

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	CG Docket 03-123
Telecommunications Relay Services	)	
	)	FCC 05-196
For Individuals with Hearing	)	
And Speech Disabilities; Access	)	
To Emergency Services	)	

**COMMENTS OF THE  
NATIONAL ASSOCIATION OF THE DEAF**

The National Association of the Deaf is the oldest and largest consumer-based national advocacy organization safeguarding the civil and accessibility of 28 million deaf and hard of hearing individuals in the United States of America. The mission of the NAD is to promote, protect, and preserve the rights and quality of life of deaf and hard of hearing individuals here in the USA.

The NAD appreciates and thanks the FCC for the opportunity to submit initial comments in this proceeding. We also plan to review comments submitted by other parties in this proceeding and file reply comments.

The NAD submits these comments in response to the Commission's proceeding on whether it should adopt rules requiring Video Relay Service (VRS) and Internet-Protocol (IP)Relay providers to adopt a means to ensure, that when the provider receive emergency calls made via these services, the provider can make an outbound call to the appropriate Public Safety Answering Point (PSAP). The Commission also seeks comment on whether it should adopt a registration process whereby VRS and IP Relay service providers are required to establish, in advance, the primary location from which the VRS and IP Relay service providers will be making calls, so the provider can identify the appropriate PSAP to contact.

1. The FCC seeks comment on ways in which they may ensure that the CA will be able to call the appropriate PSAP when a VRS or IP Relay

user calls the relay provider and asks the CA to call emergency services.

The NAD understands that there are software programs available that has contact information of all PSAPs in the nation and that such methods are used by VoIP providers to connect callers with the appropriate PSAP. Our response is, would it be possible for VRS and IP Relay providers to use this software for such calls?

2. The FCC seeks comment on whether, and if so, how, requirements ensuring that persons using VRS and IP Relay will have access to emergency services might affect the TRS funding mechanism.

The NAD does not have the expertise to answer this question. However, the FCC should not add any additional burdens on the TRS Fund to slow access to emergency services.

3. The FCC seeks comment on the means by which providers of the two Internet based forms of TRS, VRS and IP Relay, may determine the appropriate PSAP to contact when they receive an emergency call.

The NAD response is, in this situation the CA should ask the caller for exact address and location of the caller which would then enable the CA to use the previously mentioned PSAP software program to identify and locate the exact PSAP for the caller.

4. The FCC seeks comment per the Registered Location requirement adopted in the *VoIP E911 Order* on whether they should require VRS and IP Relay providers to establish a registration process whereby VRS and IP Relay users provide, in advance, the primary location from which they will be making VRS or IP Relay calls, so that a CA can identify the appropriate PSAP to contact.

The NAD's response to this question is that registration should be optional, not required.

5. The FCC seeks comment on whether there are other means by which VRS and IP Relay providers may obtain Registered Location information, for example, by linking the serial number of the consumer's VRS or IP Relay terminal or equipment to their registered location.

The NAD's position is that the equipment callers use in these situations is often portable, i.e., wireless devices such as wireless laptops, laptops with portable Internet connections, pagers, Blackberries, Treos, Sidekicks, and the like.

6. The FCC seeks comment on whether the same rules should apply to both VRS providers and IP Relay providers, or whether the different natures of these services warrant different solutions.

The NAD believes that the same rules should apply to both types of providers.

7. The FCC seeks comment on whether the use of a registration system for the use of VRS and IP Relay is appropriate and consistent with Section 225's functional equivalency mandate.

The NAD believes that a registration system will be onerous and an excessive burden on deaf and hard of hearing users. Deaf and hard of hearing people visit businesses, stay in hotels, visit relatives, and so on, to have to register at each location would be cumbersome, time consuming, and extremely burdensome. Hearing people can make calls without registering every time they call from a new location.

8. The FCC seeks comment generally on any privacy considerations that might be raised by requiring VRS and IP Relay users to provide location information as a prerequisite to using these services.

The NAD has received anecdotal experiences of VRS and IP Relay providers' record of using private information to harass or bother consumers. This experience continues to be a grave concern for the NAD, its members, and consumers of the two types of Relay providers. The NAD will review comments submitted by relay providers to see what providers say in response to this question.

9. The FCC also seeks comment on whether the Commission's TRS confidentiality rules are sufficient to address potential concerns related to providing personal information through the Internet.

The NAD reserves comment on this issue except to add that the question is not fully understood as consumers use the Internet to go online and make purchases as well as to conduct other business on the Internet. Such actions entail sharing personal information so how is this situation with the TRS confidentiality different?

10. The FCC seeks further comment on what measures providers have taken to ensure the privacy and security of relay calls.

The NAD has in the past formally urged the FCC to investigate allegations resulting from filed court documents that are on the public record that seem to indicate that VRS providers monitor calls, including peer-to-peer calls that does not use or involve the use of VRS services. We renew this request that the FCC review publicly filed court documents with these allegations.

The NAD also notes that in voice activated calls, the business will often provide a statement to the effect that “Your call will be monitored for quality assurance”. Could such a requirement be placed on VRS and IP Relay calls to ensure that users of either system are aware that their calls may be monitored, if allowed?

11. The FCC seeks comment on whether, assuming some type of location registration requirement is adopted, the Commission should require specific information or place limits on the scope of information that providers should be able to obtain, and on what measures, if any, should be adopted to ensure the confidentiality of that information.

The NAD is opposed to registration location. If registration is required, it should be limited only to zip code or sufficient information to identify the appropriate PSAP. No names, email addresses, or phone numbers should be required.

12. The FCC seeks comment on how they might ensure that IP Relay providers have current location information, i.e., that the Registered Location is the actual location of the user when making a particular call.

The NAD feels that the CA can ask the caller where the caller is if the caller hasn't yet voluntarily registered.

13. The FCC seeks comment on how they might ensure that providers have updated location information, and the respective obligations of the providers and the consumers in this regard. Should, for example, users be required to affirmatively acknowledge whether they are at their Registered Location each time they initiate a call, and if they are

not at their Registered Location, be prompted or required to provide their present location?

The NAD states that hearing callers don't have to affirmatively acknowledge they are at a specific location each time they make a call. To require such from deaf and hard of hearing users is burdensome and excessive.

14. The FCC seeks comment on whether, and if so, how the Commission's current requirements for VRS and IP Relay providers should be revised and what if any other requirements should be imposed on VRS and IP Relay providers. There are a number of questions posed in this section.

For the time being, the NAD renews their request for a faster speed of answer rule and that the ASA should be applied to both VRS and IP Relay providers on a daily basis, not a monthly basis. The NAD will reserve their comments on this section once they have been able to review comments submitted that have answers to the questions posed in this lengthy section.

15. The FCC made it clear in the *VoIP E911 Order*, that interconnected VoIP providers must use the Wireline E911 Network in transmitting E911 calls to the appropriate PSAP, and may not use a 10-digit number (so called 'administrative numbers'). In support of this conclusion, the FCC cited evidence in the record that use of a 10-digit number for routing E911 calls to a PSAP that is interconnected to a Wireline E911 Network is not in the public interest in the context of interconnected VoIP services. The FCC seeks comment on whether the same rule should apply to VRS and IP Relay providers handling emergency calls.

The NAD reserves comment on this section.

16. Finally, we seek comment on whether, following the *VoIP E911 Order*, VRS and IP Relay calls could be structured in such a way that they necessarily include a VoIP call, therefore allowing registration for interconnected VoIP calls to satisfy the registration requirement for users of VRS and IP Relay. In other words, because outbound VRS, IP Relay, and VoIP calls all use the Internet, we seek comment on whether, if VRS and IP Relay consumers were also VoIP subscribers subject to the *VoIP E911 Order*, emergency VRS or IP Relay calls could simultaneously be directed to both the VRS or IP Relay provider and the emergency service tied to the consumer's Registered Location with

the VoIP provider. We recognize that, because it is text-based, IP Relay does not necessarily depend on broadband connections and seek comment on how the solutions discussed herein might apply in that context. We also seek comment on any other ways in which the requirements of the VoIP E911 Order may be applied to the use of VRS and IP Relay to ensure access to emergency services.

17. PSAP Database. The Commission has recognized that TRS providers will use PSAP databases to determine the appropriate PSAP to call in relaying an emergency call. In the 2004 TRS Report & Order, the Commission continued to require providers to maintain and update their databases, and encouraged them to work with state public agencies to do so. It declined, however, to mandate a single national PSAP database that would be available to all TRS providers, noting that no national database exists for routing 911 calls. We seek comment on whether our existing requirements concerning the use of PSAP databases would be sufficient in the context of VRS and IP Relay providers handling emergency calls, or whether we should modify these requirements. We also seek comment on whether a national database is feasible and appropriate for VRS and IP Relay providers handling emergency calls. If so, we seek comment on how such a database may be implemented and maintained

16 and 17 The NAD reserves comment on these sections.

18. The FCC seeks comment on whether and how VRS and IP Relay providers may identify incoming calls as emergency calls so that such calls can promptly be directed to a CA without waiting in a queue. The FCC also seeks comment on whether equipment can be modified to permit users to make an emergency call that will be promptly recognized as such by the providers so that a VRS or IP Relay user has the ability to make a call that is the equivalent of a 911 voice telephone call.

The NAD's position is that queues by definition is a violation of functional equivalency. Hearing people don't have to wait in a queue to make their telephone calls. The FCC must eliminate queues for VRS and IP Relay providers. The NAD has received and continues to receive anecdotal evidence that users of the VRS relay are still experiencing long waiting periods of up to 30 minutes for their calls to be put through. One consumer reported that the VRS provider she attempted to use had an Instant Message alerting her that their interpreters were still busy.

19. The FCC seeks comment on whether VRS and IP Relay users should be required to register with each provider that they use, or whether a shared database could be established that could be accessed by all providers. The FCC also seeks comment on the advantage or disadvantages of using such a shared database.

The NAD states that registration should be voluntary and not required. Registration should be a shared database operated and managed by an independent (non-relay provider) entity.

20. The FCC seeks comments on whether a registration requirement for emergency call handling could also be used as a mechanism to allocate TRS costs between the interstate and intrastate jurisdiction for the purpose of payments from the Interstate TRS fund and so on.

The NAD reserves comment on this section, however, costs for providing E911 services should not be charged to deaf or hard of hearing callers. The costs need to be spread over the nations and local populations.

21. The FCC seeks comment on how much time it may reasonably take for providers to implement the solutions proposed in this *Notice*. The FCC also seeks comment on whether there continues to be any reason to have separate deadlines for VRS and IP Relay. Finally, the FCC asks parties to provide any further information that may illuminate the issues raised in this *Notice*.

The NAD's position is that timelines should be the same timeline as required for VoIP. Additionally, the NAD continues to state that blocking calls by some VRS providers (lack of interoperability) is awful and definitely life-threatening for emergency call handling.

The NAD thanks the FCC for the opportunity to participate in this proceeding and looks forward to a continued partnership in rulemaking that takes our organizations and consumers' life experiences into consideration.

Respectfully submitted,

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