

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

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	
)	
NECA Interstate Telecommunications Relay)	
Services Fund Payment Formula and Fund)	
Size Estimate for the July 2006 through)	
June 2007 Fund Year)	

To: The Commission

REPLY COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.;
NATIONAL ASSOCIATION OF THE DEAF;
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK; AND
CALIFORNIA COALITION OF AGENCIES SERVING
THE DEAF AND HARD OF HEARING

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), through undersigned counsel, National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”) and California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) (collectively, the “Consumer Groups”) hereby submit their reply comments in response to the Commission’s May 2, 2006 and May 12, 2006 Public Notices, DA 06-970 and DA 06-1031, seeking comment on the July 2006 through June 2007 Telecommunications Relay Services (“TRS”) compensation rates proposed by the National Exchange Carrier Association (“NECA”).

In addition to the Consumer Groups, comments were filed by Communications Service for the Deaf, Inc. (“CSD”), Hamilton Relay, Inc. (“Hamilton”), Hands On Video Relay Services,

Inc. (“Hands On”), Sorenson Communications, Inc. (“Sorenson”), Sprint Nextel Corporation (“Sprint”), Verizon and Bob Segalman, Ph.D. Each of the commenting parties addressed how NECA, without notice and comment and without explanation, disallowed various expenses that were allowed in prior years or otherwise incorrectly calculated the compensation rate.

In their May 17, 2006 opening comments and attached April 28, 2006 letter, the Consumer Groups expressed their concerns regarding what appears to be a failure by NECA to factor in the access and functional equivalence requirements of the Americans with Disabilities Act (“ADA”), PL 101-336, July 26, 1990, codified at 47 U.S.C. § 225, in determining the reimbursement rate for TRS in general and Video Relay Service (“VRS”) in particular. The comments filed by the various parties highlight the concerns expressed by the Consumer Groups. If the reimbursement rate is non-compensatory, it is likely that the availability and quality of VRS will falter. If the VRS providers cannot engage in reasonable marketing and advertising, or if outreach activities are otherwise unreasonably limited, many people who would benefit from VRS would not receive services simply because they are unaware of the availability of these services.

As explained in the April 28, 2006 letter, the main purpose of the ADA was to facilitate the integration of people with disabilities into the mainstream of society so that no person would be left behind. The ADA mandates the provision of all TRS, including the newer technologies not available at the time when the ADA was adopted, such as VRS, and such services must be provided in a manner that is functionally equivalent to telecommunications services provided to hearing people. Poor quality VRS would not comply with the functional equivalency requirements of the ADA. Moreover, effective marketing and outreach programs are essential to reach those people who are left out as required by the ADA.

