

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

In the Matter of)	
)	
Telecommunication Relay Services and)	
Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	
)	CG Docket No. 03-123
)	
Americans With Disabilities Act of 1990)	

**REPLY COMMENTS OF THE
NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.**

Comments filed in this proceeding¹ make clear that the Commission has full authority to establish a coordinated national Telecommunications Relay Service (TRS) consumer outreach program and to fund such a program via the interstate shared funding mechanism.

Verizon, for example, notes that the Commission has authority under section 225 of the Act to use the Interstate TRS Fund to fund outreach, whether by paying individual TRS providers outreach expenses or funding programs administered by the Interstate TRS Fund Administrator or a government body.² CSD concurs “that the Commission has sufficient authority to fund a national outreach program and to direct NECA to administer

¹ Telecommunication 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, *Notice of Proposed Rulemaking*, 18 FCC Rcd 12379 (2003) (*NPRM*).

² Verizon at 10-12. *See also id.* at 11 (“The same authority that allows the Commission to fund reasonable administrative costs relative to the TRS Administrator’s duties allows it to fund a national outreach program to ensure that TRS services are made available in ‘the most efficient manner.’”); Sprint at 17.

that program with Interstate TRS funds.”³ A legal memorandum attached to NECA’s comments explained that, just as the interstate fund provides a way for carriers to satisfy their obligations to provide TRS, the fund may reasonably and lawfully be used as a way for carriers to satisfy all or part of any outreach obligations imposed by the Commission.⁴

MCI suggests, however, that if TRS outreach is to be performed by a non-provider such as NECA, the Commission must modify its rules to authorize the non-provider to act as the Commission’s agent. MCI further argues that such efforts should be financed from the FCC’s operating budget instead of the interstate TRS fund. As an example, MCI points to Commission outreach efforts intended to educate schools and libraries about the E-rate program.⁵

It would, of course, be possible for the Commission to undertake its own outreach initiatives for TRS, either directly or via a designated agent.⁶ But the existence of such internally-funded efforts does not preclude the Commission from appointing the TRS administrator to coordinate additional outreach efforts via the TRS fund.

This is precisely the case, for example, with federal E-rate outreach efforts. As MCI notes, the Commission provides valuable information and assistance to the public

³ Communication Service for the Deaf (CSD) at 11.

⁴ Costs of additional outreach efforts required by states or undertaken by providers individually would, of course, be recovered either under state contracts and/or apportioned to the interstate fund to the extent permitted by Commission rules.

⁵ MCI at 11-12.

⁶ Telecommunications for the Deaf, Inc., *et. al.*, (TDI) at 24, cautions against relying exclusively on the type of funding approach suggested by MCI. According to TDI, “[a]dequate 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.”

with regard to E-rate programs and relevant Commission orders via its website.⁷ The vast majority of E-rate outreach, however, is conducted pursuant to Commission rules⁸ by USAC, a non-provider administrator.⁹ E-rate outreach, as well as outreach for other universal service programs,¹⁰ is funded from universal service contributions, not the Commission's budget.¹¹ At no time has MCI or any other party suggested that such outreach activities are improperly funded.

It would be a simple matter for the Commission to launch a well-coordinated national outreach program for TRS. The Commission could direct NECA, as

⁷ See http://www.fcc.gov/wcb/universal_service/schoolsandlibs.html

⁸ See, e.g. 47 C.F.R. § 54.705(a) (“The Schools and Libraries Committee shall have the authority to make decisions concerning . . . (iv) Performance of outreach and education functions.”)

⁹ USAC outreach activities include maintenance of the USAC website, as well as “mailings to applicants and companies, attendance at association meetings, outreach conference calls, customer service, and workshops.” *USAC 2002 Annual Report* at 8. Specific USAC E-rate outreach examples listed in the 2002 Annual Report include regular conference calls with various applicant groups and service providers to inform them of developments in the Schools and Libraries E-rate support mechanism; and targeted outreach to libraries regarding changing requirements to filter Internet content to be eligible for E-rate funds.

¹⁰ *USAC's Annual Report* at 9, describes a workshop and subsequent meetings to provide rate-of-return carriers with input on the development of forms in connection with the implementation of the new ICLS mechanism; outreach to 1400 carriers in connection with the implementation of High Cost support disaggregation; targeted outreach to low-income residents of tribal lands regarding enhanced Lifeline and Link Up support available under the FCC's rules, new website consumer-oriented features, e.g. www.lifelinesupport.org, and targeted outreach to social service organizations nationwide to make them aware of the Lifeline program and information available on the website; and attendance at association meetings and outreach calls to groups in under-served and low-participation areas to increase awareness of the Rural Health Care support mechanism.

¹¹ See, e.g. , *USAC's Fourth Quarter 2003 Fund Size Projection* at 4 (August 1, 2003), which notes that an increase in the proposed revised 2003 annual consolidated budget used by the FCC to develop the quarterly contribution factor is due, in part, to inclusion of additional outreach activities.

administrator, to establish a budget for such a program and to expend funds accordingly.¹² NECA's role would be to facilitate such efforts guided by an outreach advisory group that would include outreach experts, as well as representatives of key constituencies. This group would advise NECA in much the same way that the TRS Advisory Council successfully has advised NECA on cost recovery matters for over ten years. NECA expects that it would coordinate this effort closely with Commission staff and would, as CSD suggests, "procure the services of vendors to conduct a coordinated and comprehensive outreach program to promote universal access to all forms of TRS."¹³

Finally, although NECA does not believe that specific rule amendments are required in order to establish a coordinated TRS outreach program,¹⁴ the Commission could easily make the necessary rule changes in the context of the current proceeding, without further notice and comment. The concept of a national coordinated outreach program was first proposed in the Commission's March 2000 *Report and Order and FNPRM*.¹⁵ The Commission made a tentative finding that individual outreach efforts were not adequate and that a coordinated national campaign was needed to raise public

¹² TDI at 23, recommends that the Interstate TRS Fund, managed by NECA, is the logical, appropriate, and efficient mechanism for funding and administering national outreach.

¹³ CSD at 10.

¹⁴ For example, the Commission authorized the reimbursement of all costs of providing Internet Protocol (IP) Relay Service from the interstate TRS Fund without rule amendment. *See* 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*, 17 FCC Rcd 7779 (2002).

¹⁵ Telecommunications Relay Services and Speech-to-Speech for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 5140 (2000) (*2000 Report and Order and FNPRM*).

awareness.¹⁶ The issue is still pending more than three years later, when, for example, the 711 access code, launched in October 2001, still is little known among the hearing public.¹⁷

No further notice is required. Should the Commission wish to amend the rules governing the TRS Administrator's responsibilities to include outreach, it could consider using the current rules governing USAC outreach efforts as a model.

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¹⁶ *Id.* at 134.

¹⁷ *See* The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, *Second Report and Order*, 15 FCC Rcd 15188 (2000). The Commission required carriers, in cooperation with relay providers and the states, to engage in on-going outreach programs to publicize the availability of 711 access but did not mandate any specific means of advertising.

CERTIFICATE OF SERVICE

I hereby certify that a copy of NECA's Reply Comments was served on this 9th day of October 2003 by electronic delivery or by first-class mail to the persons listed below.

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