

Commission to employ existing mechanisms to self-certify eligibility for the subsidy. (*Id.*, at p.

4) It applauded the Commission's efforts in the *Further Notice* and urged the Commission to provide a similar subsidy to businesses that install TTY capability on a dedicated line. (*Id.*, at p.

5) Further, TDI discussed new technologies that provide better access to the telecommunications network for persons who are deaf or hard of hearing and asked the Commission to recognize these developments as it develops a long-term approach to providing truly universal service to all Americans. (*Id.*, at p. 6)

In reviewing the comments filed in this proceeding, TDI has recognized two primary areas of concern and two discrete groups whose special interests are reflected in the comments. The telephone companies, who have a more technical grasp of FCC policies and regulations, generally agree with the Commission's proposal, but focused their comments on how to fund any subsidy the Commission adopts. Persons who are deaf and hard of hearing, or groups representing these individuals, better understand the difficulties and costs these people face, and their comments reflected their special orientation. TDI urges the Commission to recognize a fundamental difference between these two groups and balance their needs accordingly. While telephone companies are naturally profit motivated, persons who are deaf or hard of hearing and the groups who represent them are concerned with having access to equivalent and affordable telecommunications services. Thus, the telephone companies focus on how to pay for whatever subsidy is adopted, and the persons who are deaf or hard of hearing are concerned with exactly what services such a subsidy should provide.

II. THE COMMISSION SHOULD INITIATE AN INQUIRY TO DEVELOP A LONG TERM FUNDING MECHANISM THAT FULLY ADDRESSES THE SPECIAL NEEDS OF PERSONS WHO ARE DEAF OR HARD OF HEARING.

Although no party totally disagreed with the Commission's plan to provide a "discount" on second lines in the residences of persons who are deaf or hard of hearing, there was significant disagreement among the telephone companies on how to fund such a subsidy. On the other hand, the breadth of comments from the community of persons who are deaf or hard of hearing demonstrated the exciting potential that new technologies can bring. In light of the need to further understand and respond to both of these aspects of the issue – what to fund and how to fund it – TDI urges the Commission to explore these issues in a Notice of Inquiry.

There is no clear consensus among the telephone companies how to fund the subsidy the Commission will establish. SBC recommends funding the subsidy from the USF (SBC Comments, p. 3); and Sprint urges the Commission to obtain funds from the Telecommunications Relay Service ("TRS") program. (Sprint Comments, p. 4) BellSouth does not have a preference between the two options. (BellSouth Comments, p. 2) Bell Atlantic urges the Commission to utilize neither fund, but simply to reclassify the second line as primary (Bell Atlantic Comments, p. 2). GTE recommends retaining the "secondary" classification, but issuing a credit for the difference (GTE Comments p. ii).

These varying opinions alone would not necessarily give rise to concern or a request for a formal inquiry. Other statements made by commenting parties, however, indicate a need for a comprehensive review of the funding aspect of the matter before the Commission. For example, Bell Atlantic's statement that the Commission's decision not to challenge a recommendation by the Federal-State Joint Board not to include additional services in the general definition of "universal service,"² raises the question of whether the USF is a viable source of the funds.

²Bell Atlantic Comments, p. 3 citing *Federal-State Joint Board on Universal Service Recommended Decision*, 12 FCC Rcd. 87 at ¶ 69 (1996).

Other comments raise more concern. SBC argues that the “primary/non-primary distinction amounts to an implicit subsidy in violation of the Act.” (SBC Comments, at p. 3). Moreover, it argues, the Eighth Circuit has recognized the Commission’s decision in which this distinction was established as a “temporary, transitional arrangement,”³ suggesting that a subsidy based on funding the difference between these two types of lines might be only temporary. This is a disturbing thought to a community that is seeking a long-term solution to its telecommunications challenges. The temporary nature of this solution is echoed by Sprint, who states that “when the Commission’s access reform plan is fully implemented, there will be no benefit to the hearing and speech-impaired if IXC’s pass their PICC costs through on a per-line basis.” (Sprint Comments, p. 5) Finally, several parties note that individuals who qualify for the LifeLine subsidy lose their LifeLine status when a non-primary line is added. (Vickery Comments, p. 2; Mulvany Comments, p. 1; and SHHH Comments, p. 5) All these issues point to the need for the Commission to consider its funding policies and rules in a comprehensive inquiry.

Other parties also support a Commission inquiry, although not necessarily for the same reasons. Sprint urges the Commission to initiate a proceeding to “consider a direct subsidy from the TRS Fund for an appropriate portion of the cost of additional lines for hearing and speech-impaired consumers.” (Sprint Comments, pp. 6-7) GTE suggests that any explicit subsidy “should be addressed in a proceeding to implement Section 255.” (GTE Comments, p. 8) If the Commission were concerned with just the appropriate pricing structure, there is plenty of evidence that some type of comprehensive review is required. As will be discussed below, however, the issue of what type of equipment and services must be subsidized to provide persons who are deaf or hard of hearing is a topic in itself that requires additional consideration.

³SBC Comments, p. 3, citing *Southwestern Bell Tel. Co. v. FCC*, 153 F.3d 523, 537-38 (8th Cir. 1998).

III. THE COMMISSION SHOULD DEVELOP A COMPREHENSIVE PROGRAM TO PROVIDE PERSONS WHO ARE DEAF AND HARD OF HEARING WITH TECHNICALLY EQUIVALENT AND AFFORDABLE TELECOMMUNICATIONS SERVICE.

The technology that is available today to persons who are deaf or hard of hearing is both expensive and inadequate. Thus, not only are such services unattainable to a significant percentage of the persons who need them, but the typical configurations of TTY or Voice Carry Over ("VCO") simply do not provide the level of sophistication needed for adequate telecommunications services.

For example, a household in which a person who is deaf or hard of hearing lives with someone who is not requires multiple lines. Not all parties commenting in this proceeding were sensitive to this fact. Despite GTE's contention that it "supports initiatives to make network access and use of telecommunications services more accessible for subscribers with hearing or speech disabilities" (GTE Comments, p.2), its comments belie this sentiment and are contrary to the needs expressed by the community of persons who are deaf or hard of hearing. GTE is the only party who opposes the Commission's proposal which it characterizes it as "unnecessarily costly to implement." (GTE Comments, p. 3) Further, GTE states that it does not wish to treat a secondary line as primary because "[a]t this time, most equipment and services commercially available to individuals with hearing or speech disabilities do not require a second line." (*Id.*) Finally, GTE minimizes the need to have a "separate line for TTY equipment in homes where both persons with and without disabilities reside."⁴

Similarly, BellSouth discusses an analysis that "reveals that the vast majority of BellSouth customers using TTY equipment have only one line at the location, which serves the communications needs of all residents, whether or not disabled." (BellSouth Comments, p. 2)

⁴*Id.* Persons who are deaf or hard of hearing readily discount this characterization. As Ms. Mulvany points out, "[a] user of TTY service in the home is unable to determine whether an incoming call is voice or TTY if there is only a single [shared] phone line." (Mulvany Comments, p. 1)

Such a perspective only amplifies the need for the Commission to approach this subject in a comprehensive fashion. Rather than arguing that historical utilization of two lines or two line-equipment demonstrates that not much assistance is needed, these parties must be made aware of the economic conditions of many persons who are deaf or hard of hearing, and recognize that it is not out of lack of need, but through lack of ability, that these telecommunications users do not employ more advanced equipment.

One commenting party suggests that a significant percentage of persons who are "born deaf are functionally illiterate," though they "can understand complex ideas expressed in sign language but not in English." (Mulvany Comments, p. 2) One can only imagine the difficulty that these people have in seeking employment that provides them with the resources necessary to invest in advanced American Sign Language-based technologies and multiple telephone lines. The National Association for the Deaf ("NAD") estimates that "the costs of acquiring, maintaining, and using TTYs . . . can soar into the hundreds, if not thousands of dollars each year." (NAD Comments, p. 4) As one party notes: "low-income people with disabilities have found functionally equivalent telecommunication out of reach economically due to current federal and state regulations and policies not anticipating that people with disabilities need accommodation in order to attain functionally equivalent telephone communication." (Mulvany Comments, p. 1)

To the extents that programs exist that assist in equipment funding or provide discounts on long-distance toll charges, TDI commends the FCC and State Commissions for their efforts. Such programs, however, are inconsistently available,⁵and do not provide persons who are deaf or hard of hearing with adequate support, even for the services readily available today. The need for more assistance is reflected in the requests of commenting parties that the Commission:

(1) "eliminate the cost of the access fees for subsequent lines needed for TYT/relay use

⁵As the National Association for the Deaf points out, "approximately half of the states do not even have equipment distribution programs." (NAD Comments, p. 4)

completely” (SHHHH Comments, p. 3); (2) subsidize the cost of a second line and conference calling (Anderson Comments, p. 1; Mulvany Comments, p. 4 and SHHH Comments, p. 5); (3) establish a consistent nationwide system “to allow for the needs for second lines and three way-conference calling” (SHHH Comments, p. 5); and (4) as new technologies emerge, consider subsidies for high speed digital transmissions (NAD Comments, p. 6).

Comments from the community of persons who are deaf or hard of hearing clearly explain how two line and evolving technologies are much more beneficial -- albeit more expensive -- than earlier alternatives. Single line relay service is “slow, inefficient, and very incomplete.” (Mulvany Comments, p. 1) The more expensive two-line VCO allows greater privacy, eliminates the need to continually pick up and put down the handset, and generally provides for more satisfactory communication. (NAD Comments, p. 4) As Mr. Vickery notes, use of two-line VOC “makes a call more natural.” (Vickery Comments, p. 2) Ms. Chertock characterizes it as “more civilized.” (Chertock Comments, p. 1) These improvements need to be replicated on a national basis, and TDI urges the Commission to fund these existing technologies on a broader basis.

Further, as comments indicate, there is a critical need to investigate advanced technologies because even the best solutions available today can be improved. TDI recommends that the Commission facilitate the wide-spread deployment of technologies such as high-speed data services that employ video delivery of ASL communications. As TDI noted in its comments, these types of developments are essential to provide equivalent telecommunications services to persons who are deaf or hard of hearing.

VI. CONCLUSION

While TDI applauds the Commission's efforts in the instant proceeding, persons who are deaf or hard of hearing have special telecommunications needs that cannot be addressed in a piecemeal fashion. The complexity of the access charge and pricing rules and the variety of state programs complicate the issue from an implementation perspective. The high cost of providing the optimal technological solutions further compounds the dilemma. Thus, TDI urges the Commission to move to a new level of providing "equal access" to the community of persons who are deaf and hard of hearing by initiating a comprehensive proceeding in which it can better evaluate the technical, social, and policy issues and provide better telecommunications services to persons who are deaf or hard of hearing.

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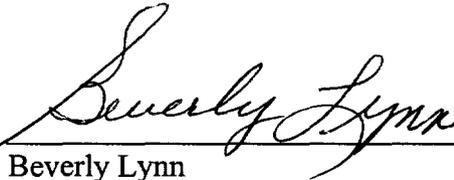
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing comments was served this 26th day of April, 1999, by mailing copies thereof by United States Mail, first class postage paid, or by hand delivery, to the persons listed below.

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