

~~FOG MAIL SECTION~~

Federal Communications Commission

DA 98-1595

Aug 12 8 35 AM '98

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

DISPATCHED BY )  
In the Matter of )  
)  
Telecommunications Relay Services, ) CC Docket No. 90-571  
and the Americans with Disabilities Act )  
of 1990 )  
)

**ORDER****Adopted: August 7, 1998****Released: August 10, 1998**

By the Deputy Chief, Common Carrier Bureau:

1. On August 21, 1997, the Common Carrier Bureau ("Bureau") suspended enforcement of the Federal Communications Commission's (the "Commission") rule requiring telecommunications relay services ("TRS") to be capable of handling coin sent-paid calls by August 26, 1997.<sup>1</sup> The Bureau's one year suspension of enforcement will expire on August 26, 1998. In this Order, the Bureau further suspends the coin sent-paid requirement for one additional year until August 26, 1999.

2. Under the Commission's rules, TRS must be capable of handling any type of call normally provided by common carriers, including coin sent-paid calls.<sup>2</sup> The coin sent-paid requirement was initially due to go into effect on July 26, 1993.<sup>3</sup> Prior to the effective date, however, and subsequently, the Bureau concluded that providing TRS coin sent-paid service was technically infeasible<sup>4</sup> and suspended enforcement of that requirement.<sup>5</sup> In conjunction with the

<sup>1</sup> See Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, *Order*, CC Docket No. 90-571, 12 FCC Rcd 12196 (Com. Car. Bur. 1997) ("*1997 Suspension Order*").

<sup>2</sup> Coin sent-paid calls are calls made by depositing coins in a standard coin-operated public payphone. See 47 C.F.R. § 64.604(a)(3); Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, CC Docket No. 90-571, *Order on Reconsideration, Second Report and Order, and Further Notice of Proposed Rulemaking*, 8 FCC Rcd 1802, 1803-04 (1993).

<sup>3</sup> 47 U.S.C. § 225(c) (1996); Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, *Report and Order and Request for Comments*, CC Docket No. 90-571, 6 FCC Rcd 4657 (1991).

<sup>4</sup> The technical difficulty exists because a relay call actually involves two separate calls, one from the customer to the relay center, and a second call from the relay center to the called party. Only the first leg of the call can be assessed the appropriate charge for coin calls, and for handling coin collection and return functions by the current system. The TRS centers are not equipped to perform these functions for the rest of the call.

suspension of the coin sent-paid requirement, the Bureau adopted an Alternative Plan in August 1995.<sup>6</sup> The Alternative Plan requires common carriers and TRS providers to provide: (1) free local TRS payphone calls; (2) use of calling or prepaid cards with rates equivalent to or less than those that would apply to a similar non-TRS call made using coin sent-paid service; and (3) programs to educate TRS users about alternative payment methods and to make calling or prepaid cards available to TRS users. The Alternative Plan was modified by the *1997 Suspension Order*.<sup>7</sup> The modified Alternative Plan includes the requirement that carriers improve efforts to educate the TRS users about how they can reach relay service centers from payphones using either calling or prepaid cards at rates that are equivalent to or less than the coin call rates.<sup>8</sup>

3. Upon review of the record in this proceeding, the Bureau concluded in the *1997 Suspension Order* that provision of coin sent-paid services through TRS centers was still not technically feasible and that no technological solution appeared imminent.<sup>9</sup> Therefore, the Bureau stated that it intended to recommend that the Commission conduct a rulemaking to examine the issue of whether there should be a modification to the Commission's requirement that TRS be capable of handling all calls, including coin sent-paid calls.<sup>10</sup> Because additional time will be needed to conduct any such rulemaking, a suspension of the enforcement of the coin sent-paid rule for one year, until August 26, 1999, is appropriate. During the one year suspension of the enforcement of the coin sent-paid requirement, the Bureau directs carriers and TRS providers to continue to make payphones accessible to TRS users under the terms of the Alternative Plan as modified and set forth in the *1997 Suspension Order*.

4. Accordingly, IT IS ORDERED, pursuant to the authority contained in 47 C.F.R. §§ 0.91(a), 0.204, 0.291 and 1.3, that enforcement of the requirement that Telecommunications Relay Services must be capable of handling coin sent-paid calls, as required by 47 C.F.R. § 64.604(a)(3), IS SUSPENDED until August 26, 1999. This Order is effective upon release.

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<sup>5</sup> Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, *Order*, CC Docket No. 90-571, 8 FCC Rcd 8385 (Com. Car. Bur. 1993); Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, *Memorandum Opinion and Order*, CC Docket No. 90-571, 10 FCC Rcd 10927 (Com. Car. Bur. 1995); Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, *Order*, CC Docket No. 90-571, 10 FCC Rcd 12775 (Com. Car. Bur. 1995).

<sup>6</sup> See Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, *Order*, CC Docket No. 90-571, 10 FCC Rcd 10927 (Com. Car. Bur. 1995).

<sup>7</sup> *1997 Suspension Order* at paras. 17-19.

<sup>8</sup> *1997 Suspension Order* at para. 17.

<sup>9</sup> *1997 Suspension Order* at para. 16.

<sup>10</sup> *1997 Suspension Order* at para. 20.

5. IT IS FURTHER ORDERED that common carriers providing telephone voice transmission services, and TRS providers, shall continue to make payphones accessible to TRS users pursuant to the terms of the Alternative Plan set forth in the *1997 Suspension Order*.

FEDERAL COMMUNICATIONS COMMISSION

Lawrence E. Strickling  
Deputy Chief  
Common Carrier Bureau