

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

In the Matter of )  
 )  
Inquiry Concerning the Deployment of ) GN Docket No. 04-54  
Advanced Telecommunications Capability )  
To All Americans in a Reasonable and Timely )  
Fashion, and Possible Steps to Accelerate Such )  
Deployment Pursuant to Section 706 of the )  
Telecommunications Act of 1996 )

**REPLY COMMENTS OF**  
**TELECOMMUNICATIONS FOR THE DEAF, INC.**

Claude L. Stout  
Executive Director  
Telecommunications for the Deaf, Inc.  
8630 Fenton Street, Suite 604  
Silver Spring, MD 20910  
Tel: (301) 589-3006  
Fax: (301) 589-3797  
[TDIExDir@aol.com](mailto:TDIExDir@aol.com)

Dated: May 24, 2004

**TABLE OF CONTENTS**

TABLE OF CONTENTS..... i

I. INTRODUCTION ..... 1

II. DISCUSSION ..... 3

    A. Access to Advanced Services is Critical to Persons With Hearing Disabilities. .... 3

    B. Issues Affecting the Availability of Advanced Services to Persons with Disabilities ... 5

III. CONCLUSION..... 7

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

In the Matter of )  
 )  
Inquiry Concerning the Deployment of ) GN Docket No. 04-54  
Advanced Telecommunications Capability )  
To All Americans in a Reasonable and Timely )  
Fashion, and Possible Steps to Accelerate Such )  
Deployment Pursuant to Section 706 of the )  
Telecommunications Act of 1996 )

**REPLY COMMENTS OF**  
**TELECOMMUNICATIONS FOR THE DEAF, INC.**

Telecommunications for the Deaf, Inc. (“TDI”), through undersigned counsel and in accordance with the Commission’s Public Notice<sup>1</sup>, hereby respectfully submits its reply comments on the Notice of Inquiry under Section 706 of the Telecommunications Act of 1996 (the “1996 Act”) into whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.

**I. INTRODUCTION**

TDI applauds the Commission for encouraging the development of advanced telecommunications services for all Americans, including those who are deaf, late deafened, hard-of-hearing and deaf-blind. However, the Commission cannot rely upon the industry to continue to develop such features and services on its own.<sup>2</sup> As the Commission and many commenters noted, the industry is becoming more competitive as newer technologies and

---

<sup>1</sup> Public Notice DA 04-1046, released April 16, 2004.

<sup>2</sup> Significantly, no commenter addressed the issue of access to advanced services by persons with disabilities despite the Commission’s specific request that parties do so. The comments instead focused on reducing the level of regulation applied to advanced services. Accordingly, it is crucial that the Commission address this issue in any future broadband rulemaking.

innovations are introduced. Increasing competition benefit consumers through lower prices and the availability of more options; however, as competition increases, and advanced services providers' margins shrink, maintaining or increasing market share and retaining or expanding customer base may take nearly as high a propriety as innovation. In this environment, the industry cannot be relied upon to ensure on its own that persons with disabilities are included in the availability of new, innovative technologies, features and services or that they are made available with reasonable prices, terms and conditions. Rather, the Commission must ensure that appropriate incentives are in place to encourage the development and deployment of advance services that are reasonably accessible to persons with disabilities. As the pace of development continues to grow and as new capabilities, features and services become available to consumers, the Commission must ensure that no segment of consumers is left behind and thus denied the benefits made available by advanced services.

TDI is a national advocacy organization that seeks to promote equal access to telecommunications and media for the 28 million Americans who are deaf, hard-of-hearing, late-deafened, or deaf-blind so that they may obtain the benefits of the telecommunications revolution to which they are entitled.<sup>3</sup> TDI believes that only by ensuring equal access for all Americans will society benefit from the myriad skills and talents of persons with disabilities. Therefore, TDI has a keen interest in ensuring that the Commission implement rules and policies necessary

---

<sup>3</sup> TDI educates and encourages consumer involvement regarding legal rights to telecommunications accessibility; provides technical assistance and consultation to industry, associations, and individuals; encourages accessible applications of existing and emerging telecommunications and media technologies in all sectors of the community; advises on and promotes the uniformity of standards for telecommunications technologies; works in collaboration with other disability organizations, government, industry, and academia; develops and advocates national policies that support accessibility issues; and publishes "The GA-SK" quarterly news magazine\* and the annual *Blue Book, TDI National Directory & Resource Guide for Equal Access in Telecommunications and Media for People Who Are Deaf, Late-Deafened, Hard-of-Hearing or Deaf-Blind*.

to give persons with hearing disabilities the same level of access to advanced services as other consumers enjoy.

## II. DISCUSSION

### A. Access to Advanced Services is Critical to Persons With Hearing Disabilities.

The Commission described in its Public Notice the many advantages and benefits advanced services make available to consumers and the critical role such services play in the economy of the nation and the life of its citizens.<sup>4</sup> Individuals with hearing disabilities particularly benefit from access to advanced services. New services and equipment available to such individuals, as well as new developments in broadband technology, such as video-relay and Internet protocol or IP relay,<sup>5</sup> may enable them to communicate freely with friends and relatives, to take advantage of greater employment opportunities, and to improve their daily lives. In addition, broadband Internet access provides two distinct features to persons with speech or hearing disabilities that dial-up access cannot viably provide: real-time video streaming<sup>6</sup> and data signals that are immediately convertible to alternative protocols. Finally, services such as Instant Messaging, e-mail or other text-based messaging services are valuable alternatives to

---

<sup>4</sup> Public Notice, at ¶¶ 3-4.

<sup>5</sup> IP Relay allows any person with access to the Internet through a computer, a web-enabled wireless phone, a personal digital assistant, or any other IP-capable device to access IP-based telecommunications relay centers to communicate with individuals with hearing disabilities. See *Provision of Improved Telecommunications Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, CC Docket No. 98-67, 17 FCC Rcd. 7779, at ¶ 4 (2002) (“*IP Relay Order*”).

<sup>6</sup> Real-time video streaming permits a person with hearing disabilities to access remote interpreting and peer-to-peer signing in ways not available with traditional dial-up technology. For instance, interpreters could provide real-time interpretation of live events over the Internet; students with speech or hearing disabilities could utilize Internet-accessed interpreters to request research assistance from school and university libraries; and police could interview witnesses with speech or hearing disabilities immediately over the Internet. In addition, the ability of a person with a hearing disability to see the person with whom he is communicating via real-time video streaming will vastly improve that person’s ability to communicate compared with his ability using currently available traditional relay services.

traditional voice telephones made available through advanced services for individuals with hearing disabilities.

In part because of these new services and technologies made available by advanced services, advanced services can provide greater opportunities to improve the lives of persons with hearing disabilities. As Commissioner Copps noted at the 14<sup>th</sup> Biennial International Conference of TDI in 2001:

Call it the IT economy, the Digital Age, the World Wide Web or whatever you will, it is rocketing us into cyberspace at the speed of light. It's valuable cyberspace, because what we find there are the education and information and commerce and jobs of America's future. *Those who get there win; those we don't get there lose.* I want to contribute to making sure we all get there, and that in the vanguard, traveling at the speed of light, is America's disability community.<sup>7</sup>

Ensuring that persons with disabilities continue to have access to advanced services and the significant opportunities they provide is essential to ensuring that these individuals are not left out of the emerging digital world.

These benefits are unlikely to be fully available to the millions of Americans who are deaf, hard-of-hearing, late-deafened, or deaf-blind unless the Commission ensures that existing and developing advanced services are made accessible to persons with hearing disabilities. As noted, no commenter addressed the Commission's specific request that interested parties provide comments on the availability of advanced services to persons with disabilities. The industry is understandably focused on the level of competition in the advanced services market and the level of regulation imposed on providers of advanced services. Nonetheless, TDI urges the Commission to remain focused on the critical aspect of its Section 706 analysis – promoting

---

<sup>7</sup> Remarks of Michael J. Copps, Commissioner, Federal Communications Commission, at the 14<sup>th</sup> Biennial International Conference, Telecommunications for the Deaf, Inc., Sioux Falls, South Dakota, July 10, 2001 (emphasis added).

access to advanced services by all Americans – including Americans with disabilities – and to make this issue one of its highest priorities in this proceeding.

**B. Issues Affecting the Availability of Advanced Services to Persons with Disabilities**

The Commission has recognized that persons with disabilities face significant impediments to their ability to access advanced services. Individuals with disabilities are often in the lower-income brackets and are less likely than the general population to have access to computers and the Internet.<sup>8</sup> More than 75% of persons with disabilities are unemployed, and thus often lack financial resources to obtain advanced services.<sup>9</sup> In addition, the lack of information regarding the availability and use of advanced services or the training necessary to take advantage of these services severely limits the ability of persons with disabilities to access beneficial, often critical advanced services. As a result, these individuals are often unable to take advantage of new services and technologies that can improve their ability to use advanced services and thus their ability to participate fully in the digital environment.

Even where rules currently exist to ensure equal access by deaf and hard-of-hearing persons, many providers have requested exemptions or otherwise tried to extend the date by which they must comply with the rules. For example, on December 19, 2003, the Commission granted an additional waiver of six months to several video relay service providers for: (1) types of calls that must be handled; (2) emergency call handling; (3) speed of answer; (4) equal access to interexchange carriers; and (5) pay-per-call services.<sup>10</sup> Requirements that advanced services

---

<sup>8</sup> See US Department of Commerce, Economics and Statistics Administration, National Telecommunications and Information Administration, *A Nation Online: How Americans Are Expanding Their Use of the Internet* (Feb. 2002) at 67, Table 7-3.

<sup>9</sup> See *IP Relay Order*, Statement of Commissioner Michael J. Copps.

<sup>10</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, DA 03-4029 (rel. Dec. 19, 2003). In addition, numerous parties have requested, and TDI has opposed, exemptions from the Commission's closed captioning requirements. These

be developed in a manner that enables or improves the ability of persons with disabilities to access those services are ineffective if the Commission does not require carriers to comply with those requirements. TDI is not suggesting that carriers should be required to incur any amount of cost in order to make a service available to persons with disabilities, but if the service is or can be made available at reasonable cost, all carriers should be required to make it available.

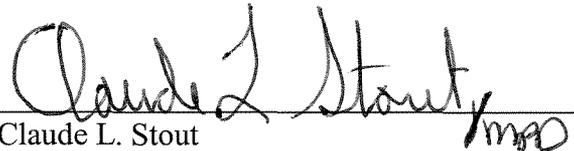
---

requests, while not directly applicable to the availability of advanced services, nonetheless demonstrate the importance of an advanced services policy that favors compliance rather than exemption. In its analysis in this proceeding, the Commission should carefully evaluate whether its rules and policies intended to promote access to advanced services for persons with disabilities actually promote such access in practice.

### III. CONCLUSION

TDI urges the Commission to give the issue of access to advanced services by persons with disabilities the highest level of priority in this proceeding in order to ensure that the advantages and benefits made available by advanced services extend to all segments of the population. Without appropriate regulatory incentives and oversight from the Commission, the advanced services industry cannot be relied upon to ensure that persons with speech and hearing disabilities receive the same level of access to advanced services as other consumers. Accordingly, it is critical that the Commission consider the importance of advanced services, and the greater educational, employment and social opportunities they provide, to the 28 million Americans with speech or hearing disabilities in order to ensure, consistent with Section 706, that advanced services are indeed being deployed to all American in a reasonable and timely fashion.

Respectfully submitted,



Claude L. Stout  
Executive Director  
Telecommunications for the Deaf, Inc.  
8630 Fenton Street, Suite 604  
Silver Spring, MD 20910  
Tel: (301) 589-3006  
Fax: (301) 589-3797  
[TDIExDir@aol.com](mailto:TDIExDir@aol.com)

Dated: May 24, 2004