FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	CG Docket 03-123
Speech-to-Speech Services for	)	
Individuals with Hearing and Speech	)	
Disabilities	)	

COMMENTS SUPPORTING THE IDT PETITION FOR PROPOSED RULEMAKING

Telecommunications for the Deaf and Hard of Hearing, Inc.
National Association of the Deaf
Deaf and Hard of Hearing Consumer Advocacy Network
Hearing Loss Association of America
Association of Late-Deafened Adults, Inc.
Cerebral Palsy and Deaf Organization
Deaf Seniors of America
California Coalition of Agencies Serving the Deaf and Hard of Hearing

Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), through its undersigned counsel, National Association of the Deaf ("NAD"), Deaf and Hard of Hearing Consumer Advocacy Network ("DHHCAN"), Hearing Loss Association of America ("HLAA"), Association of Late-Deafened Adults, Inc. ("ALDA"), Cerebral Palsy and Deaf Organization ("CPADO"), Deaf Seniors of America ("DSA"), and California Coalition of Agencies Serving the Deaf and Hard of Hearing ("CCASDHH") (collectively "Consumer Groups") submit these comments in support of the Petition for Rulemaking filed by IDT Telecom, Inc. ("IDT"), seeking a change in Commission rules regarding the inclusion of intrastate telecommunications revenue in the contribution base for funding Telecommunications Relay Service ("TRS"). As described in greater detail below, the Consumer Groups believe that such a rulemaking will result in an

evaluation of the benefits to consumers of such a change (including improving control and oversight of services provided under the program), as well as benefiting carriers and others who contribute to the funding of TRS programs by expanding the overall base. This will provide greater stability in the cost of contributing to the TRS support mechanisms and also reducing the amount of contributions borne by many carriers.

The Consumer Groups support the Petition because including intrastate revenue in the federal TRS contribution base is consistent with the ADA's requirement to provide a functionally equivalent service to consumers who are deaf, hard of hearing, deaf-blind, and deaf with mobility issues. In addition, such a change would result in increased federal supervision of intrastate TRS, which could inure to the benefit of consumers and contributors alike by providing greater consistency of service as well as better oversight of costs and compliance with the program's rules.

The Consumer Groups agree with the Petition that the applicable statutory provisions[1] require the Commission to provide an ample funding source that recovers intrastate costs from intrastate revenue and not merely interstate and international revenue. While some states may provide a mechanism for recovering TRS costs from intrastate revenue for their own state-run TRS programs, the Commission should not rely on these programs alone. Putting aside that such assessments are not universal across the states, federal involvement in the TRS program is necessary to provide oversight and consistency in the program, especially as services become increasingly multi-jurisdictional or difficult to assign to a jurisdiction.[2]

The Commission has the authority to assess intrastate services. Certainly, as the Commission maintains the legal authority to regulate the provision of, and compensation for,

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[1] 47 U.S.C. § 225.

[2] *See* Petition, at 3. (Quoting 2000 Commission Order on the difficult of assigning jurisdiction to services using IP or other non-traditional transmission technologies).

intrastate TRS services, it has the legal authority to recoup the costs of providing these services from carriers, both interstate and intrastate. While the Consumer Groups may not agree with the Petition's implication that Commission precedent requires that interstate revenue should *only* be used to support interstate TRS services,[3] the Consumer Groups agree that recovery of support from providers of intrastate revenue is entirely appropriate and consistent with both the statute and Commission regulation. In reality, because of the multijurisdictional nature of TRS services, it is appropriate for both interstate (including international) and intrastate service providers to contribute to the fund on an equivalent basis.

The obvious result from such a change -- a reduction in the current TRS contribution rate -- also would benefit carriers. While certain providers may pay more based on their intrastate revenues being assessed, it is likely that the overall effect will be offset substantially by the reduction in the rate that would occur as the contribution base is significantly increased, assuming no substantial change in program demand. A rulemaking, which could assist in making this effect more clear through an analysis of the underlying revenue numbers, would be appropriate to determine the magnitude of this change and how it could make the amounts paid by many carriers likely no larger than what they contribute currently.

In addition to the monetary effects of such a change, the TRS program as a whole would benefit from increased Commission oversight. While state administrators are able stakeholders and should continue to have a role, the increasing complexity and multijurisdictional nature of the TRS program makes greater FCC supervision of intrastate TRS services essential. If intrastate revenue contributes to the federal TRS fund, increased Commission resources can be brought to bear on the supervision of these contributions as well as the service providers who receive payments. Such efforts could supplement the work of any state administrator while

[3] Petition, at 4, n.9.

providing greater consistency in the quality of services and the supervision of participants in the program on a nationwide basis.

As Consumer Groups explained in their comments supporting continued inclusion of IP CTS services in the federal TRS fund:

> The Consumer Groups oppose the proposal to migrate responsibility for IP CTS to the states. Because each state has its own unique regulations regarding CTS, migration of IP CTS to the states, especially with significant discretion to adopt divergent standards, will create a hopelessly complex, confusing and often conflicting patchwork of IP CTS regulations. Many state programs are overly restrictive, chronically underfunded, under-staffed, and subject to the uncertainties of state appropriations processes. The District of Columbia and some states, including Florida, Kentucky, Nebraska and California, have already voiced concerns that they may not be able to fund IP CTS and/or that state legislative changes may be required if the state is to assume jurisdiction over IP CTS. Most states have only one provider and migration to the states would also constrain consumers to using a single provider of IP CTS, which would be a step backward from the competitive alternatives available today.[4]

Consumer Groups believe that all IP-enabled services, which are multijurisdictional and difficult to assign to the intrastate or interstate jurisdiction, benefit from unified federal oversight and program rules. Having exercised jurisdiction over these IP-enabled services for many years, it is appropriate for the Commission to adjust the federal TRS funding mechanism to include intrastate revenues in the federal contribution base to support the multijurisdictional IP-based TRS services authorized and overseen by the Commission.

Similarly, the Commission's interstate administrator (currently Rolka Loube Associates) would be responsible for receiving and distributing these funds. Given the close relationship between RLA and the Commission, using the administrator in this fashion will further assist the Commission in supervising the funds received, which would permit greater auditing and other

[4] CITE Consumer Group IP CTS Comments at ii-iii (filed Nov. 4, 2013), available at http://apps.fcc.gov/ecfs/document/view?id=7520955620. *See also id*. at 9-18.

review to ensure fuller compliance with the contribution obligations, as state administrators may not have the resources necessary to do any such reviews with regularity. And, again, even if many administrators are conducting such reviews, federal oversight can assist any administrator that may be resource-constrained or not sufficiently staffed to conduct vigorous reviews of carrier compliance.

The Consumer Groups agree with IDT that the time is ripe for a rulemaking on the assessment of intrastate revenue to support the TRS program. Such a change has many benefits. First, it would spread the cost of increasingly multijurisdictional services over a more appropriate base of revenue. Second, it likely would reduce - significantly - the actual rate paid by carriers who contribute to the program. Third, and perhaps most importantly, such a change would provide increased federal oversight, and thus consistency in the program. Combined, all three of these benefits will improve the quality of service provided to consumers, who deserve - and are statutorily entitled to -- quality TRS services regardless of any state-administered programs that may also exist.

Respectfully submitted,

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