

Before the  
Federal Communications Commission  
Washington, D.C.

In the Matter of )  
 )  
Telecommunications Relay Services ) WorldCom's Petition for Clarification  
and Speech-to-Speech Services for ) CC Docket 90-571 regarding Internet  
Individuals with Hearing and Speech ) Protocol Relay Service  
Disabilities )  
 )  
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**Response to Petition for Clarification**

**Comments  
of the  
National Association of the Deaf  
Telecommunications Advocacy Network**

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**OVERVIEW**

The National Association of the Deaf - Telecommunication Advocacy Network (NAD-TAN) submits these comments to the Federal Communications Commission (FCC) in reference to WorldCom's Petition for Clarification, CC Docket No. 90-571, which requests that the FCC consider Internet Protocol-Relay Service an enhanced relay service, and therefore eligible for reimbursement from the Interstate Telecommunications Relay Service (TRS) Fund.

Upon review of the petition for clarification from WorldCom, we urge the FCC to consider Internet Protocol Telecommunications Relay Service (hereafter referred to as "IPTRS"), as an interstate service, therefore eligible for reimbursement from the Interstate TRS fund. This service determination and eligibility for reimbursement consideration should also include IPTRS applications utilizing videoconferencing

products. We believe that IPTRS offers a unique opportunity for consumers who are deaf, hard of hearing, late deafened, or speech disabled to have the capacity to choose a telecommunications relay service provider of their choice (hereinafter referred as Provider of Choice (POC)).

IPTRS enables consumers who are deaf, late deafened, hard of hearing or speech disabled to make use of computer equipment via Internet Service Providers (ISPs) to conduct a relay call. While the WorldCom petition requests that IPTRS be considered an enhanced service, the NAD-TAN offers an alternative means to a similar end. We also recommend that the FCC certification procedure and minimum standards for IPTRS be utilized, to the extent applicable, to ensure that the quality of IPTRS is equal to existing TRS requirements.

## **BACKGROUND**

WorldCom developed a new and experimental text-based TRS through the Internet. Referred to as "IP Relay," this service has been undergoing national trials for the last several months. IP Relay users establish a local connection to an ISP using a computer or any other Internet protocol-capable devices and an Internet browser application. The user then opens the website containing the IP Relay application ([www.ip-relay.com](http://www.ip-relay.com)) in order to initiate the relay call.

We are aware of at least one state that utilizes the Internet in a relay application. In Texas, Sprint provides TRS via the Internet using videoconferencing technology that is part of its Video Relay Service (VRS). The Texas VRS includes all types of bandwidths,

whereas IPTRS is limited to Internet connections only. For the sake of distinction, videoconferencing through the Internet is referred to herein as IPVRS (Internet Protocol Video Relay Service). IPVRS users also establish a local connection to an ISP using a computer with videoconferencing technologies that have IP connectivity.

Both IPVRS and IPTRS fall under the generic term of IPTRS. In both cases, one of the chief advantages of IPTRS is the lower cost of the call and thus important savings to the state, interstate funding mechanisms, and consumers

### **IPTRS AS AN INTERSTATE SERVICE**

NAD-TAN recommends that the Interstate TRS Fund be directed to reimburse providers for the cost of long distance calls incurred between the TRS center and the terminating point of IPTRS calls due to the fact that it is not possible to tie the connecting points between originating and terminating parties. In addition, we recommend on the basis of the FCC's declaratory ruling on the Internet, Docket Nos. 96-98, 99-68, that IPTRS be considered as interstate service. Here, the Commission declared, "Internet traffic is jurisdictionally mixed and appears to be largely interstate in nature."

We believe it is helpful to understand how the process works with these two services, IPTRS and IPVRS, as both utilize the same relay protocols as well as traffic networks. IPTRS users connect via the Internet to the IPTRS center, and then the IPTRS center uses POTS lines to dial specified hearing parties. Once the requisite connections are made, relay service becomes operable. Hearing parties may also initiate such calls.

When relay users originate an IPTRS call through the Internet, there is no way to discern where the call originates. There is no automatic number identification (ANI), as is the case with conventional relay, for the originating leg of IPTRS calls that are processed through the Internet. The call can originate from any place in the United States of America. Therefore, there is no way for IPTRS providers to effectively tie the originating point of the call (Internet) to the terminating point of the call (POTS lines) to determine whether the call is local, intrastate, or interstate, and to determine what type of toll charges should be applied.

IPTRS providers do have point-to-point data on the connection between the IPTRS center and the terminating point (POTS line) using ANI technology, however, this is limited to just the terminating leg of the IPTRS call. Given this fact, IPTRS should therefore be considered an interstate service and thus be eligible for reimbursement from the Interstate TRS Fund.

One could argue that IPTRS costs could be based on current TRS traffic patterns for interstate and local/intrastate calls. However, NAD-TAN believes that once IPTRS becomes more available, traffic patterns will quickly not be consistent with traditional TRS calling patterns. Given the fact that long distance calls will be made through the Internet, IPTRS providers will not be able to identify associated long distance rates for pass through to the relay user. We anticipate that relay users will make more long distance calls via IPTRS. The practical course of action would be to consider IPTRS as an interstate service in its entirety and reimbursable by the Interstate TRS Fund

It must be noted that in Texas, IPVRS service can be processed both ways; that is, it is quite possible for a hearing person to call an IPVRS user by calling an 800 number.

Although WorldCom does not currently offer this service, they and other providers can certainly do so.

Additionally, we are already witnessing transition of POTS calls to voice over Internet protocol (VOIP) calls made by hearing non-text-based users. Thus, it is conceivable that in the near future there will be VOIP features where a hearing person can initiate such to reach an IPTRS user. When this happens then both legs of IPTRS calls will be wholly Internet-based and there then would be no way to determine if the IPTRS call is local, intrastate, or interstate. The safest course of action then would therefore be to treat IPTRS as fully interstate.

#### **DEAF CONSUMER PERSPECTIVE**

A number of NAD-TAN members have tried WorldCom's IP Relay service and most of their responses were very favorable. Many liked the idea of making an IPTRS call through their computers. Our members also liked the idea of not having to pay the associated tolls for long distance calls made through IPTRS, particularly because we are cognizant of the fact we do not have comparable access as persons who can hear, who currently enjoy no-cost VOIP telephony. Furthermore, we believe that if more than one IPTRS provider could be available in any state, relay users – deaf, hard of hearing, late deafened, and speech disabled alike - would have the option to explore each service and choose a provider based on their quality of service. TRS users have long stated they want the opportunity to exercise the option to their provider of choice (POC). The IPTRS scenario presented herein would offer such opportunities.

## **QUALITY CONCERNS**

NAD-TAN further suggests that the standard TRS complaint procedure be applied to IPTRS. Due process as is already the case with traditional TRS should remain the same. That is, consumer complaints are directed to IPTRS providers first, failing that, they are elevated to the state regulatory agency (state relay administrators perhaps), and failing that, these then go to the FCC. We also suggest that the FCC empower states with the responsibility of resolving IPTRS consumer complaints in the states where they reside. Even though IPTRS may be considered as an interstate service, IPTRS providers will also offer local, and intrastate relay services, thus states and relay users would be involved in the complaint process, just as they currently are with the traditional TRS complaint system in place.

NAD-TAN recommends the FCC TRS certification procedures also apply to IPTRS providers. We do recognize that certain IPTRS features may be difficult to measure and at this time impossible to enforce such as average speed of answer (ASA) and busy signals. Very often Internet traffic will influence ASA and busy signals, of which IPTRS providers at this time have no control. We ask that allowances be given to IPTRS providers pending further research and data collection.

## **OTHER POSSIBLE BENEFITS**

If IPTRS were considered fully interstate based, providers would be able to offer IPTRS (including IPVRS) in any state. Under such a scenario, a multi-vendoring environment would emerge.

We wish to reiterate that relay users have repeatedly expressed the desire to be able to choose their provider of choice (POC). At the Biennial National Conference of the National Association of the Deaf in July 2000, delegates passed a motion stating in part that,

"The NAD and State Associations shall adopt the position of supporting consumers' right to the relay provider of their choice, and to advocate aggressively for its earliest implementation nationwide, and endorse strongly the provision of Video Relay Services as a telecommunication relay services (TRS) option in every state..." (NAD 2000 Mandate)

We acknowledge that not all relay users have computers and not all that have computers with access to the Internet, thus it is appropriate that traditional TRS will continue to be provided. IPTRS will, however, offer relay users greater POC opportunities.

Further, the IPTRS scenario could look like this: in each state there might be several IPTRS providers as well in addition to one or more traditional TRS providers marketing to and competing for relay users. This would provide a safety net whereby

relay users can always fall back to their traditional TRS provider if they are not satisfied with IPTRS performance. Furthermore, this would encourage competition between both IPTRS and state TRS providers. Traditional TRS providers would then be compelled to improve their services to compete more effectively against IPTRS providers.

This scenario is in alignment with the competition policy specified in the Telecommunications Act of 1996. Additionally, with IPTRS, there is no need to obtain permission from states to provide IPTRS within individual states. The benefit of this approach is that IPTRS can provide local, intrastate, interstate, or international services similar to traditional TRS, but perhaps with greater flexibility.

The cost recovery mechanism for IPTRS would be determined in the same manner as the present procedure for reimbursement of interstate rates, and include peripheral costs such as the connection from the IPTRS center to the POTS destination. Currently, the Interstate TRS Fund reimburses at \$1.328 for TRS minutes and \$5.539 for VRS minutes. The existing pricing is not appropriate for IPTRS services. Thus, we recommend that the National Exchange Carrier Association (NECA) TRS Fund Council be empowered to establish a pricing formula that considers all the unique costs associated with provision of IPTRS. The formula developed by NECA would offset any costs IPTRS providers have such as the toll rate from the IPTRS center to the destination POTS, and still offer incentives for interested providers. NECA should separately analyze cost considerations for IPTRS and IPVRS, as these two services do not use the same pool of call center employees and associated costs are very different.

## CONCLUSION

NAD-TAN strongly believes that considering IPTRS as an interstate service and thus reimbursable by the Interstate TRS Fund can be a win-win situation for states, relay users, the federal government, and the telecommunications industry.

NAD-TAN also believes IPTRS can offer a safe entry into a multi-vendoring environment without the challenges associated with California's multi-vendoring effort. The IPTRS approach to TRS provision would add to, rather than detract from, traditional TRS services.

NAD-TAN strongly believes relay users would welcome having a choice among traditional TRS and newer IPTRS services in their respective states. We believe this is a unique opportunity for the FCC to integrate IPTRS on the national TRS stage and open up new possibilities for relay services nationwide.

Sincerely,

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