

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Provision of Improved Telecommunications)
Relay Services and Speech-to-Speech)
Services for Individuals with Hearing and) CC Docket No. 98-67
Speech Disabilities)
)

AT&T COMMENTS

Pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R.

§ 1.429, AT&T Corp. ("AT&T") submits these comments on the petitions filed by WorldCom, Inc. ("WorldCom") and Sprint Corporation ("Sprint") for reconsideration of the Commission's Declaratory Ruling in this proceeding concerning certain minimum standards for telecommunications relay services ("TRS") provided via Internet protocol ("IP").¹

In the Declaratory Ruling the Commission clarified that providers of IP TRS ("IP Relay") are eligible for reimbursement from the interstate TRS fund in accordance with Section 225 of the Communications Act (47 U.S.C. § 225).² The Commission in that decision also specified minimum operational, technical and

¹ Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition for Clarification of WorldCom, Inc., CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, FCC 02-121, released April 22, 2002 ("Declaratory Ruling"). The Commission's Public Notice of the WorldCom and Sprint reconsideration petitions was published in the Federal Register on July 29, 2002 (67 FR 49024).

² See Declaratory Ruling, ¶¶ 7-26.

functional standards for IP Relay, or in some cases granted time-limited waivers from such requirements otherwise specified in the Commission's TRS rules.³

However, as the reconsideration petitions correctly point out, several of these performance criteria cannot be provided with IP Relay with technology now in place or available in the foreseeable future. Accordingly, the Commission should relieve carriers of the obligation to satisfy these criteria (or, where applicable, should extend the waivers indefinitely until such time as the requisite technological advances have occurred).

Pay-per-call services: As Sprint notes (pp. 3-4), with IP Relay a TRS provider's relay center does not receive the ANI of the calling party, which is indispensable to the correct billing and handling of a 900 service call. Absent such information, the 900 service provider may receive the ANI information for the relay center, which will result in erroneous billing those premium charges to the TRS provider. Alternatively, if the relay center attempts to insert the calling number proffered by the IP Relay customer, the TRS provider will have no way to assure that such information was accurate, leading to potential misbilling and even outright fraud.

The Declaratory Ruling (¶ 34) nevertheless concluded that there is "no reason why IP Relay cannot also accommodate pay-per-call, or '900' number, services. In cases where the pay-per-call service requires the use of a credit card, the [communications assistant] can pass along credit card information provided by the

³ Id., ¶ 27-38.

customer. In cases of pay-per-call services that are billed by the minute, IP Relay will be able to provide the caller's telephone number to the pay-per-call service provider for billing."

The Declaratory Ruling's explanation fails to take any account of the problem Sprint's reconsideration petition describes, and overlooks serious operational problems with the purported alternatives described in the decision. While the Commission is correct in concluding that it is possible to pass along credit card information provided by the customer to the pay-per-call service provider, this procedure only works when the pay-per-call provider makes available the opportunity to bill those calls using credit card information. Many pay-per-call providers do not allow for billing to a credit card, and will simply bill the call originator which in this case would be the relay center that processed the IP Relay call.

Similarly, it is not always possible for the relay operator to provide "the caller's telephone number to the pay-per-phone call service provider for billing" as the Declaratory Ruling apparently envisions; for example, when the 900 call terminates to a recorded announcement that is not answered by a live attendant. Lastly, even if it were possible for the "CA to provide the caller's telephone number to the pay-per-phone call service provider," there would be no way for the CA to verify that the caller was providing his/her correct number and there would be no way for the CA to verify if the number provided has a restriction on it for 900 calls.

AT&T therefore fully supports Sprint's reconsideration request that the Commission waive 900 call completion via IP Relay permanently.

Emergency Call Handling: The Declaratory Ruling (§ 30) provides for a one-year waiver of the requirement that an end user's location information be automatically passed on for emergency call handling through IP Relay. Because no currently foreseeable technology permits Internet connections to pass the calling party's automatic number identification ("ANI"), WorldCom notes (p. 2) that it is probable that the Commission will be repeatedly called upon to address and extend the one-year waiver, with consequent financial uncertainty for IP relay providers and unnecessary burden on scarce regulatory resources.⁴

Like WorldCom, AT&T does not believe that the record demonstrates that the IP Relay industry will have the technology or the means in place for the foreseeable future to accurately and automatically transfer calls to emergency services providers and to transfer the call with location information.⁵ AT&T therefore

⁴ Such a process of repeated waiver extensions would replicate the experience with TRS calling for coin sent-paid traffic, which the Commission in 1991 mandated be provided even though it was then uncontested that available and foreseeable technology did not permit coin signaling with relay service network arrangements. The Commission repeatedly suspended the requirement for two year periods, but was forced to revisit and extend those decisions each time for almost a decade. See Telecommunications Relay Service and the Americans with Disabilities Act of 1990, 16 FCC Rcd 5803 (2001). Ultimately, the Commission sanctioned industry alternatives that allow TRS customers to make use of prepaid cards and other billing methods in lieu of coin sent-paid calling, but even today there is no feasible method of placing relay calls paid by coins.

⁵ Moreover, AT&T notes that since the issuance of the Declaratory Ruling, the Commission has issued a Public Notice requesting comment on clarification of the procedures for routing *all* emergency TRS traffic "immediately . . . to the most *appropriate* PSAP" (emphasis in original). See Public Notice "Pleading Cycle Established for Comment on Clarification of Procedures for Emergency Calls at Telecommunications Relay Services (TRS) Centers," DA

(footnote continued on following page)

supports extending the waiver indefinitely, provided that IP Relay providers have a method for conveying, transmitting or relaying an emergency call to an authorized emergency agency (i.e., police, fire, ambulance). In its comments previously filed with the Commission on this issue,⁶ AT&T indicated that it could respond to an IP caller's request to connect to an emergency agency by relying on its Emergency Call Handling data base which allows for retrieval of emergency services by city/state, address, and/or phone number.⁷ The Declaratory Ruling recognizes (id.) that this procedure is a satisfactory means to "rapidly get critical location information from emergency callers, and [to] pass this information along to appropriate emergency services."

Voice Initiated Calls: In recognition of the fact that "technological limitations make these services impossible at this point," the Commission has waived for a period of one year the requirement that IP Relay be accessible by voice carryover ("VCO") and speech-to-speech ("STS") calling. Declaratory Order,

(Footnote continued from preceding page)

02-1826, released July 29, 2002. The outcome of that proceeding may have impacts on IP Relay providers' obligations under the Commission's TRS rules.

⁶ See AT&T Comments on Public Notice, "Consumer Information Bureau Seeks Additional Comment on the Provision of Improved Telecommunications Relay Service," 16 FCC Rcd 13,100 (2001) published at 66 Fed. Reg. 37,631 (July 19, 2001).

⁷ The information required to do a look up in the Emergency Call Handling database needs to be provided real time by the customer to the relay operator. It is not feasible to rely on stored customer profile information regarding the caller's location, because IP relay callers can potentially access the IP Relay service from any city or state as long as they have an Internet connection.

¶ 32. Both WorldCom and Sprint seek further deferral of those obligations, given the conceded current technical infeasibility of offering these capabilities with IP relay.

AT&T believes that the development of HCO functionality for IP Relay will be costly and could otherwise divert technical development funds from other features that would benefit the majority of IP relay users such as developing faster access and faster connections to the called party. AT&T believes that customer demand should drive the relay providers to develop this functionality, not the preset termination of a waiver period. AT&T therefore supports the petitioners' requests that the Commission extend this waiver indefinitely until such time as this functionality becomes available from two or more IP Relay providers.

Additionally, AT&T requests the Commission to clarify its determination not to waive the requirement that IP Relay carry the text leg of a hearing carryover ("HCO") call. Id. Since it is not currently possible to provide HCO through an ASCII connection, AT&T believes that the Declaratory Ruling may have envisioned a scenario where an ASCII based IP Relay caller requests a relay call that terminates to a Baudot based HCO user. If this is not the case, then AT&T respectfully requests the Commission to extend the waiver for providing HCO in the same way as for VCO.

Respectfully submitted,

AT&T Corp.

By /s/ Peter H. Jacoby
Mark C. Rosenblum
Peter H. Jacoby
Room 1134L2
295 North Maple Avenues
Basking Ridge, N.J. 07920
Tel. (908) 221-4243
Fax (908) 221-4490

Its Attorneys

August 13, 2002

CERTIFICATE OF SERVICE

I, Theresa Donatiello Neidich, do hereby certify that on this 13th day of August 2002 copy of the foregoing "AT&T Comments" was mailed by U.S. first class mail, postage prepaid, upon the parties listed below:

/s/ Theresa Donatiello Neidich
Theresa Donatiello Neidich

Larry Fenster
WORLD.COM, INC.
1133 19th Street, NW
Washington, DC 20036

Michael B. Fingerhut
Richard Juhnke
SPRINT CORPORATION
401 9th Street, NW, Suite 400
Washington, DC 20004