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May 22, 2003

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

RE: ***Ex Parte*** Communication in CC Docket No. 98-67;
Comments in Support of Petition for Clarification of Ultratec, Inc.

Dear Ms. Dortch:

Telecommunications for the Deaf, Inc. ("TDI"), a national advocacy organization representing the interests of the twenty-eight million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind, urges the Commission to promptly grant the pending petition of Ultratec, Inc. ("Ultratec"), filed in the above-captioned docket on April 12, 2002 ("Petition"). The Petition was filed pursuant to the Commission's Improved Services Order, in which the Commission stated it would entertain individual petitions demonstrating that specific services fall within the definition of telecommunications relay service ("TRS"), and the Commission issued a separate public notice requesting comment on the Petition on June 26, 2002.

In the Petition, Ultratec requested that the Commission clarify its rules to confirm that reimbursement from the interstate TRS fund is available for the provision of Captioned Telephone ("CapTel") service, an enhanced Voice Carry Over service ("VCO"), and that the provision of CapTel is an optional TRS telecommunications transmission service eligible for interstate cost recovery. Ultratec also requested that the Commission confirm that certain mandatory minimum standards pertaining to video relay, speech-to-speech relay, and hearing carry over services are not applicable to the provision of CapTel.

TDI believes that the Commission should grant the Ultratec Petition promptly in order to bring greatly improved TRS service to a significant underserved segment within the deaf and hard of hearing population. TDI supports classifying CapTel as an optional TRS, but TDI also requests that, in granting the Petition, the Commission specify that in three years it will review whether the CapTel service should be re-classified from an optional to a mandatory service. TDI

also urges the Commission to specify that support for CapTel implementation will come from the interstate TRS fund only, in order to avoid the inefficiencies of a joint federal-state cost recovery scheme that could impede CapTel service development while it is in the early stages of deployment.

The Commission has repeatedly demonstrated its commitment to improved service to the deaf and hard of hearing population, and to pushing TRS beyond traditional TTY devices and closer to functional equivalency with traditional voice communication telephone services, approving TRS fund reimbursement for such services as Internet Protocol Relay (“IR”) and Video Relay (“VRS”) services. The Commission’s recent decision to modify the Commission’s TRS rules and to seek information about new technologies that can provide new and improved telecommunications services to those with disabilities represents another important step towards bringing to those in deafness and hearing loss, and their contacts, the benefits of modern communications technology.

Grant of Ultratec's Petition so that CapTel can become generally available in the marketplace will make such benefits more widely available by providing much-needed service to a separate underserved group within the deaf and hard of hearing population, especially those who would not use either the IR or the VRS. Members of this group, which includes many senior citizens with severe to profound hearing loss, can still use their speech and can make themselves understood to a person at the other end of the phone line, provided they can understand what that person is saying. CapTel’s relay agent/software allows them to compensate for their hearing loss by allowing them to have natural back and forth conversations with captioning support and transmission of voice and text over a single phone line simultaneously. With CapTel service, the CapTel user simply dials the called party’s number, and a Communications Assistant (“CA”) repeats what the called party says, with voice recognition software trained to recognize that CA’s voice generating in near-real time word-for-word captions relayed to the caller immediately. The captions are visible on the phone instrument almost simultaneously with the caller’s speech. System trials have demonstrated that transcription rates exceed 140 wpm with accuracy rates of 98% or more, far exceeding the Commission’s minimum CA transcription standard of 60 wpm. Calls to CapTel phones are almost as simple as calls to unequipped phones, requiring the dialing only of an 800 number and the called CapTel phone number to activate the service.

The CapTel service is virtually transparent to the call participants, as there are no CA interruptions with requests for a party to repeat what he has said or telling a party to “go ahead.” Further, while reading the captions users with some hearing ability can listen to the called party’s own voice, complete with tone and inflections and even laughter. Through CapTel, a deaf or hard of hearing person who has speech can use the telephone in a manner very closely approximating the way a hearing person uses it and without experiencing the time lags inherent in current TRS and IP Relay. The faster transcription rates also reduce costs to the caller by reducing the overall length of a call, as does the fact that only a single line is required. Moreover, from a public safety perspective, CapTel allows deaf and hard of hearing persons to communicate better with health and emergency services personnel by virtually eliminating time lags in conversations and allowing the emergency personnel to obtain important additional

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information in a manner that is essentially indistinguishable from the way they communicate with the hearing population. CapTel also can increase the employment options for those with profound hearing loss, and it facilitates independent use of voicemail and automated response systems by many deaf and hard of hearing persons. As demonstrated by the numerous comments in support of grant of the Petition filed by individuals who participated in CapTel service trials, the availability of CapTel can significantly improve the quality of life for deaf and hard of hearing persons who have speaking ability.

For the deaf and hard of hearing individuals who can use their speech, CapTel can make their telephone service virtually the functional equivalent of the voice service available to the hearing population. Grant of the Petition would promote implementation of the Congressional mandate of Title IV of the Americans with Disabilities Act that relay services be functionally equivalent to traditional voice telephony and would be consistent with the Congressional expectation, as embodied in the legislative history, that the Commission avoid taking actions that would "discourage or impair the development of improved technology."

TDI therefore urges the Commission to act favorably on the Ultratec Petition without delay, so that millions of deaf and hard of hearing citizens will be able to enjoy vastly improved voice telephony service.

Sincerely yours,

 /H&D

Claude Stout

Executive Director

Telecommunications for the Deaf, Inc.

cc: Chairman Michael K. Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
William Maher, WC Bureau Chief
K. Dane Snowden, CGA Bureau Chief
Eric Einhorn, Chief, Telecommunications Access Division
Margaret Egler, CGA Deputy Bureau Chief
Thomas Chandler, Director, CGA Disability Rights Office

bcc: Robert Engelke, Ultratec, Inc.
Pamela Y. Holmes, Ultratec, Inc.