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Michael F. Del Casino  
Regulatory Division Manager

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Suite 1000  
1120 20th Street, N.W.  
Washington, DC 20036  
202 457-2023  
FAX 202 457-2165

May 21, 2001

Ms. Magalie Roman Salas  
Federal Communications Commission  
445 12th St., S.W. – Room TWB-204  
Washington, D.C. 20554

Re: Joint Reply Comments – Telecommunications Relay Services and the  
Americans  
with Disabilities Act of 1990, CC Docket No. 90-571.

Dear Ms. Salas:

Attached are the jointly filed comments of Coin Sent-Paid Industry Team, whose members for this purpose are: AT&T, American Public Communications Council, BellSouth Telecommunications, Inc., Hamilton Telephone, Qwest, SBC, Sprint, Verizon, Vista IT, and WorldCom in the above-captioned proceeding.

Yours truly,

Michael F. DelCasino  
Co-Chair – CSP Industry Team  
Team

Linda Nelson  
Co-Chair – CSP Industry

cc: Karen Peltz-Strauss  
Pam Gregory

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

<b>In the Matter of</b>	)	
<b>Telecommunications Relay Services and the</b>	)	<b>CC Docket No. 90-571</b>
<b>Americans with disabilities Act of 1990</b>	)	

**REPLY COMMENTS OF THE COIN SENT-PAID INDUSTRY TEAM**

The Coin Sent-Paid Industry Team <sup>1</sup> (Industry Team) hereby submits the following reply comments to the Commission's Second Further Notice of Proposed Rulemaking in the Telecommunications Relay Service, Coin Sent-Paid proceeding.

The Public Utilities Commission of the State of California and the People of the State of California (California)

California opposes having the Commission terminate its coin sent-paid requirement. It asks the Commission to maintain the 64.604(a)(3) requirement that a relay center be capable of handling any type of call. California cites Section 225 to support its opposition to terminating the coin sent-paid requirement by arguing that Congress mandated relay centers to be able to handle all calls normally provided by common carriers. <sup>2</sup>

California misstates Section 225, which requires the Commission to ensure that telecommunications services for persons with hearing or speech impairments are available at

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<sup>1</sup> The Coin Sent-Paid Industry Team is composed of the following companies: AT&T, GTE and Bell Atlantic (now Verizon Communications), Sprint, WorldCom, BellSouth Telecommunications, Inc., SBC, American Public Communications Council, Hamilton Telephone, US West (now Qwest), and Vista IT.

<sup>2</sup> Comments of the Public Utilities Commission of the State of California and of the People of the State of California on the Second Further Notice of Proposed Rulemaking at 2.

rates no greater than rates paid for functionally equivalent voice communications services.<sup>3</sup> Section 225 does not mandate identical payment methods, only functionally equivalent services at equivalent rates. Congress did not mandate what services or payment methods would be considered functionally equivalent to voice services. The Commission has discretion to make this determination. The Commission may now, in its discretion, determine that coin-sent payment methods are not the only means to achieve functionally equivalent service for persons with speech and hearing impairments. This is a reasonable conclusion, given the Commission's finding that "no technological solution to the coin sent-paid issue appears imminent" after years and years of seeking a technical solution to this problem.<sup>4</sup> Nor does it appear that any contractor believes they can resolve this calling equivalency issue with a technical solution as the Industry Team's Request for Proposals (RFPs) went untouched.<sup>5</sup>

California further supports its request to maintain a coin sent-paid requirement by claiming that payphone use will increase with 711 dialing to access relay centers, making the ability to handle coin calling more important than before. However, easier dialing access to relay does not change the economics of the payphone industry. Payphone usage among the TTY community will continue to decline just as payphone use in the hearing community is declining due to the availability of alternatives such as Cellular (there is growing use of cell phones within the TTY community) and Wyndtell Devices. These alternatives are combining with regular and wireless internet devices to continue a decline in overall Relay Calls as well as Payphone Relay calls.

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<sup>3</sup> 47 U.S.C. Sec 225(d)(1)(D).

<sup>4</sup> Second Further Notice of Proposed Rulemaking, at 3.

Regarding the payment for TRS toll calls, California sees the Commission's proposal to make the calling card, collect and third party calls no more expensive than coin calls as "unworkable and as a practical matter, unenforceable" since this proposal would require the carrier to know the coin sent-paid rate at the particular payphone being used.<sup>6</sup> The Industry Team agrees that carriers should not be required to do something that is overly burdensome, and infeasible. As we have stated in our comments, prepaid cards are generally easy to obtain and the members of the Industry team offer these cards, generally, at lower rates than the coin sent rate. Combined with the calling card option for TRS toll calls, prepaid calling cards allow the TRS user the functional equivalency of coin calls at no more than the coin sent rate. Also noted in our Comments, billing records for collect and third party calls would be prohibitively expensive to develop, nor are collect and third party calls the functional equivalent of coin calls because they require the intervention of a live operator<sup>7</sup>.

California requires carriers to discount TTY-TTY toll calls, and is concerned that the requirement to place TTY-TTY through relay at rates no higher than normal toll rates would undermine its discount requirement.<sup>8</sup> It asks the FCC to clarify that its TTY-TTY requirement only means that rates would be no higher than normal toll rates, but could be lower. As noted in our filed comments, TTY to TTY calls are already defined by the FCC as not being Relay calls and should, therefore, not be part of this proceeding.

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<sup>5</sup> Comments of the Coin Sent-Paid Industry Team at 22-23

<sup>6</sup> Comments of the Public Utilities Commission of the State of California and of the People of the State of California on the Second Further Notice of Proposed Rulemaking at 5.

<sup>7</sup> Comments of Coin Sent-Paid Industry Team at 9-10

<sup>8</sup> Comments of the Public Utilities Commission of the State of California and of the People of the State of California on the Second Further Notice of Proposed Rulemaking at 5-6

Joint Comments of Telecommunications for the Deaf (TDI), the Consumer Action Network, and the National Association of the Deaf (NAD) - (Joint Commentors)

The Joint Commentors support free local calling and the Commission's proposal to allow TRS users to provide the telephone number they wish to call before providing a payment method.<sup>9</sup> Joint Commentors' proposal to have users provide their telephone number to the Communications Assistant (CA), rather than require the CA to make special inquiries regarding the ultimate calling destination as the Commission proposes, mirrors the Industry Team's proposal. Preventing charges for local calls is therefore best handled through consumer education efforts.

Similarly, the Joint Commentors do not support excluding prepaid cards for use with toll calls. They state that prepaid cards are the most affordable and convenient calling option, especially for lower income people.<sup>10</sup> We agree that prepaid calling cards are an excellent alternative to cash (coins) for making TRS toll calls. We also agree that exempting prepaid cards from consideration would bar TRS consumers from access to the benefits that prepaid cards offer. The Industry Team members provide these cards, in general, with rates lower than the applicable coin sent rate. Non-carriers' prepaid cards also typically offer toll rates lower than the coin sent rate. As always, it is important for the consumer to be informed, and to know the cost of the calls they are purchasing.

The Joint Commentors recognize that relay administrators and relay providers are in the best position to perform consumer outreach, rather than carriers.<sup>11</sup> The Industry Team expressed a similar perspective when it proposed that the federal government is in a better

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<sup>9</sup> Comments of Joint Commentors at 5

<sup>10</sup> Comments of Joint Commentors at 6

<sup>11</sup> Comments of Joint Commentors at 9.

position to do outreach than the carriers. The Commission should recognize this area of consensus in its conclusions. The Joint Commentors support placing information about how to use a TTY at payphones, arguing that this would help people understand TTY's and how to use relay. Industry Team Comments demonstrated the limited control that carriers have in this matter. State laws and private landlords often control access to payphones, and neither the FCC nor the industry has unrestricted access to, or authority over, these payphones.

The Joint Commentors support web sites and directories as outreach vehicles. As noted in our comments, most members of the Industry Team already have web sites with TTY Payphone Instructions and are not in a position to establish an Industry-wide Web site. The FCC should either establish one itself or request development by an organization such as NECA.

#### Deaf Seniors of America (DSA)

The DSA proposes making a local call any call within a 100 mile radius of payphone, even if this crosses LATA boundaries. Users of relay services are already getting free local calling, often with a greater radius than that of the local calling area of a non-hearing impaired person. Therefore, they are already receiving a better than functionally equivalent calling option.

On the TTY -TTY issue, DSA proposes having TRS centers perform credit card and third party billing for call set-up from payphones, and then drop off. The FCC has already defined TTY-TTY calls as not being relay calls and, as such, can bring this issue forward in another proceeding to resolve the problem DSA puts forth in their comments. Moreover, the

cost of providing these billing options would require modifying all operator positions throughout the country and would be prohibitively expensive.<sup>12</sup>

Finally, the DSA states that carriers reported that making technical modifications to handle TRS Coin sent-paid calls would incur expenses of at least one billion dollars. Although the Commission's acknowledged that a technical solution to TRS CSP would be extremely expensive in the Second Further Notice of Proposed Rulemaking,<sup>13</sup> the DSA is mistaken regarding the cost of the technical solution involved. In the Second Further Notice, the Commission cited the Alternative Plan Order which states "GTE estimated that the CSI solution could initially cost the industry between \$104 million and \$111 million for the first year's operation, with recurring costs of between \$10 and \$20 million annually. Independent payphone providers estimated costs at \$20 million for all payphones nationwide".<sup>14</sup>

## **CONCLUSION**

For the reasons set forth in these reply comments, the Commission should adopt the proposals of the Coin Sent-Paid Industry Team.

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<sup>12</sup> Comments of the Coin Set-Paid Industry Team at 10-11

<sup>13</sup> Second Further Notice of Proposed Rulemaking, at 8

<sup>14</sup> Second Further Notice of Proposed Rulemaking, fn. 20