities “can make the use of TTY . . . a frustrating user experience, but also can present a real danger in an emergency, particularly if the person using TTY is unable to communicate effectively.”¹⁵ The Commission should acknowledge these uncontroverted facts entered into the record and grant the waiver requested by AT&T without delay.

3. No reasonable justification exists for delaying the waiver grant.

A few commenters condition their support of the waiver grant on conditions. On the one hand, some commenters suggested reasonable conditions. The Disability Rights Advocates agree that the waiver should extend until RTT is deployed, but seek a “date-certain” waiver expiration, following initiation of a rulemaking to consider support for RTT in lieu of TTY.¹⁶ AAPD also seeks a “date-certain” expiration.¹⁷ AT&T’s goal is the same as the Disability Rights Advocates and AAPD—to allow operation under a waiver while RTT is being developed and the

¹³ *See, e.g., Id.* at 4 (“The Consumer Groups also acknowledge AT&T’s concern that the limitations of TTY on an IP platform make carrier compliance with the Commission’s rules requiring support for TTY difficult on IP-based networks.”).

¹⁴ AT&T Petition for Waiver, GN Docket No. 15-178, at 5 (filed June 12, 2015).

¹⁵ *See also* Disability Rights Advocates’ Comments at 6.

¹⁶ *Id.* at 10.

¹⁷ AAPD Comments at 1-2. AAPD seeks a waiver expiration tied to the effective date of new RTT-TTY transition rules, which is not advisable as those rules may become effective before RTT is ready to deploy.

Commission is resolving the TTY to RTT transition issue. Thus, AT&T agrees that a date-certain waiver expiration is reasonable and supports the proposal of the Disability Rights Advocates for a waiver that expires on “the later of the date that the new RTT rules become effective” and the “date-certain by when RTT is anticipated to be widely available on IP networks.”¹⁸ AT&T proposes setting the date-certain no earlier than December 31, 2017.¹⁹ To address the condition that the rulemaking must be opened, as requested by the Disability Rights Advocates, the Commission can include language in the waiver signaling its intent to address the TTY to RTT transition issue and need not delay grant of the waiver until it releases a Commission decision or a Notice of Proposed Rulemaking.

On the other hand, the Michigan PSC seeks a delay in granting the waiver until after “a proceeding to obtain full details of AT&T’s plan to utilize [RTT] as a replacement for text telephony technology.”²⁰ The Michigan PSC maintains that there are too many “unanswered questions” to grant the waiver at this time.²¹ To the contrary, the record demonstrates substantial compelling public interest benefits to support grant of a waiver without delay. The Michigan PSC’s “unanswered questions” are either resolved in this docket, pertain to RTT generally,

¹⁸ Disability Rights Advocates’ Comments at 4-5, 10.

¹⁹ Implementation of a network feature, such as RTT, is complex and multi-faceted. AT&T is working diligently on RTT and believes the end of 2017 is a realistic deployment date, but unforeseen difficulties are impossible to predict. *See, e.g.*, Openet White Paper at 7 (pointing out the complexities of network architecture to support native dialing services). To the extent that the Commission decides to grant an industry waiver, AT&T and other providers can demonstrate to the Commission a need to extend the waiver if unforeseen technical difficulties arise.

²⁰ Comments of the Michigan PSC, GN Docket No. 15-178, at 3 (filed Aug. 28, 2015) (“Michigan PSC Comments”).

²¹ *Id.*

and/or will not be impacted by the waiver grant. A delay would needlessly postpone the introduction of new IP-based voice services and their benefits to competition and to consumers.

The Michigan PSC poses six groups of questions, only two groups (4 and 5) of which pertain to AT&T's waiver request. All of the questions in question groups 1-3 and 6 and a question in group 4 pertain to RTT generally, such as "What are the requirements of RTT for both the provider and the customer?," "How will the anticipated changes impact the Telecommunications Relay Service (TRS) fund?," "Will RTT be piloted?," and "When and how will customers be notified that the TTY is being phased out?." These types of questions pertain to the long-term viability of RTT in lieu of TTY, how a TTY to RTT transition should be managed, and will be addressed in the rulemaking proposed by AT&T. They have no impact on a waiver to allow for the deployment of IP-based voice services without TTY while such a rulemaking is pending.

Even question groups 4 and 5 present no issues that justify delaying the waiver. In addition to one question about RTT generally, question group 4 asks, "What services will Deaf and Hard of Hearing customers with IP service receive between now and then" [i.e. 2017, when AT&T expects to roll-out RTT]?²² As explained above, the waiver will not impede or reduce the accessibility of services. Persons who are hearing or speech impaired will have the same access as they have now when using IP-based voice services. And, they may have access to more services, such as IP-based relay, where the waiver influences providers to deploy broadband networks, such as Wi-Fi, VoLTE, or wireless local loop, in unserved or underserved areas.

²² *Id.* at 6.

Question group 5 asks for details about how persons with hearing or speech impairments would use 911 and 711 calling.²³ AT&T is unsure what additional details the Michigan PSC is seeking. Consumers with hearing or speech impairments will use 911 and 711 dialing in the same way they use them now with IP-based voice services. Any suggestion that 911 and 711 calls on IP-based voice networks must occur over a TTY not only ignores the technical realities, but as the Disability Rights Advocates have observed, creates unnecessary frustration and risks in emergency situations for users.²⁴ Further, AT&T explains in its Petition for Waiver and herein that there will be no decrease in areas covered by TTY-compatible technologies when the waiver is granted and that other text-based accessibility solutions, such as SMS, IP-based relay services and text-to-911 where it is deployed, will continue to be available during the waiver period.²⁵ Once RTT is deployed, AT&T believes it will be the “go to” technology for those who are hearing or speech impaired.²⁶

Until that time, AT&T seeks to compete with other providers and bring to the public the benefits of IP-based voice services. AT&T has demonstrated how waiving Commission rules

²³ *Id.*

²⁴ Disability Rights Advocates’ Comments at 6.

²⁵ AT&T Petition for Waiver at 7 (filed June 12, 1015).

²⁶ AT&T has addressed the desire for information about its plans for RTT. Before filing the Petitions for Rulemaking and Waiver, AT&T conducted 4 days of RTT demonstration and discussion sessions in May 2015 in Washington, D.C. with representatives of the telecommunications industry, consumer groups, Commission staff, the United States (“US”) Access Board, and the media. During those sessions, AT&T provided a basic RTT demonstration, discussed the short-term and long-term implications for RTT and TTY, and answered any and all questions posed. The sessions were also conducted in Summer 2015 for the M-Enabling Conference in Washington, D.C., HLAA Convention in St. Louis, MO., National Emergency Number Association Conference and Expo in Denver, CO., TDI Biennial Conference in Baltimore, MD., and US Access Board staff in Washington, D.C. Other sessions will be conducted in Fall 2015.

20.18(c) and 64.603 would serve the public interest, including persons with disabilities, not impede or reduce accessible service to persons with disabilities, and be equitable to AT&T by removing a competitive disadvantage. A consensus of commenters, including the Disability Rights Advocates and AAPD, support AT&T's Petition for Waiver. No commenter has justified why or how a waiver would adversely impact the public or has controverted AT&T's or the Disability Rights Advocates' and AAPD's expression of benefits that IP-based voice network will provide. The record presents a compelling case for the Commission to grant AT&T's waiver request without delay.

B. Petition for Rulemaking.

In conjunction with a waiver grant, the Commission should begin a proceeding to transition from TTY to RTT, including allowing for support of RTT in lieu of TTY for IP-based voice networks. Commenters overwhelmingly support AT&T's Petition for Rulemaking and agree that TTY is obsolete and no longer adequately serves the needs of persons with disabilities. The Disability Rights Advocates state that “[a]s IP networks have proliferated, the limitations of TTY have become clear to users on IP networks” and that “[e]stablishing RTT as a regulatory alternative to TTY will facilitate the development and deployment of RTT on IP networks, thereby expanding the availability of this useful communications service.”²⁷ Verizon adds that the Commission’s “rules should encourage, not hinder, the development and deployment of successor technologies like RTT with superior reliability and other attributes that can serve as substitute, and eventual replacement, for TTY.”²⁸ And, as AAPD explains:

²⁷ Disability Rights Advocates Comments at 7.

²⁸ Comments of Verizon, GN Docket No. 15-178, at 2 (filed Aug. 24, 2015).

[T]he IP transition and the simultaneous movement from TTY technology to RTT represent major steps forward for Americans with disabilities. New IP-based services will offer millions of people with disabilities better coverage and the chance to be more independent and support their participation in all aspects of society. That includes new abilities to access affordable healthcare and better opportunities to secure employment.²⁹

Based on the unanimity among the commenters—trade associations, disability rights organizations, and telecommunications providers—the Commission should initiate a proceeding to allow providers to support RTT instead of TTY and to begin the process of transitioning between those technologies.

Some providers suggest that the Commission might resolve the TTY to RTT transition issue by Declaratory Ruling.³⁰ While a Declaratory Ruling is a viable option to resolve the inflexible TTY-centric language of Commission rule sections 20.18(c) and 64.603 and implementing Commission Orders, it would be advisable for the Commission to eliminate confusion by amending other disability access rules, namely Parts 6, 7, and 14 of Commission rules, conforming to how the Commission resolves the TTY to RTT transition issue. Other providers debated in their comments whether to name RTT as *the* accessibility technology of choice for IP-based voice networks or to adopt an RTT technical standard.³¹ The Commission need not resolve these issues at this time. If the Commission initiates a rulemaking or other proceeding to address TTY sunset, as all commenters agree it should, these detailed RTT and RTT standards issues can be resolved in that proceeding.

²⁹ AAPD Comments at 1.

³⁰ *See, e.g.*, Disability Rights Advocates' Comments at 7; Comments of Omnitor AB, GN Docket No. 15-178, at 5 (filed Aug. 24, 2015).

³¹ Verizon Comments at 2; Disability Rights Advocates' Comments at 7; TIA Comments at 5.

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