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

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

REPLY COMMENTS OF VERIZON

Introduction

If the Commission wishes to address the restoration of service to TRS facilities during an emergency, it should work within the National Security and Emergency Preparedness ("NS/EP") system, by sponsoring TRS providers to apply as other applicants would. However, it should not adopt special rules for TRS providers, which would only confuse carriers and conflict with other national security priorities.

The Commission should not adopt requirements for responding to TRS emergency calls that would be prohibitively expensive, or technically infeasible, to comply with. Similarly, it should grant Verizon's petition for reconsideration of that portion of the Commission's order that requires emergency TRS calls to be routed to the exact same Public Safety Answering Point ("PSAP") that would have been reached had the caller dialed 911 from his wireline phone.

Several commenters supported the adoption of a TRS national outreach program, and the Commission should instruct the TRS Administrator to implement such a program in coordination with state outreach efforts. However, the Commission does not have the authority to fund foreign language translation services through the Interstate TRS fund.

I. The FCC Should Not Adopt Any Policy For Integrating TRS Into the National Security and Emergency Preparedness Program That Would Conflict With Current Procedures For Weighing National Security Priorities

As Verizon and other commenters pointed out in initial comments, the Commission should not adopt the tentative proposal to "assign at least the same NS/EP priority to TRS that applies to LECs or other telecommunications services available to the general public," Notice ¶ 105, because the tentative proposal does not work with the National Security and Emergency Preparedness program. Specifically, there is no "NS/EP priority" that applies to either LECs or the general public: services to the general public are not part of the priority program, and LEC networks – because they are necessary to providing service to the priority categories – supersede the program. *See* Verizon Comments, at 6-7. Thus, the Commission's proposal would set confusing standards for carriers that attempted to comply with it, and would create a system for TRS prioritization that would conflict with, rather than work in conjunction with, restoration of service to other national security priorities. *See id.*, at 2-9; *see also* Comments of the California Public Utilities Commission and the People of the State of California ("California PUC Comments"), at 3-5 (pointing out that there are "potentially significant technical concerns in having TRS and TRS facilities provided with NS/EP priority status commensurate with that given to LEC facilities" and asking the Commission to give states "additional time to assess the feasibility of these requirements, and to assess potential costs and impacts on the TRS providers and the states").

Instead of establishing a special priority rule that applies only to TRS providers, if the Commission wishes to address the priority of restoration of TRS service during an emergency, it should do so within the parameters already established by the Telecommunications Service Priority ("TSP") program. Specifically, the FCC could sponsor TRS providers to apply for

participation in the Telecommunications Service Priority program, just as other eligible applicants do. *See* Verizon Comments, at 8. Assuming that TRS providers were eligible, they would be assigned a priority level within National Security and Emergency Preparedness system. *See id.*, at 4-5. The Commission could also undertake some of the efforts that it is using to increase participation in the program by 911 Public Service Answering Points ("PSAPs"), namely: "ensur[ing] that all TRS providers' critical circuits are enrolled in the TSP program; examin[ing] options to fund participation in the program; and continu[ing] to encourage sponsorship of the critical services and circuits used to ensure the resiliency of TRS service into the TSP program." MCI Comments, at 3. These measures would address commenters' concerns that TRS users be afforded priority status in the case of a national emergency, but would balance those concerns with other national security priorities.

II. The Commission Should Create a National TRS Outreach Program

The creation of a national outreach program, funded through the Interstate TRS fund and administered by the TRS Fund Administrator, is supported by several commenters. *See, e.g.*, Comments of Telecommunications for the Deaf, Inc., et al., at 15-28 ("TDI Comments"); California PUC Comments, at 11; Sprint Comments, at 17. As part of a TRS industry group, Verizon has long supported a national TRS outreach campaign.[1] National outreach is necessary not just to educate potential TRS users in the hearing- and speech-impaired community, but also to educate members of the general public who otherwise might mistake TRS calls for telemarketers, and hang up. *See* Communication Service for the Deaf Comments, at 8; Sprint Comments, at 17. The Commission should instruct the TRS Administrator to implement a

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[1] *See, e.g.,* Comments of the Coin Sent-Paid Industry Team, *Telecommunications Relay Services and the Americans with Disabilities Act*, CC Docket No. 90-571, at 15 (filed May 7, 2001).

national outreach program, and to synchronize its efforts with successful outreach programs that are already being administered in many states. *See, e.g.*, TDI Comments, at 19-20 (discussing outreach efforts undertaken in Maryland, California, and Minnesota).

III. The Commission Should Not Require the TRS System to Duplicate the Answering of 911 Calls, But Should Instead Work to Improve the 911 System's Ability to Handle TTY Calls, and Educate TRS Users to Dial 911 in an Emergency

Several commenters outlined numerous technical problems with the Commission's request for comment on how emergency TRS wireless calls could have some of the same location functionality as E911 wireless calls. *See, e.g.*, AT&T Wireless Comments, at 3-5; Sprint Comments, at 3-7; SBC Communications, Inc. Comments, at 1-5; Verizon Wireless Comments, at 5-7. In addition, as Verizon and AT&T pointed out in petitions for reconsideration, the Order's requirement that wireline TRS providers be required to route emergency calls to the same PSAP that would have been reached if the caller had dialed 911 (and updated on the same schedule as 911 databases) presents significant hurdles that make implementation of such a rule technically infeasible. *See* AT&T Petition for Reconsideration, at 4-7 (filed Sept. 24, 2003); Verizon Petition for Reconsideration, at 5-8 (filed Sept. 24, 2003).

The Commission should not adopt requirements for responding to TRS emergency calls that would be impossible or prohibitively expensive to comply with, and it should grant Verizon's petition for reconsideration on this issue. As several commenters noted, the Commission's proposed rules regarding the handling of TRS emergency calls are not necessary for functional equivalence. *See id.*, at 2-5; AT&T Wireless Comments, at 5-6; Verizon Wireless Comments, at 2-3. Like other callers, TRS users should be instructed to dial 911 in the case of emergency. The Commission should address any specific issues about functional equivalence

through the 911 system, rather than attempting to create a duplicate of the 911 system to handle the few emergency calls that are made to TRS providers.

IV. Foreign Language Translation Services

As several commenters pointed out, the Americans with Disabilities Act does not provide for foreign language translation, because it is a "value added" service that goes beyond the functional equivalence mandate of the Act. *See, e.g.*, Comments of the Public Service Commission of the State of Missouri, at 3; AT&T Comments, at 7-8. States that have high concentration of resident foreign language speakers can request such services in state Requests for Proposal to potential TRS providers, and fund them through state programs. *See id.*, at 7-8. However, the Interstate TRS Fund is not the proper vehicle to fund such requests.

Conclusion

The Commission should not adopt the proposed regulations regarding the treatment of TRS in the National Security and Emergency Preparedness priority system. It also should not adopt requirements for TRS emergency calls that are technically infeasible, or prohibitively expensive, to implement. The Commission should fund national outreach efforts through the TRS fund, but it does not have the authority to fund foreign language translation services.

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