

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

MAY 21 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

REPLY COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION

I. INTRODUCTION

The United States Telecom Association (USTA),¹ respectfully, submits these reply comments

¹The United States Telecom Association (USTA), formerly the United States Telephone Association, is the nation's oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks, as well as related products and services.

USTA has a long history of participating in this proceeding and its position on matters addressed by this proceeding are contained herein. No other party to this proceeding speaks for USTA unless expressly authorized to do so. *See, in re Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, and the Americans with Disabilities Act of 1990*, in CC Dkt. No. 90-571, "Comments of the United States Telephone Association", (Jan. 15, 1991); "Reply Comments of the United States Telephone Association" (Feb. 15, 1991); "Reply Comments of the United States Telephone Association" (Oct. 23, 1991); "Comments of the United States Telephone Association" (Apr. 5, 1993); "Reply Comments of the United States Telephone Association" (Apr. 19, 1993); "Opposition to Petition for Stay" (Sept. 1, 1993); "Motion for Extension of Time and Opposition to Request for Stay" (Oct. 1, 1993); "Oppositions of the United States Telephone Association" (Oct. 28, 1993); "Petition for Reconsideration or Clarification of the United States Telephone Association" (Nov. 1, 1993); "Petition of USTA for Extension of Enforcement Suspension" (May 3, 1995); *In re Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996*, in CC Dkt. No. 90-571, "Reply Comments of the United States Telephone Association" (Apr. 21, 1997); *In re Telecommunications Relay Services, and the Americans with Disabilities Act of 1990*, in CC Dkt. No. 90-571, "Comments of the United States Telephone Association" (Jun. 2, 1997); and "The United States Telecom Association's Comments in Support of the Coin Sent-Paid Industry Team's Report" (Jul. 10, 2000). USTA's statements addressing The Commission's Second Further Notice of Proposed Rulemaking, in re Telecommunications Relay Services and the Americans with Disabilities Act of 1990, in CC Docket No. 90-571, FCC 01-89, released on Mar. 16, 2001, are entirely contained in these reply comments.

on the Second Further Notice of Proposed Rulemaking (Second FNPRM) in this proceeding, released no March 16, 2001. In the Second FNPRM, *inter alia*, the Federal Communications Commission (Commission) proposes to eliminate the requirement that TRS providers be able to handle coin sent paid calls.²

USTA responds to the comments filed by The Public Utilities Commission of the State of California and of the People of the State of California (California Comments) opposing the Commission's proposal.³

II. CALIFORNIA'S COMMENTS OPPOSING THE ELIMINATION OF SECTION 64.604(A)(3) FAILS TO SUPPLEMENT THE RECORD WITH THE NECESSARY COST AND BURDEN SUPPORT FOR MAINTAINING THE CURRENT SYSTEM AND THEREFORE SHOULD BE REJECTED.

California does not support the Commission's proposal to eliminate section 64.604(a)(3).⁴ Instead, California believes the Commission should continue to temporarily suspend section 64.604(a)(3).⁵ USTA has consistently advocated that the Commission eliminate the requirement that TRS providers be able to handle coin-sent paid calls,⁶ and disagrees with California that enforcement of that section should not be eliminated. The Commission is correct with its view that

²Second FNPRM at ¶¶ 27-28.

³Comments 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 (May 7, 2001)(California Comments).

⁴California Comments at 2-4.

⁵Id.

⁶*See*, Petition of USTA for Extension of Enforcement Suspension (May 3, 1995); Comments of the United States Telephone Association (Jun. 2, 1997); and The United States Telecom Association's Comments in Support of the Coin Sent-Paid Industry Team's Report (Jul. 10, 2000).

the requirement should now be eliminated. In the Second FNPRM, the Commission states that “[o]ur proposal to eliminate the requirement that TRS providers be able to handle coin sent-paid calls will eliminate as well the uncertainty that our temporary suspensions have created for both the industry and consumers.”⁷ USTA agrees with this assessment.

Further, the Commission has stated that parties that disagree with the Commission’s proposal to exempt coin sent-paid calls from the current TRS requirements should comment on the costs and burdens of any uncertainty that will result if the Commission continues to suspend enforcement of section 64.604(a)(3) of its rules insofar as coin sent-paid calls are concerned, on a temporary basis.⁸ California has not provided the requisite information called for by the Commission and does not provide a record basis for changing the Commission’s intended direction. Consequently, California’s request, in this regard, should not be granted.

As the Commission has determined from the record created in this proceeding, it is appropriate to eliminate enforcement of the obligation that carriers provide coin-sent-paid TRS.⁹ USTA believes, as does the Commission,¹⁰ that it is in the public interest to eliminate enforcement of section 64.604(a)(3). For the reasons stated by the Commission, and because of technological complexity and substantial expenditure to handle such traffic, USTA believes that the Commission’s actions in this regard would be consistent with requisite law and urges that the Commission take such action, immediately.

⁷See, Second FNPRM at ¶ 28.

⁸See, Second FNPRM at 29.

⁹See, Second FNPRM at ¶¶ 3, 8, 20, 27-30.

¹⁰Id. at 28.

III. CONCLUSION

USTA urges that the Commission permanently eliminate enforcement of section 64.604(a)(3), immediately, and in that regard reject California's efforts to the contrary.

Respectfully submitted,

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May 21, 2001

CERTIFICATE OF SERVICE

I, Gail Talmadge, do hereby certify that on May 21, 2001, a copy of *The United States Telecom Association's Reply Comments*, in CC Docket No. 90-571, was either hand-delivered or deposited in the U.S. Mail, first-class, postage prepaid, to the persons on the attached service list.


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