

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

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In the Matter of	)	
	)	
Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	) ) ) ) )	CG Docket No. 03-123
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THIRD ANNUAL REPORT ON  
CAPTIONED TELEPHONE SERVICE  
AND PETITION TO MAKE  
CAPTIONED TELEPHONE WAIVERS PERMANENT

**I. Introduction**

On August 1, 2003, the Federal Communications Commission (FCC or Commission) released a Declaratory Ruling approving captioned telephone service as an enhanced voice carryover telecommunications relay service.<sup>1</sup> At that time, the FCC waived certain minimum mandatory standards for captioned telephone service. While several of the waivers were granted on a permanent basis, three waivers were granted for a period of three years, and were made contingent upon the filing of annual reports with the Commission.<sup>2</sup> All three of these waivers are

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<sup>1</sup> *In the Matter of Telecommunications Relay Services, and Speech-to-Speech for Individuals with Hearing and Speech Disabilities, Declaratory Ruling*, CC Dkt 98-67, FCC 03-190 (August 1, 2003) (Declaratory Ruling).

<sup>2</sup> Permanent waivers were granted for the provision of speech-to-speech relay service, hearing carry over, outbound 711 calls, gender preference, call release, and the requirement to handle calls in ASCII and Baudot formats.

due to expire on August 1, 2006.<sup>3</sup> This Annual Report and Petition requests the FCC to make each of these waivers permanent for captioned telephone service provided with the aid of voice recognition technology. In the alternative, Ultratec requests that the Commission issue an order clarifying that standards for which these waivers have been granted do not apply to captioned telephone relay services that use voice recognition technologies to convey messages.

## II. CA competency in interpretation of typewritten ASL

At the time that the FCC authorized interstate compensation for captioned telephone, it waived the standard requiring communications assistants (CAs) to be competent in the interpretation of typewritten ASL. However, as the FCC acknowledged in its Declaratory Order, “there is never an instance where either party to a captioned telephone call would use typewritten ASL.”<sup>4</sup> This is because both parties to the conversation use their own voices to speak, and the CA merely repeats, word for word, what the party responding says (which is then converted into text with the voice recognition technology). Because there is no typing by the captioned telephone user at any time during the captioned telephone call, and because the CA – who remains transparent – never has the opportunity to

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Although the FCC also granted a waiver for interrupt functionality, it has since decided not to require this as a minimum relay standard. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking*, FCC Dkts. 90-571, 98-67, 03-123, FCC 04-137 at ¶71 (June 30, 2004).

<sup>3</sup> The Commission permanently waived other mandatory minimum standards that “inherently do not apply” to captioned telephone service, but did not make these waivers contingent on the filing of reports.

<sup>4</sup> Declaratory Ruling at ¶42.

interpret or convert what anyone types from or into written ASL, the FCC should clarify that this standard has no application to captioned telephone services that rely on voice recognition technology, and this waiver should be made permanent for these services.<sup>5</sup>

### **III. Use of oral-to-text tests as a substitute for oral-to-type tests**

Unlike traditional text based relay services, the speed and accuracy of the text that is transmitted during a captioned telephone call does not depend on a CA's typing skills. Rather, the text transcription of the conversation is primarily generated using voice recognition technology. Only when words or proper names are used that the computer does not recognize must the CA type in the correct words, after which the CA goes back to re-voicing what is being said. It is for this reason that, in 2003, the FCC approved the use of oral-to-text testing for captioned telephone relay services as a substitute for oral-to-type tests (used to assess text transmission speeds for traditional relay).<sup>6</sup> At the time, the Commission recognized that one of the major benefits of captioned telephone is that it allows faster and more accurate relay conversations precisely because it replaces human typing with high-speed computer voice recognition.

Over the past three years, the use of oral-to-text testing has proven to be an enormously effective method of assessing the performance and proficiency levels of

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<sup>5</sup> While in the future, conceivably there could may be a version of captioned telephone services that uses typewritten ASL, the Commission has already stated that the waiver in question would not apply to those services. Declaratory Ruling at ¶42.

<sup>6</sup> Declaratory Ruling at ¶44.

captioned telephone CAs who use voice recognition technologies. Periodic testing conducted by Ultratec to ensure the high quality of these services has consistently demonstrated that captioned telephone CAs are able to perform at a level that not only exceeds the FCC's minimum transmission speed requirement of 60 words per minute, but, in fact, achieves the transmission of conversations at speeds well over 100 words per minute.

At the time that the FCC granted this waiver, it stated, “[w]e believe that allowing oral-to-text tests is consistent with our mandate not to impede the development or implementation of new and improved methods of providing TRS, and at the same time to ensure the quality of captioned telephone services.”<sup>7</sup> The past three years have proven this to be unfailingly true; for this reason, it is appropriate for the FCC to now make this waiver permanent for captioned telephone relay services that rely on voice recognition technologies.

#### **IV. Refusal of single or sequential calls for outbound and inbound two-line calls**

FCC rules prohibit CAs from refusing to make single or sequential calls placed by relay users. In its 2003 Declaratory Ruling, however, the FCC acknowledged that CAs do not play any role in accepting or rejecting outbound calls from captioned telephone users.<sup>8</sup> In contrast to most other text and video based relay services, the caller directly dials and is automatically connected to the destination party, without CA intervention. Precisely because call set-up is automatic, and the CA's role is merely limited to re-voicing what the voice party

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<sup>7</sup> *Id.*

<sup>8</sup> Declaratory Ruling at ¶46.

says, there is no way that a CA can refuse single or sequential calls made by users of the captioned telephone service. The same holds true for inbound two-line captioned telephone calls. Ultratec hereby confirms that captioned telephone callers – on both outbound and inbound two-line calls – continue to dial directly to their destinations, and that there is no danger that their calls could or would ever be rejected by a captioned telephone CA. Ultratec submits that to the extent that users to any captioned telephone relay service – or for that matter, any relay service – dial their parties directly, the standard for which this waiver was granted simply has no application.<sup>9</sup> While one approach to resolving this issue would be to make the existing waiver permanent, Ultratec believes it is more appropriate to clarify that this standard has no application to any relay service where CAs are not involved in call set up – i.e., where the parties to the call establish contact with one another directly, in a fashion that mirrors that which is used by conventional voice (non-relay) users.

## **V. Compliance with Other Mandatory Minimum Standards**

Ultratec hereby attests to compliance with the remaining mandatory minimum standards applicable to telecommunications relay services as contained in the FCC's rules, 47 CFR 64.604 *et seq.* Forty states now have captioned telephone programs, all of which rely on voice recognition technology to provide

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<sup>9</sup> For example, in one wireless relay service, the relay provider assigns each of its customers individual relay numbers. The customers can then arrange for this number to be linked with an instant messaging service. Hearing people who make calls to these numbers dial directly to the party that they are calling.

their services.<sup>10</sup> This, coupled with the steady increase in call volume, low incidence of complaints, and positive feedback that Ultratec has received from captioned telephone users confirm that this service is effectively meeting and frequently exceeding, the FCC's minimum standards.

## VI. Conclusion

For the reasons submitted herein, Ultratec requests that the following waivers either be made permanent, or that the FCC clarify that the standards for which they have been granted do not apply to captioned telephone relay services that use voice recognition technologies to convey messages:

- CA competency in interpretation of typewritten ASL
- Use of oral-to-text tests to replace oral-to-type tests
- Refusal of single or sequential calls for outbound calls

Respectfully submitted,

/s/

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<sup>10</sup> See [www.captionedtelephone.com/availability.phtml](http://www.captionedtelephone.com/availability.phtml) for a full list of current state programs.

