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September 24, 2003

VIA ECFS

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, D.C. 20554

Re: *Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities, Americans With
Disabilities Act of 1990*
CG Docket No. 03-123, CC Docket No. 98-67

Dear Ms. Dortch:

Enclosed for filing in the above-referenced proceeding pursuant to the Commission's June 17, 2003 Notice of Proposed Rulemaking are the Comments of Telecommunications for the Deaf, Inc. ("TDI"), American Association of People With Disabilities ("AAPD"), National Association of the Deaf ("NAD"), Deaf & Hard of Hearing Consumer Advocacy Network ("DHHCAN"), Association of Late-Deafened Adults ("ALDA"), and Self Help for Hard of Hearing People ("SHHH").

Should you have any questions concerning this filing, please do not hesitate to call me.

Respectfully submitted,



Harisha J. Bastiampillai

Enclosure

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

In the Matter of)	
)	
Telecommunications Relay)	
Services and Speech-to-Speech)	CC Docket No. 98-67
Services for Individuals with)	
Hearing and Speech)	
Disabilities)	
)	
Americans)	CG Docket No. 03-123
With Disabilities Act of 1990)	
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**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.,
THE AMERICAN ASSOCIATION OF PEOPLE
WITH DISABILITIES, NATIONAL ASSOCIATION OF THE
DEAF, DEAF & HARD OF HEARING CONSUMER ADVOCACY NETWORK,
ASSOCIATION OF LATE-DEAFENED ADULTS, AND
SELF HELP FOR HARD OF HEARING PEOPLE**

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September 24, 2003

SUMMARY

A few years ago, those with hearing or speech disabilities had to “communicate” via face-to-face contact. Often this entailed driving in one’s car to speak to a doctor or order a pizza. Today, thanks to Telecommunications Relay Service (“TRS”), people with hearing and speech disabilities can communicate by picking up a phone, accessing the Internet, or standing in front of a camera. However, the general public’s perception of TRS is still largely one of protracted conversations with large gaps of silence. Technological and service quality advancements have enabled TRS calls to approximate the speed and flow of other telephone conversations, but the public is not aware of this fact. Until the public becomes aware of the dramatic improvements in TRS, the full promise of functional equivalency provided by enhanced TRS remains just that -- a promise.

This Commission has been a key player in the advancements of TRS. The Commission has facilitated, and often prodded, the industry to implement advancements in technology and service quality. The Commission has also played a significant role in TRS’ biggest shortcoming: lack of awareness as to the benefits of TRS. Three and a half years ago the Commission noted the importance of outreach and a need for increased efforts in this regard. The record elicited in this proceeding has done nothing to dispel the Commission’s initial conclusions. Yet TRS consumers are still left waiting for outreach. The time for a national outreach program is long overdue.

Commenters urge the Commission to embark on a three-pronged program to propel the evolution of TRS by focusing on technology, service quality, and outreach. In regard to technology and service quality the Commission simply has to build on its fine efforts to date. In

regard to outreach, a more proactive approach is warranted. With that in mind, Commenters urge the Commission to take the following actions:

- Assign at least the same national security/emergency preparedness priority to TRS calls that apply to other telecommunications services;
- Promote the development of an effective method for routing wireless TRS calls to the appropriate Public Safety Answering Point;
- Make Non-Shared Language Translation reimbursable from the Interstate TRS Fund;
- Implement Communication Access Real-time Translation;
- Provide TRS Users access to the full array of telephone features services;
- Encourage the use of technology and protocols that can increase the speed of TRS calls;
- Establish a certification process for TRS providers;
- Embark on a long-awaited national outreach program.

These actions taken together will help TRS continue to evolve. Functional equivalency is not something to be achieved only for a moment in time; instead it is a constantly moving target. Telecommunications does not stand still for anyone, and the Commission can ill afford to undercut the advances made by allowing TRS to fall behind other telecommunications services. The Commission must continue its strong commitment to TRS.

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SELF HELP FOR HARD OF HEARING PEOPLE**

Telecommunications for the Deaf, Inc. (“TDI”), American Association of People With Disabilities (“AAPD”), National Association of the Deaf (“NAD”), Deaf & Hard of Hearing Consumer Advocacy Network (“DHHCAN”), Association of Late-Deafened Adults (“ALDA”), and Self Help for Hard of Hearing People (“SHHH”) (collectively “Commenters”) submit their Comments regarding the Commission’s Notice of Proposed Rulemaking.¹

¹ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Americans with Disabilities Act of 1990*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration and Notice of Proposed Rulemaking, FCC 03-112 (June 17, 2003) (“*TRS NPRM*”).

TDI is a national advocacy organization actively engaged in representing the interests of the twenty-eight million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind. TDI's mission is to promote equal access to broadband, media and telecommunications for the aforementioned constituency groups through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards, and national policy development and advocacy.

American Association of People with Disabilities (AAPD) is the largest cross-disability membership organization in the U.S. AAPD's mission is political and economic empowerment for the more than 56 million children and adults with disabilities in the U.S. AAPD has a strong interest in accessible technology, including accessible telecommunications technology, so that its members and the broader disability community will be able to participate fully in all aspects of community life.

Established in 1880, NAD is the nation's oldest and largest consumer-based national advocacy organization safeguarding the civil and accessibility rights of deaf and hard of hearing individuals in the United States of America. Policy and legislative issues addressed by the NAD cover a broad range of areas, including education, employment, health care, human services, rehabilitation, telecommunications, and transportation.

Established in 1993, DHHCAN serves as the national coalition of organizations representing the interests of deaf and/or hard of hearing citizens in public policy and legislative issues relating to rights, quality of life, equal access, and self-representation. DHHCAN also provides a forum for proactive discussion on issues of importance and movement toward universal, barrier-free access with emphasis on quality, certification, and standards.

Formed in Chicago, Illinois in 1987, ALDA works collaboratively with other organizations around the world serving the needs of late-deafened people. Through its chapters and groups around the country, ALDA promotes public and private programs designed to alleviate the problems of late-deafness and for reintegrating late-deafened adults into all aspects of society. ALDA also provides educational information concerning issues affecting late-deafened adults, as well as advocacy on behalf of, and support for, late-deafened adults and their families and friends.

SHHH is a nonprofit, consumer, educational organization, founded in 1979, and devoted to the welfare and interests of those who cannot hear well, their relatives and friends. SHHH, based in Bethesda, Maryland, has 13 state organizations and 250 chapters nationwide. It is the largest consumer organization in the United States representing people with hearing loss. As the voice for hard of hearing people, SHHH strives to improve the quality of life for hard of hearing people through education, advocacy, and self-help. SHHH influences national policy to improve the rights, services, research and public awareness of the rights and needs of people with hearing loss.

I. INTRODUCTION

The record in this proceeding demonstrates three essential facets to effective implementation of Telecommunications Relay Services (“TRS”) that will provide invaluable benefits to individuals with speech and hearing disabilities, as well as to all Americans. The three facets are: technology, service quality, and outreach. The Commission’s *NPRM* addresses all three facets.

With respect to technology and service quality, the Commission has done a laudable job in promoting technological advancements and improving service quality. This proceeding

provides the Commission an opportunity to build upon those efforts. Most importantly, the Commission can promote access for TRS users to the full panoply of features that other telecommunications users possess, to ensure true functional equivalency. The Commission can also, and should, promote implementation of new technology and protocols that can increase the speed of TRS calls such that they approximate the speed of voice-to-voice communications. The Commission also can make tremendous strides in bridging communication gaps within multi-lingual families by facilitating translation services for TRS.

In regard to service quality, the Commission can work to ensure the overall quality and consistency of TRS by establishing a certification program for TRS providers. Outreach efforts should be evaluated as part of such a certification process. The availability of telecommunications services to ALL individuals in the time of an emergency is critical, especially those individuals with hearing or speech disabilities for whom TRS may be their only means of communication with emergency services and others. It is imperative that the Commission implement measures to accord TRS users the same protections in regard to communication services and continuity that other users enjoy. This would entail assigning at least the same level of national security/emergency preparedness priority to TRS calls as to other telecommunications services, as well as requiring operational plans to ensure the survivability and continued operation of TRS facilities in case of an emergency. In addition, wireless carriers should be under the same obligations for routing and provision of 911/E911 information with TRS calls as with other emergency calls.

While the Commission has made tremendous strides in regard to technological advancements and service quality, national outreach efforts remain mired at the same point that they were three and a half years ago. Despite broad support for national outreach, and a

heightened need for outreach, the Commission has been reluctant to move forward. This reluctance jeopardizes the strides the Commission has made in other areas. The reality and promise of better technology and service quality is undermined by the lack of awareness about these advancements. TRS still remains a foreign concept to many people who potentially could benefit from the program, including senior citizens and members of the general public with no hearing or speech disabilities. Experience at the state level has shown that outreach makes for a better TRS program and very often ends up paying for itself through facilitating more effective and vibrant use of TRS. Not every state, however, has made the same commitment to outreach, and with increased budgetary constraints, many states may have to curtail programs. The Commission should no longer delegate the responsibility for outreach to the states, to carriers, or consumer organizations. The time is now for the Commission to create a national outreach program that can communicate the tremendous benefits of TRS for all Americans.

In the sections below, Commenters detail their specific recommendations.

II. COMMENTS

A. The Commission Should Assign At Least The Same National Security/Emergency Preparedness Priority To TRS That It Applies To LECs And Other Telecommunications Services Generally Available To The Public.

In the *TRS NPRM*, the Commission tentatively concluded that it is appropriate to assign at least the same National Security and Emergency Preparedness (“NS/EP”) priority to Telecommunications Relay Services (“TRS”) that it applies to local exchange carriers (“LECs”) or other telecommunications services available to the general public.² Commenters strongly support the Commission’s tentative conclusion and urge the Commission to adopt that

² *TRS NPRM*, ¶ 105.

conclusion in its final order and to amend the Commission rules to provide for the continuity of operations of TRS facilities in the event of an emergency.

As the Commission notes, in most cases, TRS is the only means of communication between persons with hearing or speech disabilities and the emergency services or other persons.³ TRS is “dial-tone” to millions of persons who are deaf, hard of hearing, deaf/blind or speech impaired. Without this critical communications link, persons with hearing or speech disabilities would be completely cut off in the event of an emergency. Consequently, the need for continuity of operations of TRS facilities in the event of an emergency is at least as critical, if not more so, as that of telecommunications services available to the general public. Therefore, the functional equivalency mandate of the Act requires that TRS be given at least the same national security/emergency preparedness priority as other telecommunications services available to the general public.

In addition, Commenters agree that TRS providers and state TRS programs should be required to develop and provide to the Commission operational plans to address how they will respond in the event of an emergency affecting TRS service. In particular, as one element of such plans, in the event of an emergency, the TRS providers in close proximity to the location of the emergency should be relieved of their obligations to handle incoming TRS calls in order to be able to handle outgoing calls related to the emergency situation. At the same time, other regional TRS centers should be required to take over the handling of incoming TRS calls for the TRS center(s) located in close proximity to the area affected by the emergency situation.

In addition, Commenters propose that the Commission should work with the Federal Emergency Management Agency (“FEMA”) to declare TRS facilities nationwide as essential telecommunications services in times of emergency. Finally, we suggest that the Commission

encourage state TRS program administrators to work with their respective Homeland Security or Emergency Preparedness agencies to designate their state's TRS facilities for priority restoration in the event of state emergencies.

B. Security of IP Relay Calls.

The Commission seeks comment on whether IP Relay calls should be provided with the level of security using encryption that is commonly used in commercial transactions over the Internet.⁴ Commenters take the position that IP Relay providers should ensure the confidentiality of calls. The measures taken by IP Relay providers should be no less strict than those taken by other e-commerce merchants.

C. All Affected Parties Must Work Together To Develop An Effective Method For Routing Wireless TRS Calls To The Appropriate PSAP.

The Commission also requested comment on the technological and other issues surrounding the routing of wireless 711 calls.⁵ Functional equivalency requires that an emergency call from a wireless telephone be treated in the same manner regardless of whether the call goes through a TRS facility via 711 or to the Public Safety Answering Point ("PSAP") via 911. This requirement would extend to the transmission of Phase I and Phase II E911 information in order to ensure that all wireless telephone users receive the benefits of E911 service.

TRS providers, PSAPs and carriers should work together to develop the means through which emergency calls to a TRS center, whether through 711, 911 or a direct dialed number, are routed to the same PSAP that would receive the call if the caller directly dialed 911. If two hearing wireless telephone subscribers place emergency calls from within the service area of a

³ *Id.*

⁴ *TRS NPRM*, at ¶ 107.

single PSAP, those calls will likely both be routed to that same PSAP. The same should be true if a wireless subscriber with a speech or hearing disability places an emergency call, regardless of whether the user dials 711, 911 or a direct dialed number. If a call placed via 711 is handled differently than one placed via 911 or is routed to a different PSAP, those callers may be subject to dropped calls or longer response times, which in an emergency situation increases the potential for greater harm and/or fatality. There is no reason for an emergency caller to receive inferior service because they dial 711 versus 911.

In addition, to the extent currently available or as technology becomes available, wireless carriers should be required to provide 911/E911 information to TRS providers so that information can be passed along to the appropriate PSAP. Similarly, to the extent wireless carriers receive extensions or exemptions from the Phase I or Phase II E911 requirements, any requirements related to TRS should be tied to a wireless carrier's compliance with its existing Phase I and Phase II E911 requirements. Just as it is important that TRS users receive appropriate routing of 711 calls to ensure timely emergency response, it is critical that TRS providers are able to give PSAPs accurate information regarding the origination of a wireless emergency call. Without this identification and location information, police, fire or other emergency response agencies will not have all of the information necessary to respond to an emergency call promptly or appropriately. In many cases, the few minutes lost while emergency personnel attempt to locate a caller may result in the loss of life or property or the completion of a crime. If wireless providers are required to provide 911/E911 information for their speaking/hearing subscribers, they should be required to provide the same information for TRS users.

⁵ TRS NPRM, ¶¶ 108-109.

The Commission should also consider mandating TRS vendors to designate e-mail addresses for their facilities so that emergency text messages could be sent by people with text pagers (but no cell phone), and those messages would be directed to the appropriate PSAP. Such a measure would allow a deaf person with a text pager who gets stranded on a country road to be able to call for "help" in a similar manner as a hearing person can using their cell phone. The Commission should also require that pagers with Internet browsers be able to connect with IP Relay in order to contact hearing parties and emergency services. Contrary to public perception, the technology now exists, but everyone seems to think it is still a few years in the future.⁶

D. TRS That Employs A Non-Shared Language Translation Should Be Reimbursable From The Interstate TRS Fund.

In the *TRS NPRM*, the Commission seeks comment on whether it should allow TRS that employs a non-shared language translation service to be reimbursable from the Interstate TRS Fund, and whether any of its rules should be modified if it requires multi-lingual translation services for TRS.⁷

Commenters urge the Commission to allow TRS that employs a non-shared language translation service to be reimbursable from the Interstate TRS Fund. Non-English speaking persons who do not have speech or hearing disabilities are able to communicate with their families over the telephone in their native language without the need of interpreters. That is not the case for a person with a speech or hearing disability who would like to communicate with their non-English speaking family. Such an individual cannot communicate with his or her family in a functional equivalent manner without the use of an interpreter that speaks his or her family's native language.

⁶ This is yet another reason why, as Commenters discuss further below, increased outreach is needed.

⁷ *TRS NPRM*, ¶¶ 114.

For example, in states such as Texas, Florida, and California, many deaf children of non-English speaking families attend public schools and are educated in American Sign Language (“ASL”) and English, neither of which may be familiar to their families. Thus, these children are unable to communicate with their parents if their parents do not speak English. It is easier for a child educated in ASL and English to relay in English and ask the communications assistant (“CA”) to translate into the foreign language to communicate with his/her family. Consequently, CAs who can translate ASL or relay into a language other than English may be the only means of communication for these families. Accordingly, because TRS that employs a non-shared language translation service enables a TRS-user from a non-English speaking family to engage in communication that is functionally equivalent to that of a non-English speaking person who communicates using voice communications services, the costs for this service should be reimbursable.

E. TRS Providers Should Be Required To Implement Communication Access Real-time Translation (CART)

The Commission asked commenters to address whether TRS providers should offer Communications Access Real-time Transaction (“CART”), or similar technology to improve the speed of TRS.⁸ Commenters encourage the implementation of CART or CART-type services designed to increase the speed and effectiveness of TRS. One of the obstacles to more widespread use of TRS is that it is at times difficult for parties that receive a TRS call, and are accustomed to the real-time exchange of a voice call, to adjust to the lag inherent in a typical TRS call. For example, this lag is a factor that impedes greater integration of individuals with speech or hearing disabilities, particularly in business settings. With CART, a stenographer can type speech verbatim at a significantly higher speed than with traditional TRS, thus producing a

⁸ *TRS NPRM*, ¶¶ 117.

real-time or near real-time conversation between callers. Commenters urge that promoting TRS-aided communications to be more equivalent to a voice call will encourage increased and broader use of TRS, allowing individuals with speech or hearing disabilities to become more fully integrated, including in business settings, and thereby benefiting all Americans.

Commenters also note that with the exception of CART, efforts to increase the real-time nature of TRS calls have led to a decrease in the accuracy of the relay. Recent data submitted by Maryland Relay (July 2, 2003) demonstrates that combining accuracy and speed with traditional TRS is still a significant problem. Implementation of CART would help address this problem by enabling TRS providers to significantly increase the speed of the service without affecting accuracy.

F. The Commission Should Encourage Greater Access To Interrupt Functionality

The Commission requested additional information about how interrupt functionality is being provided, whether any non-proprietary text-telephone (“TTY”) protocols are able to support interrupt functionality, and consumer use of interrupt functionality.⁹ While some TRS users have access to interrupt functionality, it is not generally available. Commenters urge the Commission to facilitate greater access to interruption functionality. Interrupt functionality will allow TRS conversations to be more conversational as compared to the current “monologue-type” qualities of asynchronous text transmission. Again, facilitating TRS-aided communications to be more equivalent to a voice call will encourage increased and broader use of TRS, allowing individuals with speech or hearing disabilities to become more fully integrated, including in business settings, and thereby benefiting all Americans.

⁹ TRS NPRM, ¶¶ 120.

G. TRS Users Should Have Access To A Full Range of Features.

Commenters urge the Commission to require TRS providers to offer the broadest range of features and functionality available. Commenters concur that features such as anonymous call rejection, call screening, and preferred call-forwarding should be provided.

In the *TRS NPRM*, the Commission requested comment on whether the talking return call or similar functionality that enables a caller to automatically return the last incoming telephone call, whether or not the call was answered should be required as a mandatory minimum standard.¹⁰ TRS users should have access to the full range of features that other telecommunications users do. Functional equivalency requires nothing less. Features, such as talking return call, are becoming an increasingly prevalent component of communications, particularly in the business world, and full access to these features will put TRS users on more equal footing.

H. The Commission Should Encourage Any Technology That Can Increase The Speed Of A TRS Call.

In order to determine whether TRS providers can increase the speed of TRS calls, the Commission requested comment on whether improved transmission speed for the TTY leg of calls through TRS is technologically feasible.¹¹ Commenters defer to the TRS providers and their vendors for technical data regarding the feasibility of improving the transmission speed of TRS calls; however, Commenters urge the Commission to require TRS providers to implement any technology that can increase the speed of a TRS call and to continue working with their vendors to develop new ways to improve TRS.

¹⁰ *TRS NPRM*, ¶¶ 123-124.

¹¹ *TRS NPRM*, ¶ 126.

As the Commission noted, “faster transmission speeds for text-based TRS calls will move [such calls] closer to the transmission speeds of a voice-to-voice call.” Indeed, functional equivalency ideally means that TRS callers can engage in the same real-time communications that voice callers can. Therefore, in order to move TRS closer to this goal, the Commission should at a minimum encourage and preferably direct TRS providers to implement any technology, such as CART or speech recognition technology, that will increase the speed of TRS calls. Commenters strongly believe that increasing the speed and moving TRS calls closer in all ways to voice-to-voice communication equivalency will benefit all Americans, not only those individuals with speech or hearing disabilities, by encouraging greater integration of such individuals in educational, social and business settings.

I. New TTY Protocols Should Be Implemented As Soon As They Are Commercially Available.

The Commission requested comments regarding the extent to which innovative non-proprietary protocols for TTY products are currently being used, and any advantages or disadvantages that such protocols may present to TRS providers in this context.¹² Commenters recommend that the Commission should require prompt implementation of new, faster protocols as soon as they are commercially available and have widespread use among TTY users. Implementation by state TRS programs will provide a good indication as to the viability of a new protocol, and should serve as the basis for industry-wide implementation of the protocol. Encouraging the immediate implementation of new protocols as soon as they have been demonstrated to be viable, will ensure that TRS users can take advantage of the increased speed or effectiveness such protocols would create. Given the importance of ensuring that TRS

¹² *TRS NPRM*, ¶ 127.

develops to more closely become equivalent to voice-to-voice communication, implementation of viable new protocols should be a priority.

J. The Commission Should Establish A Certification Process for TRS Providers

The Commission tentatively concludes that its rules require TRS providers to apply to the Commission for certification as an interstate TRS provider, providing evidence that they are in compliance with the mandatory minimum standards found in section 64.604 of the Commission's rules. TRS providers would also be required to keep a log of any complaints received, and their disposition of such complaints. The Commission also seeks comment on whether it should require all interstate TRS providers seeking reimbursement from the Interstate TRS Fund to apply to the Commission, under the rules proposed above, regardless of their involvement in a certified state program.

Commenters strongly agree that federal certification requirements should be implemented. As more and more TRS providers appear, it is vital that measures be implemented to ensure that these providers provide quality service. This is particularly the case if these providers are not subject to the requirements of a state certification program. Even if the providers are subject to a state certification program, a federal certification program can ensure a baseline national level of quality and consistency of service. A national certification program can provide a vital supplement to state certification programs and should not require any administrative commitments that go beyond the regulation the Commission already provides in regard to other telecommunications services and providers. Moreover, a national certification program is an appropriate vehicle to determine if carriers are adhering to outreach requirements, particularly if the Commission expands those requirements.

K. The Time for National Outreach Is Long Overdue

1. The Commission Should Implement A National Outreach Program With All Due Speed

The time for a national outreach program is long overdue. It has been nearly three and half years since the Commission issued a tentative conclusion that TRS service would be improved with a nationwide awareness campaign. The record elicited in this proceeding has demonstrated that a national outreach campaign would not only improve TRS, but is vital to promoting the goals of Section 225 of the Communications Act. The program has elicited a broad range of support including consumer organizations, state TRS programs, the National Exchange Carriers Association (“NECA”), and Commissioner Copps. As Commissioner Copps astutely observed:

I must concur in part rather than approve *en toto* because I believe that this item delays unnecessarily the start of effective national TRS outreach efforts. Three years ago, the Commission tentatively concluded that a nationwide awareness campaign would improve TRS by publicizing its availability more broadly than the limited bill inserts and directory listings required under our current rules. The Commission noted that our current rules have not effectively ensured that callers are aware of TRS and concluded that this lack of awareness was adversely affecting the quality of TRS. For example, we found that callers using relay service experience an unacceptably large number of hang-ups because people receiving TRS calls are not familiar with the service. Our record also reflected that many employment opportunities are not extended to individuals with hearing disabilities because employers are uncomfortable using, or are unwilling to use, TRS for business transactions. That is surely a problem when we are talking about a group experiencing over 50%, in many areas 75%, unemployment. Against this background, the Commission determines that we need more comment before embarking on a national awareness campaign. This timidity is not warranted by either the record or the statute. We have ample support to begin a nationwide outreach effort right now and we ought to be doing exactly that.¹³

Commenters could not agree more with Commissioner Copps. The Commission has more than enough support in the record to implement such a program.

¹³ TRS NPRM, Separate Statement of Commissioner Copps at 1.

The need for a national outreach program is acute. The past few years have not diminished the need for increased outreach and training, and, in fact, have demonstrated a heightened need for such efforts. The Commission, while it has engaged in discrete outreach programs such as promoting 711 access to TRS,¹⁴ has yet to implement a comprehensive national outreach program that can bridge the communications gap. The intervening years have only heightened the need for such a program. Although, many problems in regard to TRS have been alleviated to a certain extent, by the introduction of new technology and creation of service quality standards by the Commission, many potential users are not aware of these improvements. A national outreach program is the most effective way to make these advancements known and increase TRS usage and acceptance.

The Commission noted in its 2000 Further Notice of Proposed Rulemaking (“*FNPRM*”) that it sought to “improve the quality of traditional relay services and [promote] the widespread establishment of new types of relay services.”¹⁵ The Commission has experienced success toward both goals over the past three years and Commenters commend the Commission in this regard. Developments in technology continue to lead to the development of new TRS services. For instance, carriers such as WorldCom and AT&T have started to utilize IP telephony in their provision of TRS.¹⁶ As a result, users are able to make relay calls over the Internet and this allows them to make calls from more locations. The development of video relay services (“*VRS*”) and captioned telephone (“*CapTel*”) also have provided much promise.

In addition, the Commission recently adopted rules to require two-line voice carry over (“*VCO*”) and two-line hearing carry over (“*HCO*”), *HCO-to-TTY* and *HCO-to-HCO* TRS calls

¹⁴ Kaye Snowden, *October 1st – A New Day for TRS Access*, Enabled Online (Oct. 1, 2001).

¹⁵ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individual with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-56, ¶ 132 (March 5, 2000) (“*TRS 2000 FNPRM*”)

be provided on an interstate and intrastate basis.¹⁷ The Commission also required that VCO-to-TTY and VCO-to-VCO calls be provided by TRS providers.¹⁸ These new services and developments must be made known in a consistent and effective manner in order to reap the full benefits.

The Commission has implemented national service quality standards that have furthered the goal of functional equivalence. The Commission modified speed of answer requirements, imposed minimum typing speeds for communication assistants, and established minimum time periods that a communications assistant (“CA”) must stay with a call.¹⁹ In its recent Second Report and Order, the Commission added to these quality standards.²⁰

As a result of these technological advancements and service quality improvements, the TRS of today is significantly improved compared to the TRS of a few years ago. Again, Commenters commend the Commission for its actions encouraging these developments, but call on the Commission to ensure that these are made widely known, in the most efficient and effective manner – through a national outreach program.

2. The Need for National Outreach Remains Significant

The promising developments in TRS such as those noted above do not obviate the need for a national outreach program. Rather, they heighten the need for such a program. For instance, the Maryland Relay Program recently installed the most sophisticated switching technology currently in use for TRS. The functionally equivalent capabilities this switch provided, however, caused some confusion in the user community due to lack of experience with

¹⁶ CC Docket No. 98-67, Comments of Telecommunications for the Deaf, Inc. at 2 (July 30, 2001).

¹⁷ *TRS NPRM*, ¶ 29-32.

¹⁸ *TRS NPRM*, ¶ 34.

¹⁹ *TRS 2000 FNPRM* at ¶ 9.

²⁰ *TRS NPRM*, ¶¶ 61-67.

standard telephony. The Maryland Relay Program noted that broadened awareness through outreach will mitigate this confusion.²¹

Many potential users of TRS are not aware of the many new developments in TRS technology. They are under the impression that the TRS of old is still in place. Many potential users are repelled by thoughts of excessive gaps of silence and slow transmission. Thus, while the goal of functional equivalence is being increasingly realized on a technological and service quality basis, many potential users still operate under the impression of greater functional disparity for TRS and avoid using it. Until this gap in perception is bridged, true functional equivalence will not be realized. As the Commission has noted, “the ever-increasing availability of new services and the development of new technologies continually challenge us to determine what specific services and performance standards are necessary to ensure that TRS is functionally equivalent to voice telephone service.”²² The Commission must remember that part of this challenge is to ensure that the public knows about new services and new technologies and the improvements effected by these developments.

Moreover, Commenters note that a true national outreach is critical, that is, outreach that extends beyond the traditional constituencies of those individuals with hearing or speech disabilities. TRS is not simply a mechanism to help those individuals with hearing or speech disabilities to maintain routine communication with their contacts. We have yet to bring the benefits of TRS to various segments of the general mainstream public. Many senior citizens, for example do not realize they can still enjoy making phone calls while they cope with some loss in their hearing. They can use CapTel, as a backup in event they cannot hear or comprehend the sounds from the receiver part of the phone handset. The same goes for those who have speech

²¹ CC Docket No. 98-67, Maryland Relay Summary Log June 2002-May 2003 (Jul. 2, 2003).

²² *TRS 2000 FNPRM*, ¶ 4.

disabilities. When they understand the benefits of Speech-to-Speech (“STS”) TRS, they feel more liberated using this TRS service feature, and may seek to be more actively involved in the community outside their homes.

Commenters urge that a key element of establishing a national outreach program is to make TRS critically important as a telephone service to those who do not have speech or hearing disabilities. TRS is not exclusively offered to those with hearing or speech disabilities to make calls to those who do not depend on TRS. TRS is as valuable to those who are without any hearing and/or speech disabilities to make calls via TRS to people with hearing or speech disabilities. Only effective outreach conducted over an extended period will make TRS a universal service fully enjoyed by all Americans. As a result, misconceptions on the abilities and capabilities of those with hearing and speech disabilities will greatly be reduced, eventually to be non-existent, and all Americans will benefit.

3. Outreach Has Proven Its Worth

The value of effective outreach cannot be denied. Looking at a number of successful state programs immediately demonstrates the value. For example, a mere month after Maryland implemented its 711 outreach program, TRS call volume increased by over 13% for calls placed by individuals who are deaf, hard of hearing, or with speech disabilities, and by over 23% for TRS calls initiated by individuals making voice calls.²³ This increase was due in no small part to the public relations and education campaign conducted by the Maryland Relay program. For instance, the program implemented a “relay partner” program encouraging businesses to advertise the program by incorporating a special relay access logo in their advertising, signage

²³ *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Remarks of Telecommunications for the Deaf Inc. at the FCC 7-1-1 Forum at 2 (Sept. 7, 1999).

and marketing programs.²⁴ The Maryland Relay Program currently makes available conference rooms in their Relay Center to encourage interaction between Relay personnel and the user community, hosts user group discussions to solicit feedback, attends various events in the community, and in other ways encourages customer communication.²⁵ The outreach programs helped mitigate the effects of a transition from a TRS provider that had been in place for ten years to a new provider that used almost no experienced operators employed by the previous provider.²⁶ As the Maryland Relay Program noted, “these [outreach] efforts will continue to aid us in identifying and resolving issues, which will in turn lead to greater understanding and appreciation of the more functionally equivalent TRS available with Maryland Relay.”²⁷

Likewise, an outreach effort in California enabled California to raise its monthly speech-to-speech relay service (“STS”) outbound call volume from 2,000 to 3,000 calls in 18 months.²⁸ The volume of calls increased and the length of calls decreased as users became more familiar and comfortable with speech-to-speech relay service.²⁹ In Minnesota, outreach and training efforts pushed call volume over 500 calls in three months. In contrast, some states without outreach programs have fewer than 50 calls per month after several years of service.³⁰

Implementing new services, without more, will not bridge the communications divide.

As Commissioner Cops noted on the date nationwide 711 access was implemented:

[W]hile today marks a step forward, we must not rest on our accomplishments. We must also establish public-private partnerships to publicize the availability of 711 and to increase awareness of Telecommunications Services generally. And we must continue to expand access to communications technology, including

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Id.

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CC Docket No. 98-67, Maryland Relay Summary Log June 2002-May 2003 (Jul. 2, 2003).

²⁶

CC Docket No. 98-67, Maryland Relay Summary Log June 2002-May 2003 (Jul. 2, 2003).

²⁷

Id.

²⁸

See <http://www.stsnews.com/Pages/BSegalmanOutreachPlan.html>

²⁹

TRS NPRM at ¶ 18.

³⁰

See <http://www.stsnews.com/Pages/BSegalmanOutreachPlan.html>

advanced telecommunications, for those with disabilities. We must all do what we can to attain Congress' vision that those with disabilities have access to functionally equivalent services so that these citizens can participate fully in our society.³¹

To achieve true functional equivalency, the Commission must not only strive to improve TRS, but also must promote its use.

4. Components of Outreach

Commenters urge the Commission to embark on a national outreach program. In doing so, Commenters suggest that the Commission continue to consult with representatives of the TRS user community in an ongoing dialogue, to determine the proper goals of a national outreach program and the best way to achieve the goals. The Commenters proffer the following suggested components of an effective outreach program:

- Radio/TV/Newspaper Ads -- We see on TV or hear on the radio, a wide variety of public service messages. Among these ought to be some persistent message being broadcast to encourage everyone to use TRS. One or two IP Relay providers, AT&T and MCI have aired short TV commercials on their IP Relay services. Perhaps a coordinated effort with the Ad Counsel and telephone companies to generate public service announcements on TRS could be achieved. As required by the current rules, efforts to educate the public about TRS must extend to all segments of the public, including members of the general population.
- Websites -- For example, websites with interactive video demonstrations on IP Relay, VRS, or traditional TTY to voice can be equally effective. For instance, Sprint's current website on its IP Relay service utilizes ASL smart button clips.
- Telephone Bill Inserts -- Telephone bill inserts can continue to provide an extremely focused approach to communicating information about TRS to users of telecommunications services.

³¹ *Commissioner Copps Applauds Nationwide 711 for Telecommunications Relay Services*, FCC Press

- Articles Developed for Print or Internet Media – For example, human interest stories often garner the attention of the public. Stories of individuals and families who have bridged communication gaps would provide a poignant communication of the message that TRS works.
- Documentaries and Public Interest Programming Developed for TV/Cable – For example, documentaries and public interest programming about particular individuals who have surmounted disabilities likewise will likely provoke much interest and communicate many vital messages.
- Publication and Distribution of Reading and Coloring Books and Educational Materials for Schools, as well as Children’s Programming – Educational materials directed to school children of various ages, including children’s programming, reading and coloring books, would serve as an effective way of communicating about TRS to children. Children will be able to understand that not every individual communicates in the same manner, but that there are ways for all of us to communicate and communicate effectively.
- Posters for Distribution to Physician’s Offices (particularly audiologist and Ear, Nose and Throat offices) -- People sitting in those offices will be particularly keen to learn more about methods of communication between individuals who have difficulty hearing and those who do not.
- Billboards – Since many find themselves increasingly stuck in traffic, billboards would be an extremely effective way in which to reach a broader audience in those states that allow that media.

5. Administration of Outreach

Commenters assert that the Interstate TRS Fund, managed by NECA, is a logical and appropriate mechanism for funding and administering a national outreach campaign. No party has opposed the implementation of a national outreach program, instead the sole reservation on the part of some carriers has been the funding issue. The interstate TRS Fund has an established organization and structure for controlling TRS monies and can be readily modified to accommodate this outreach program. Moreover, vendors and telecommunications carriers already are familiar with the relevant reimbursement and contribution processes. Directing the national outreach campaign through the TRS Fund Administration will obtain these same efficiencies. Modifying the existing TRS Fund and Administration to serve as a repository for national outreach monies will minimize the creation of parallel and redundant bureaucracies and use the expertise at hand.

Commenters strongly urge that a national program is the most efficient and effective method to successfully educate the public about TRS and encourage its more widespread use. A national program will ensure that a more consistent message is conveyed and to a broader and more diverse audience. Although some state programs are excellent and have developed many elements from which a national program can draw, other state programs are under more significant budget constraints and political pressures that may dilute outreach programs. Some states operate on large outreach budgets; whereas others operate on barebone outreach funding. There are a number of issues that may hamper state programs. State programs may take undue time to be able to get clearance from legislative or policy-governing bodies to increase the surcharge rate to cover outreach expenses whereas in a nationwide set-up, it would take a few months before NECA sets up a mechanism to bill common carriers a percentage of their operating revenue to collect funds for the Interstate TRS Fund. In addition, some states may not

be in position to raise their TRS surcharges due to competing concerns within the public utility commission or the state legislature. Another disadvantage of state by state programs is that it takes considerable time for all states to synchronize their efforts, whereas in a national set-up, when something new is implemented nationwide, everyone in America benefits immediately from it.

Commenters believe that a national program, however, should by no means preclude an active state role. The great work by state programs such as the Maryland Relay Program should serve as templates in crafting a national program. The Commission should not allow a national program to preclude any state efforts, but it should ensure that state outreach efforts are viewed as supplementing, and not replacing a national program.

With regard to funding, some TRS services such as VRS and IP relay are nationwide services and outreach related to those services should be funded from the national program. For purely intrastate TRS services, a state program should ensure that its contract includes realistic expectations for successful outreach efforts with independent funding for those efforts. State programs are in the best position to ensure that their contracts include sufficient outreach funding. Such a responsibility should not be abdicated to the common carriers.

Importantly, adequate funds should be earmarked expressly for outreach efforts, not commingled in a general account. To do otherwise would risk creating a hollow mandate or siphoning/diverting funds from one program at the expense of the other. The Commission should encourage “the simultaneous and independent formation of state-level advisory mechanisms supported by intrastate telecommunications funding for the twin goals of increasing awareness and education.”³²

³² *Id.*

With respect to monitoring and reporting, the Commission should solicit annual reports from states that monitor the outreach efforts on the state level. These reports should track the number of TRS calls made during the period of increased outreach and compare it to a baseline period where there was no outreach effort made. Outreach efforts should be evaluated as part of the certification process. Specified outreach efforts should be made preconditions for TRS vendors to receive compensation from the fund.

Commenters urge that the Interstate TRS Fund Advisory Council must be charged with the mission of education and outreach. To effectively accomplish their mission, the TRS Fund Advisory Council, with input from all stakeholders, must be imbued with sufficient authority to establish outreach guidelines and procedures, to develop and direct public relations, marketing and education programs, and to evaluate the quality of outreach. Commenters encourage the inclusion of TRS users in an advisory role because they have a better understanding of capabilities and shortcomings within the relay programs. The contributions of such ready experts should not be overlooked.

Education and outreach can go a long way, and would not require a substantial amount of resources. Minnesota has an effective program for STS that only costs \$110,000 annually. Thus, we can roughly estimate that application of a national program for STS outreach in the fifty states and the District of Columbia would be in the range of \$5 to 6 million dollars. A national outreach program encompassing all TRS services should not cost significantly more on an annual basis. Actually the efficiency inherent to a national effort may push this figure downward. In 2001, approximately \$5.5 million was included as a line item in the NECA Interstate TRS Fund to pay for a national outreach campaign. Apparently NECA waited for guidelines from the Commission on expenditure of that money, but was informed by the

Commission that the Commission was not close to establishing such a campaign. As a result, the money set aside for outreach was used to reduce funding requirements for the next year. Thus, it is eminently feasible to finance a national outreach campaign and the Commission should designate that funds be appropriated for use in establishing the national outreach campaign.

6. The Commission Can Build Upon Its Prior Experience With Outreach

The Commission last year issued a ruling on coin sent-paid call requirements for TRS providers.³³ In that order, the Commission noted the tremendous value of outreach programs in the context of communicating awareness regarding completing TRS calls from payphones. The Commission stated that “we continue to believe that extensive outreach programs are necessary and appropriate to expand consumer awareness about making TRS calls from payphones.”³⁴ The Commission observed that over the past few years, TRS consumers and industry members have reached consensus on the types of outreach and education that can be effective for this purpose, and that several measures already have been implemented by carriers. The Commission noted, however, that “implementation of the current educational and outreach programs have not been sufficient.”³⁵ The Commission encouraged carriers to continue to develop programs to educate users about making calls via payphones and stated that such outreach “is an essential element of the continued success of the TRS programs.”³⁶ The Commission, while it did not mandate outreach programs, noted that if it found that “consumers are not receiving adequate outreach and education about TRS payphone calls,” it would “consider whether some or all of the recommended measures should become mandatory requirements.”³⁷

³³ *In the Matter of Telecommunications Relay Services and the Americans With Disabilities Act of 1990*, CC Docket No. 90-571, Fifth Report and Order, FCC 02-269 (Oct. 25, 2002) (“Coin Sent-Paid Order”).

³⁴ *Coin Sent-Paid Order*, ¶ 28.

³⁵ *Coin Sent-Paid Order*, ¶ 28.

³⁶ *Coin Sent-Paid Order*, ¶ 28.

³⁷ *Coin Sent-Paid Order*, ¶ 28.

There are some positive steps taken by the Commission in regard to outreach in the payphone context that could be established and expanded upon for TRS outreach in general. For instance, the consultations between the Industry Team and TRS consumers did help establish a meaningful blueprint for outreach. As TDI and the California PUC recommended, such consultations need to continue and should include appropriate state entities as well.³⁸ Once again, a formal outreach program administered by a national entity can ensure that these consultations remain regular and substantive. In the payphone context, the Commission found that continuing consultations would be “beneficial,” but declined to implement a mechanism to ensure that the consultations will continue. The outreach program proposed by Commenters under the aegis of Interstate TRS Fund Advisory Council would provide the mechanism needed to ensure that the public continues to reap the benefits of such consultative efforts.

7. Building A Bridge With Outreach

When we are able to actively promote TRS to the general public on a consistent basis through a national outreach program, hopefully all individuals, not just those with hearing or speech disabilities, will understand how to use it, and appreciate its benefits in expanding everyone’s communication options. Moreover, economic, business, personal and educational opportunities will multiply, increasing the opportunities for people with hearing or speech disabilities to be fully integrated in the general mainstream, thereby not only bringing great benefits to those individuals, but to society as a whole.

If there are any lingering questions for the Commission about the propriety of an outreach program, the Commission should consider life in a pre-TRS world. Undoubtedly when TRS was implemented there may have been similar questioning and reluctance about whether the program

³⁸ See *Coin Sent-Paid Order*, ¶ 38.

would work. TRS has succeeded beyond anyone's wildest dreams, as a few everyday examples aptly illustrate. In the past, TRS users had to go to the doctor's office if they were feeling sick not knowing if the doctor was in or would be able to see them. Now they can call and are able to speak to the doctor over the phone as everyone else does. Even simple things like ordering a pizza used to require a trip to the pizza parlor for the TRS user, now they can just pick up a phone. TRS has made tremendous strides in bridging the communications divide. By facilitating technological developments and mandating service quality improvements, this Commission has done a laudable job in establishing a sound TRS program through continued efforts to bridge the communications divide for those with disabilities, and their contacts. Now the Commission must ensure that greater numbers of potential users and other Americans are aware of the existence, scope, nature and utility of TRS services. A national outreach program will inform all potential users of TRS of the availability of these improved services and provide them with the necessary training to use these services. In short, it is not enough to build the bridge, but the Commission must also encourage people to cross the bridge. Only then can viable functional equivalence be effected. A national outreach program will greatly serve this end, and the Commission should begin implementing such a program.

III. CONCLUSION

Commenters urge the Commission to implement new rules regarding TRS in line with the foregoing recommendations.

Respectfully submitted,

 (by H/B)

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