DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

MAILED
JUN 30 2008
FCC

In the Matter of	)	
	)	
Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services	)	CG Docket No. 08-15

NOTICE OF PROPOSED RULEMAKING

Adopted: June 11, 2008 **Released: June 24, 2008**

Comment Date: (30 days after publication in the Federal Register)
Reply Comment Date: (45 days after publication in the Federal Register)

By the Commission: Chairman Martin, Commissioners Copps, Adelstein and Tate issuing separate statements.

I. INTRODUCTION

1. In this Notice of Proposed Rulemaking (*Notice*), we seek comment on several issues concerning the provision of Speech-to-Speech (STS), a form of telecommunications relay service (TRS).[1] First, we seek comment on whether we should amend the TRS regulations to require that the CA handling an STS call stay with the call for a minimum of 20 minutes.[2] Second, we seek comment on whether the Commission should amend its TRS rules to require that STS providers offer the STS user the option of having her or his voice muted so that the other party to the call would only hear the STS CA re-voicing the call, not the voice of the STS user as well. Finally, we seek comment on ways we can ensure that STS users calling 711, the nationwide access code for state relay providers, will promptly reach an STS CA to

[1] TRS, created by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables a person with a hearing or speech disability to access the nation's telephone system to communicate with a voice telephone user through a relay provider and a Communications Assistant (CA). *See generally* 47 U.S.C. § 225; 47 C.F.R. § 64.601 *et seq.* (the TRS regulations). There are several forms of TRS, including Speech-to-Speech (STS), which we describe below. The Interstate TRS Fund (Fund) compensates providers for their reasonable costs of providing interstate service, and with some forms of TRS, both intrastate and interstate service. *See generally Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5149, para. 15 (Mar. 6, 2000) (*2000 TRS Report and Order*) (recognizing STS as a form of TRS); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Dockets 90-571 and 98-67 and CG Docket 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12479-80, para. 3 n.18 (June 30, 2004) (*2004 TRS Report and Order*) (discussing how TRS works).

[2] *See* Bob Segalman and Rebecca Ladew, Petition for Amendment to TRS rule on Speech-to-Speech Relay Service, CG Docket No. 03-123, filed June 26, 2006 (*STS Petition*).

users calling 711, the nationwide access code for state relay providers, will promptly reach an STS CA to handle their calls, including, for example, requiring TRS providers to use an interactive menu that allows the user to reach an STS CA as the first option.

2. In addition, we seek comment on various issues with respect to Internet Protocol (IP) STS (IP STS). In December 2007, Hawk Relay filed a request for clarification[3] that IP STS is a form of TRS eligible for compensation from the Fund. We tentatively conclude that IP STS is a form of TRS compensable from the Fund. We seek comment on this tentative conclusion, and related issues relevant to the provision, regulation, and compensation of IP STS.

II. BACKGROUND

A. Speech-to-Speech Relay Service

3. On March 6, 2000, the Commission mandated that carriers obligated to provide TRS must also provide STS so that persons with speech disabilities can access the telephone system.[4] STS relay service utilizes a specially trained CA who understands the speech patterns of persons with speech disabilities and can repeat the words spoken by such an individual to the other party to the call.[5] As a general matter, a person with a speech disability initiates a STS call by calling a TRS provider on a standard telephone, and giving the CA the number of person he or she wishes to call. The CA then makes the outbound call, and re-voices what the STS user has said to the called party. Persons desiring to call a person with a speech disability via STS can also initiate an STS call. Because STS calls are made via the Public Switched Telephone Network (PSTN), and therefore the geographic location of the parties to the call can be determined, states are responsible for compensating providers for the costs of intrastate STS, and the Fund compensates providers for the costs of interstate STS.[6]

4. The Commission's rules require STS CAs to stay with the call for at least 15 minutes before transferring the call to another CA.[7] The Commission explained that although CAs handling text-to-voice calls must stay with the call for at least 10 minutes, a longer minimum for STS calls was appropriate because "changing CAs can be particularly disruptive to users with speech disabilities."[8] The Commission noted that during the initial stages of a relay call there is a "settling-in" period, and that during this time "callers with speech disabilities develop greater assurance that the CA will understand

---

[3] *See* Hawk Relay, *Request for Expedited Clarification for the Provision and Cost Recovery of Internet Protocol Speech to Speech Relay Service*, CG Docket No. 08-15, (filed Dec. 21, 2007) (*Hawk Relay Request*). The *Hawk Relay Request* was moved from CG Docket No. 03-123 to a newly created docket for all STS (including IP STS) matters, CG Docket No. 08-15. *See Consumer & Governmental Affairs Bureau Seeks Comment on Request for Clarification that Internet Protocol Speech to Speech Service is a Form of Telecommunications Relay Service Compensable from the Interstate TRS Fund*, CG Docket No. 08-15, Public Notice, 23 FCC Rcd 1649, 1650, at n.7 (Feb. 4, 2008) (*IP STS PN*).

[4] *See 2000 TRS Report and Order*, 15 FCC Rcd at 5148-51, paras. 14-20.

[5] *See id.* at 5148, para. 14; 47 C.F.R. § 64.601(12).

[6] *See* 47 U.S.C. § 225(d)(3); *see also* 47 C.F.R. § 64.604(c)(5)(i) & (ii). No specific funding method is required for intrastate TRS or state TRS programs. States generally recover the costs of intrastate TRS either through rate adjustments or surcharges assessed on all intrastate end users, and reimburse TRS providers directly for their intrastate TRS costs. We note that in recent months interstate STS minutes of use have averaged between 13,000-15,000 per month. This is substantially less than the corresponding minutes of use for the other forms of TRS. *See* www.neca.org/source/NECA_Resources_4285.asp (monthly reports indicating interstate minutes of use for all forms of TRS).

[7] *2000 TRS Report and Order,* 15 FCC Rcd at 5169-70, paras. 68-70; 47 C.F.R. § 64.604(a)(1)(v).

[8] *2000 TRS Report and Order*, 15 FCC Rcd at 5170, para. 70.

them," and that "[r]otation of a CA during an STS call disrupts this assurance, and may even cause the user to speak less clearly."[9]

5. In the 2000 *711 TRS Dialing Order*, the Commission adopted nationwide 711 dialing access to allow both persons with hearing and speech disabilities and voice telephone users to initiate a TRS call from any telephone, anywhere in the United States, and be connected to the TRS facility serving that calling area.[10] Subsequently, the Commission sought comment on whether it should adopt a separate three digit access number specifically for STS.[11] In the *2003 TRS Order*, the Commission declined to do so, concluding that calling 711 provided adequate means for STS consumers to reach an STS CA.[12] The Commission explained that in any 711 call, the CA has to route and/or set up the call according to the form of TRS (*i.e.*, STS) or type of TRS call requested, and that to the extent STS calls are not reaching STS CAs in an appropriate fashion, the TRS provider may have to provide additional CA training, deploy advanced technologies, or offer multiple dialing options.[13]

6. The Commission also addressed whether access to STS could be improved by using a dialing menu, *e.g.*, an Interactive Voice Response (IVR), with STS being the first option in the voiced dialing menu.[14] The Commission noted that "[i]n this way, STS users would simply need to 'press' the first key indicated to make their type of call selection, such as STS."[15] Although the Commission declined to adopt such a requirement, the Commission stated that it would continue to monitor the implementation of 711 dialing access for TRS calls (including STS calls) and encouraged TRS facilities to be innovative in finding ways to facilitate access to relay services.[16]

B. New STS Issues

7. On June 26, 2006, Bob Segalman and Rebecca Ladew filed a petition requesting that the Commission amend its rules to require an STS CA to stay with the call for a minimum of twenty minutes, rather than 15 minutes.[17] Petitioners assert that because "STS calls often last much longer than text-to-voice calls[,] changing CAs on these calls prior to twenty minutes can seriously disrupt their flow and impair functionally equivalent telephone service."[18] Petitioners explain that it generally takes a few minutes for a CA to begin to maximize his or her understanding of the speech patterns of a particular person with a speech disability.[19] Petitioners further explain because CAs often have trouble understanding people's names and unusual technical words, persons with speech disabilities have to spell

---

[9] *Id.*

[10] *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Report and Order, 15 FCC Rcd 15188 (Aug. 9, 2000) (*2000 711 TRS Dialing Order*). 711 dialing access for TRS became effective on October 1, 2001. *See id.* at 15204, para. 32.

[11] *2000 TRS Report and Order*, 15 FCC Rcd at 5192, para. 126.

[12] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379, 12410-11, para. 51 (June 17, 2003) (*2003 TRS Order*).

[13] *Id.*

[14] *Id.* at 12411, para. 52.

[15] *Id.*

[16] *Id.* at 12411-12, para. 53.

[17] *STS Petition* at 1.

[18] *Id.* at 3.

[19] *Id.* at 2.

out these words.[20] Further, Petitioners note that persons with speech disabilities require a greater amount of time and concentration to perform the tasks of listening to the other party, thinking, forming a response, and then speaking.[21] Given these factors, Petitioners contend that changing CAs during a call both disrupts the STS user's concentration and requires the new CA to become familiar with the STS user's speech pattern, thereby impeding the conversation.[22] Petitioners add that because reducing the frequency of CA changes will result in calls being processed more efficiently, the average cost of the calls will be less.[23]

8. Petitioners also request that the Commission specify that the 20 minute period begins when "effective" communication begins between the STS user and the CA.[24] Specifically, petitioners request that the Commission mandate that a call may not be transferred to a new CA until at least 20 minutes have passed after the caller established effective communication with the CA.[25]

9. In addition, we have received anecdotal information concerning two other STS issues. First, we understand that some STS providers offer the STS user the option to have his or her voice muted so that the other party to the call only hears the CA re-voicing the call. We also understand that many STS users prefer that their voice not be passed through to the other party to the call because it can be distracting. Second, the Commission has received several reports from STS users that they have been disconnected after dialing 711 when the CA attempts to transfer the caller to an STS CA. These incidents may suggest that some TRS CAs are not properly trained or equipped to receive and transfer STS calls to an STS CA.

C. IP STS

10. On December 21, 2007, Hawk Relay filed a request for clarification that IP STS is a form of TRS eligible for compensation from the Fund. Hawk Relay describes IP STS as a type of STS that uses the Internet, rather than the PSTN, to connect the consumer to the relay provider.[26] Hawk Relay explains that instead of using a standard telephone to make the relay call, an IP STS user can use a personal computer or personal digital assistant (PDA) device and, with the installation of softphone application software, can make a voice call via the Internet to the relay provider.[27] As Hawk Relay describes an IP STS call, the call is initiated by the user clicking on an icon on his or her computer or PDA; the relay user is then connected to a CA over the Internet and tells the CA the number to be dialed; the CA then connects the IP STS user with the called party and relays the call between the two parties.[28] Hawk Relay asserts that IP STS offers several benefits over PSTN-based (or "traditional") STS, including portability (the computer or PDA is not tied to a specific location); ease of use, particularly for persons

---

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.* at 2-3. The current rule states that the CA "answering and placing an STS call must stay with the call for a minimum of fifteen minutes." 47 C.F.R. § 64.604(a)(1)(v).

[25] *STS Petition* at 3.

[26] *Hawk Relay Request* at 3 (IP STS is "no different than traditional STS except ... that the user connects to a relay provider through the Internet").

[27] *Id.* at 2-3. The computer or PDA must have a microphone and speaker. *Id.* at 3.

[28] *Id.* at 3.

with limited dexterity (the user does not have to dial a number, but can just click on one icon, to initiate a call); and increased competition that will promote further innovation among relay providers.[29]

11. Hawk Relay states that, as "an extension of traditional STS," IP STS falls within the scope of TRS under Title IV because it allows persons with speech disabilities to access the telephone system to communicate by wire or radio.[30] Hawk Relay also notes that Title IV mandates that the Commission ensure that it "do[es] not discourage or impair the development of improved technology."[31] Hawk Relay notes that, consistent with this mandate, the Commission has previously recognized new forms of TRS, including other Internet-based forms of TRS – Video Relay Service,[32] Internet Protocol (IP) Relay,[33] and IP Captioned Telephone Service (IP CTS).[34] Further, Hawk Relay requests that IP STS calls be eligible for compensation from the Fund. Hawk Relay does not address, however, whether *all* IP STS calls should be compensated from the Fund (*i.e.*, both interstate and intrastate), and does not suggest what the appropriate IP STS compensation rate should be, or whether it should be different from the interstate STS rate. Finally, Hawk Relay requests that certain TRS mandatory minimum standards be waived for IP STS because they have been waived for STS.[35]

12. The *Hawk Relay Request* was placed on Public Notice,[36] and one comment and one reply comment were filed.[37] Both commenters support the request that the Commission recognize IP STS as a form of TRS compensable from the Fund.[38] In addition, both commenters agree that the Fund should compensate *all* IP STS calls because, as is the case with the other Internet-based forms of TRS, it is presently not technologically feasible to determine which calls are interstate and which are intrastate.[39]

---

[29] *Id.* at 3-5.

[30] *Id.* at 5; *see* 47 U.S.C. § 225(a)(3).

[31] *Hawk Relay Request* at 5; *see* 47 U.S.C. § 225(d)(2).

[32] Video Relay Service (VRS) is a form of TRS that enables the VRS user and the CA to communicate via a video link in sign language, rather than through text. VRS presently requires a broadband Internet connection. *See 2000 TRS Report and Order*, 15 FCC Rcd at 5152-54, paras. 21-27 (recognizing VRS as a form of TRS); 47 C.F.R. § 64.601(17) (defining VRS).

[33] IP Relay is a text-based form of TRS that uses the Internet, rather than the PSTN, for the link of the call between the relay user and the CA. *See Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (Apr. 22, 2002) (*IP Relay Declaratory Ruling*).

[34] IP Captioned Telephone Service (IP CTS) is a form of CTS where the connection carrying the captions between the relay provider and the user is via the Internet, rather than the PSTN. *See generally Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121 (Aug. 1, 2003) (*Captioned Telephone Declaratory Ruling*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379 (Jan. 11, 2007) (*2007 IP CTS Declaratory Ruling*). IP CTS is compensated at the same rate as CTS. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20158, para. 38 (Nov. 19, 2007) (*2007 TRS Cost Recovery Order*).

[35] *Hawk Relay Request* at 6; *see* 47 C.F.R. § 64.604 (TRS mandatory minimum standards).

[36] *IP STS PN.*

[37] Comments were filed by Speech Communications Assistance by Telephone, Inc. (May 8, 2008) (SCAT Comments), and reply comments were filed by American Network, Inc. (May 22, 2008) (American Network Reply Comments).

[38] SCAT Comments at 3; American Network Reply Comments at 2.

[39] SCAT Comments at 3-4; American Network Reply Comments at 4.

Speech Communications Assistance by Telephone, Inc. (SCAT) also suggests that the compensation rate for IP STS should be high enough to give providers the incentive to identify and recruit users, to reimburse providers for giving computers and other equipment to the users, and to pay for up to ten home visits per consumer to instruct the consumers on how to use the service.[40] In addition, American Network agrees with Hawk Relay that certain waivers of the TRS mandatory minimum standards are appropriate.[41]

D. Other STS and IP STS Issues

13. SCAT asserts that STS outreach efforts have not been adequate to identify and reach all potential users.[42] SCAT notes that the majority of STS calls are intrastate, and that state STS rates have generally been below cost and not adequate to support sufficient outreach.[43] SCAT therefore requests that the Commission require states to increase their STS compensation rate to ensure that STS is made available to all users.[44] In addition, because of the relatively low volume of STS calls, SCAT suggests that there should be only one national provider and one call center that serves the whole country.[45]

III. DISCUSSION

A. STS Issues

14. We seek comment on whether the Commission should amend the TRS regulations to require that an STS CA must stay with the call for a minimum of twenty minutes, rather than the present minimum of fifteen minutes. Specifically, we seek comment on the advantages and disadvantages of such a rule change, or whether some other minimum time period should be adopted. We also seek comment on alternative approaches or additional requirements the Commission might adopt to ensure the effective and efficient relaying of STS calls.

15. We also seek comment on whether we should more specifically define the point at which the minimum time period begins to run, *e.g.*, when "effective" communication takes place between the STS user and the CA, regardless of whether we extend the minimum time period a CA must stay with an STS call. We further seek comment on what criteria should be used to determine when effective communication begins and who would make that determination.

16. In addition, we seek comment on whether the Commission should amend its TRS rules to require that STS providers offer the STS user the option of having her or his voice muted so that the other party to the call would only hear the STS CA re-voicing the call, not the voice of the STS user as well. We understand that presently some STS providers voluntarily offer this option, and that many STS users

---

[40] SCAT Comments at 4-5. SCAT states that the rate should be "possibly higher than the VRS reimbursement rate." *Id.* at 5.

[41] American Network Reply Comments at 5.

[42] *See Ex Parte* filed by SCAT (June 4, 2008) at 1 (SCAT *Ex Parte*).

[43] *See* Comments of Speech Communications Assistance by Telephone, Inc. (SCAT) (May 14, 2008) (filed in response to the Public Notice seeking comment on proposed 2008-2009 interstate TRS compensation rates; *National Exchange Carrier Association (NECA) Submits the Payment Formula and Fund Size Estimate for the Interstate Telecommunications Relay Services (TRS) Fund for the July 2008 Through June 2009 Fund Year*, CG Docket No. 03-123, Public Notice, DA 08-1055 (May 2, 2008) (SCAT Rate Comments) (asserting that "providers often take a big loss on STS in order to obtain a statewide TRS contract").

[44] SCAT Rate Comments.

[45] SCAT Comments at 6.

prefer that their voice not be passed through to the other party to the call because it can be distracting and make the call flow less smoothly.

17. Finally, we seek comment on ways we can ensure that STS users calling 711 will promptly reach an STS CA to handle their calls. We recognize that 711 dialing procedures vary from state to state, and that some relay providers use prompts so that the caller can indicate the type of call the caller desires to make. We seek comment on the feasibility of requiring TRS providers to use a prompt or menu that would permit STS callers to indicate that they would like to reach an STS CA. For example, after an STS caller dials 711 and reaches the provider, the caller could be directed to press one additional number on the telephone to reach an STS CA. Although, as noted above, the Commission addressed this issue in the *2003 TRS Order* and declined to adopt this requirement at that time, it also stated that it would monitor the implementation of 711 dialing access.[46] Because we have received complaints that STS users have been disconnected after dialing 711 when the CA attempts to transfer the caller to an STS CA, we seek comment, first, on the scope of the problem of STS callers being disconnected before reaching an STS CA. We also seek comment on ways by which we can ensure that STS users will promptly reach an STS CA without being disconnected, including through the use of menus or prompts that would direct STS callers to an STS CA.

B. IP STS

18. We tentatively conclude that IP STS is a form of TRS compensable from the Interstate TRS Fund because it is an extension of STS that gives persons with speech disabilities an alternative way to initiate an STS call and reach a CA.[47] We note that IP STS allows persons with speech disabilities to use a computer or PDA connected to the Internet, rather than a standard telephone connected to the PSTN, to initiate a call and speak with the CA. In this regard, IP STS borrows from both the STS and IP Relay services that the Commission has previously recognized as forms of TRS. Like STS, an IP STS CA listens to what the STS caller says and then re-voices what was said to the other party of the phone. Like IP Relay, the consumer is connected to the relay provider via the Internet, not the PSTN. We seek comment on this tentative conclusion. We also tentatively conclude that a service will be considered IP STS as long as it allows the STS user to connect to the CA via a computer, PDA, or similar device and the Internet, rather than by making a traditional telephone call.[48] We also seek comment on these tentative conclusions.

19. We also tentatively conclude that all IP STS calls may be compensated from the Fund if provided in compliance with the Commission's rules.[49] We note that this is consistent with the present treatment of the other Internet-based forms of TRS – VRS, IP Relay, and IP CTS – and the fact that because one link of the call is made via the Internet it is generally not possible to determine if a particular

---

[46] *2003 TRS Order,* 18 FCC Rcd at 12411-12, paras. 52-53. Because at that time 711 dialing was relatively new, and some states were offering a dialing menu that facilitated access to STS, the Commission stated that as it "continue[s] to monitor the implementation of universal nationwide 711 dialing access for all types of TRS calls, [it] will also monitor the utilization of dialing menus for access to STS." *Id.* at para. 53.

[47] *See Hawk Relay Request* at 5; American Network Reply Comments at 3.

[48] *See Captioned Telephone Declaratory Ruling,* 18 FCC Rcd at 16127, para. 17 ("to avoid authorizing a particular proprietary technology, rather than a particular functionality or service, we define the captioned telephone . . . service that we recognize as TRS in this *Declaratory Ruling* as any service that uses a device that allows the user to simultaneously listen to, and read the text of, what the other party has said, on one standard telephone line. TRS providers, therefore, that may choose to offer captioned telephone . . . service are not bound to offer any particular company's service").

[49] *See* SCAT Comments at 4; American Network Reply Comments at 4.

call is interstate or intrastate.[50] We also believe this arrangement will be an incentive for multiple providers to offer this service on a nationwide basis, generating competition that will enhance consumer choice, service quality, and available features.[51] We seek comment on this tentative conclusion.

20. Further, we tentatively conclude that IP STS will be compensated at the same per-minute rate as STS, and seek comment on this tentative conclusion.[52] We note that neither the *Hawk Relay Request* nor the comments specifically suggest a different rate. Hawk Relay is silent on this issue, and American Network suggests that the traditional STS rate should apply.[53] Although SCAT suggests that the rate should be "possibly higher than the VRS reimbursement rate" (currently ranging from $6.30 to $6.77 per minute) to cover the costs of consumer equipment and home visits for training,[54] we note that the Commission has made clear that the costs of customer equipment, equipment distribution, and installation of the equipment or any necessary software is not compensable from the Fund.[55] We also note that the conclusion to compensate IP STS at the STS rate is consistent with our treatment of CTS and IP CTS rates, which pursuant to the *2007 TRS Cost Recovery Order* are the same.[56] At the same time, we also seek comment on whether differences in the way IP STS and STS are provided or used warrants different compensation rates for these services.

21. In the *TRS Provider Certification Order*, the Commission adopted a means by which common carriers seeking to offer IP Relay or VRS may seek Commission "certification" as an eligible provider.[57] The Commission noted that the present eligibility criteria for compensation from the Fund set forth in the Commission's rules[58] do not reflect advances in the way that TRS is offered, particularly with respect to the Internet-based forms of TRS. As a result, the Commission adopted a Commission certification alternative that would permit common carriers desiring to offer VRS and/or IP Relay, and not the other forms of TRS, to receive compensation from the Fund.[59] This process is described in that order and the Commission's rules.[60]

---

[50] *See IP Relay Declaratory Ruling,* 17 FCC Rcd at 7779, para.1; *see also id.* at 7786, paras. 20-22.

[51] *See 2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 390, para. 25.

[52] Pursuant to the *2007 TRS Cost Recovery Order*, STS is compensated at the MARS rate applicable to both traditional TRS and STS based on the weighted average of state rates. *2007 TRS Cost Recovery Order*, 22 FCC Rcd at 20165-66, paras. 57-61. The rate is presently $2.723, which applies through June 30, 2008.

[53] American Network Reply Comments at 4.

[54] SCAT Comments at 4.

[55] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 21 FCC Rcd 8063, 8071, para. 17 (July 12, 2006).

[56] *See 2007 TRS Cost Recovery Order,* 22 FCC Rcd at 20158, para. 38.

[57] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration, 20 FCC Rcd 20577, 20586-90, paras. 17-26 (Dec. 12, 2005) (*TRS Provider Certification Order*).

[58] *See* 47 C.F.R. § 64.604(c)(5)(iii)(F)(3) (setting forth three eligibility categories for TRS providers seeking compensation from the Fund). As the Commission has explained, these categories include being part of a certified state program, contracting with an entity that is part of a certified state program, or being a common carrier obligated to provide TRS in a state that does not have a certified state program. *TRS Provider Certification Order*, 20 FCC Rcd at 20586-87, paras. 18-19.

[59] *TRS Provider Certification Order*, 20 FCC Rcd at 20586, para. 17.

[60] *Id.*, 20 FCC Rcd at 20588-90, paras. 22-26; 47 C.F.R. § 64.605.

22. In the *2007 IP CTS Declaratory Ruling*, we concluded that entities desiring to offer IP CTS could become eligible for compensation from the Fund by seeking Commission certification under the certification rules.[61] The Commission stated that "potential IP CTS providers may become eligible for compensation from the Fund by being accepted into a certified state TRS program or subcontracting with an entity that is part of a certified state program, or by seeking Commission certification."[62] The Commission also emphasized that "[p]resent eligibility to receive compensation from the Fund for the provision of other forms of TRS (including captioned telephone service) does not confer eligibility with regard to the provision of the IP CTS."[63]

23. We tentatively conclude that an entity desiring to provide IP STS may choose to seek certification from the Commission under the certification rules. Therefore, as with IP CTS, potential IP STS providers could become eligible for compensation from the Fund by being accepted into a certified state TRS program or subcontracting with an entity that is part of a certified state program,[64] or by seeking Commission certification. Therefore, we also tentatively conclude that present eligibility to receive compensation from the Fund for the provision of other forms of TRS (including STS) would not confer eligibility with regard to the provision of the IP STS. We seek comment on these tentative conclusions.

24. Next, we seek comment on those mandatory minimum standards that are either inapplicable to IP STS or should be waived for IP STS. We tentatively conclude that providers of IP STS need not, at this time, meet the following requirements: (1) competent skills in typing and spelling for CAs[65]; (2) handling calls in ASCII and Baudot formats[66]; (3) call release[67]; (4) Hearing Carry Over (HCO) and Voice Carry Over (VCO) services[68]; (5) equal access to interexchange carriers[69]; (6) pay-per-

[61] *2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 391, para. 28; 47 C.F.R. § 64.605.

[62] *2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 391, para. 28 (internal footnote omitted).

[63] *Id.*; *see also Consumer & Governmental Affairs Bureau Clarifies the Eligibility Requirement for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund for Providers of Internet Protocol Captioned Telephone Service*, CG Docket No. 03-123, Public Notice, 23 FCC Rcd 2889 (Feb. 28, 2008).

[64] If eligibility is established via a certified state program, the state program must notify the Commission within 60 days of substantive changes in their program. *See* 47 C.F.R. § 64.605(f)(1).

[65] *See* 47 C.F.R. § 64.604(a)(ii)& (iii). This includes the requirement that CAs must provide a typing speed of a minimum of 60 words per minute, which does not apply to IP STS. Relaying an IP STS call would not involve typing.

[66] Providers of traditional TRS (*i.e.*, text-based TRS calls made via a TTY and the PSTN) must ensure that the TTY can communicate in either the ASCII or Baudot formats. *See* 47 C.F.R. §§ 64.601(3) & (4); 64.604(b)(1). TTYs are not used in STS calls.

[67] Call release is a TRS feature that allows the CA to drop from the call after the CA has set up a telephone call between two TTY users. *See* 47 C.F.R. § 64.601(5). Call release is waived for IP Relay until January 1, 2009. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 22 FCC Rcd 21869, 21873, para. 11 (Dec. 26, 2007) (*2007 Waiver Extension Order*).

[68] VCO permits a person with a hearing disability, but who is able to speak, to speak directly to the other party to the call (instead of typing text), but receive in return the called party's spoken words as text on the TTY. *See* 47 C.F.R. § 64.601(18). HCO permits a person with a speech disability, but who is able to hear, to type text to the other party to the call (which is voiced by the CA), but listen in return to what the called party is saying. *See* 47 C.F.R. § 64.601(8). VCO and HCO services are waived for IP Relay until January 1, 2009. *See 2007 Waiver Extension Order*, 22 FCC Rcd at 21871-73, paras. 6-9.

[69] This requirement requires providers to relay long distance calls through the consumer's choice of interexchange carrier. *See* 47 C.F.R. § 64.604(b)(3). This requirement is waived permanently for IP Relay, provided that IP Relay providers offer free long distance service to their customers. *See 2004 TRS Report and Order*, 19 FCC Rcd at

(continued....)

call (900) service[70]; (7) speed dialing[71]; and (8) outbound 711 dialing.[72] We also tentatively conclude that for those waivers presently contingent on annual reporting requirements, providers of IP STS must also file such reports.[73] We seek comment on these tentative conclusions.

25. Finally, we seek comment on the emergency call handling rules that should apply to IP STS. We note that in March 2008, the Commission adopted an order requiring Internet-based TRS providers to accept and handle such calls in accordance with the requirements outlined in that order.[74] On June 11, 2008, however, the Commission adopted more comprehensive emergency call handling requirements for VRS and IP Relay.[75] We seek comment on whether the requirements in the *2008 Emergency Call Handling Order* or the requirements in the *2008 TRS Numbering* Order should apply to IP STS, or whether some other rules should apply. Should, for example, IP STS users be required to register their location for purposes of emergency call handling? Relatedly, we seek comment on whether, pursuant to the *2008 TRS Numbering Order*, IP STS users be required to obtain a ten-digit NANP telephone number so that traditional telephone users can call an IP STS user by dialing that number and without knowing the IP STS user's current IP address? Assuming these requirements should apply to IP STS users, we seek comment on whether they should be modified in the context of IP STS and, if so, how.

C. Other STS and IP STS Issues

26. *Outreach.* Comments reflect concern that outreach efforts with respect to STS have not been adequate to identify and reach potential STS users.[76] In addition, SCAT has noted that the majority of STS calls are intrastate and that the state STS rates are generally below actual costs, and that therefore

---

(...continued from previous page)
12524-25, paras. 124-27, and 12594, Appendix E (waiver chart). We tentatively conclude that the same approach should apply with respect to IP STS.

[70] Pay-per-call (900) services are calls that include a charge billed to the calling party. *See* 47 C.F.R. § 64.604(a)(3)(iv). This requirement is waived for IP Relay until January 1, 2009. *See 2007 Waiver Extension Order,* 22 FCC Rcd at 21873-74, paras. 12-13.

[71] Speed dialing allows a TRS user to place a call using a stored number maintained by the TRS provider. The TRS user gives the CA a "short-hand" name or number for the user's most frequently called telephone numbers. *See* 47 C.F.R. § 64.601(13). This requirement is waived for IP Relay until January 1, 2009. *See 2007 Waiver Extension Order,* 22 FCC Rcd at 21875-76, paras. 20-21.

[72] Outbound 711 dialing permits TRS users to dial 711 to reach a relay provider. We tentatively conclude that to the extent an IP STS user initiates a call only via the Internet and a direct link to the provider, and not by dialing a telephone number, this requirement would be inapplicable to the service.

[73] *See generally 2004 TRS Report and Order,* 19 FCC Rcd at 12594, Appendix E (waiver chart and also addressing filing of annual reports); *see also id.* at 12520-21, para. 111 (detailing required contents of annual report).

[74] *See generally Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers,* CG Docket No. 03-123, WC Docket No. 05-196, Report and Order, 23 FCC Rcd 5255, 5259-63, paras. 8-12 (Mar. 19, 2008) (*2008 Emergency Call Handling Order*). The Commission required the providers to, in part: (1) accept emergency calls and deliver them to an appropriate PSAP that corresponds to the caller's location; (2) request, at the beginning of an emergency call, the caller's location; (3) implement a system so that incoming emergency calls are given priority handling if there is a queue. *Id.* at 5265, para. 16.

[75] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers,* Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 03-123, WC Docket No. 05-196, FCC 08-151 (adopted June 11, 2008) (*2008 TRS Numbering* Order).

[76] *See* SCAT *Ex Parte* at 1.

the intrastate providers lack sufficient funding to do the outreach that is necessary to reach the large number of potential STS users.[77] SCAT has therefore requested that the Commission require the states to increase their STS compensation rates to ensure that STS is made available to all potential users.[78] We seek comment on this request. In particular, does the Commission have the authority to require individual states to increase the compensation rates paid for intrastate STS?[79] In addition, we seek comment on other steps we might take to ensure that *all* STS providers receive sufficient compensation to engage in sufficient outreach to inform new potential users of this service.

27. We also seek comment on specific outreach efforts that might extend the reach of STS (and possibly IP STS) to new users, and whether we should mandate such specific efforts of both intrastate and interstate providers.[80] We also seek comment on whether use of the MARS rate for STS (and possibly IP STS), as currently provided, is inadequate to compensate providers for the level of outreach necessary to reach potential STS users. We note that in the *2007 TRS Cost Recovery Order* the Commission added an additional sum to the STS rate to be used by providers for outreach.[81] We seek comment on this approach, the appropriate amount of such an additional amount, and whether such outreach should be funded through an adjustment to the per-minute compensation rate or in some other way. More generally, we seek comment on any other issue relating to the funding of outreach for STS (and possibly IP STS) and specific types of outreach that would be most effective.

28. *One Nationwide STS Provider.* A commenter has suggested that, given the relatively low usage of STS (compared to the other forms of the TRS), it might be appropriate to have a single, nationwide provider offer both interstate and intrastate STS.[82] We seek comment on this suggestion. As a threshold matter, we seek comment on whether the Commission would have the authority to mandate such an approach to the provision of service, given that section 225 places the obligation on carriers to provide TRS and on states to oversee the provision of intrastate TRS.[83] If the Commission does have jurisdiction to adopt this approach, we seek comment on the merits of doing so as opposed to the present arrangement for the provision of service (*i.e.*, each state selects one or more intrastate provider for the state, and that provider also offers interstate service). In addition, how would we select such a provider? Finally, assuming we recognize IP STS as a form of TRS, we seek comment on whether the nationwide provider would offer both IP STS and STS, or just STS.

IV. PROCEDURAL MATTERS

29. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.430 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, 1.430, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings should refer to CG Docket No. 03-123 and CG Docket No. 08-15. Comments may be filed using the Commission's

[77] *See* SCAT Rate Comments.

[78] *See id.*

[79] *See* 47 U.S.C. § 225(d)(3) ("Jurisdictional separation of costs").

[80] We note that to the extent specific outreach steps are mandated, providers would be entitled to compensation for those costs.

[81] *2007 TRS Cost Recovery Order*, 22 FCC Rcd at 20166, para. 61.

[82] *See* SCAT Comments at 6 (suggesting that because the STS user population is so small, there should be only one national provider and call center to serve the country).

[83] *See* 47 U.S.C. § 225(c); *2004 TRS Report and Order*, 19 FCC Rcd at 12481, para. 6 (addressing state regulation of intrastate TRS).

Electronic Comment Filing System (ECFS) or by filing paper copies.[84] For additional information on this proceeding, please contact Gregory Hlibok in the Consumer & Governmental Affairs Bureau, at Gregory.Hlibok@fcc.gov or (800) 311-4381(voice).

30. Comments filed through the ECFS can be sent as an electronic file via the Internet to http://www.fcc.gov/cgb/ecfs/. Filers should follow the instructions provided on the website for submitting comments. Because multiple docket numbers appear in the caption of this proceeding, commenters must transmit one electronic copy of the comment to each docket number referenced in the caption, which in this instance are CG Docket No. 03-123 and CG Docket No. 08-15. For each transmittal, commenters also should include their full name and postal service mailing address. Parties also may submit electronic comments by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfshelp@fcc.gov, and should include the following words in the body of the message: "get form <your e-mail address>." A sample form and instructions will be sent in reply. You also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

31. For hand deliveries, the Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

32. Comments and reply comments must include a short and concise summary of the substantive discussion and questions raised in the *Notice*. We further direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. We strongly encourage that parties track the organization set forth in this *Notice* in order to facilitate our internal review process. Comments and reply comments must otherwise comply with section 1.48 and all other applicable sections of the Commission's rules.[85]

33. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). This *Notice* can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/cgb/dro>.

34. *Ex Parte Rules.* This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[86] Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence

[84] *See Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Rcd 11322, 11324-26, paras. 4-9 (Apr. 6, 1998).

[85] *See* 47 C.F.R. § 1.48.

[86] 47 C.F.R. §§ 1.1200 *et seq.*

description of the views and arguments presented is generally required.[87] Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.

35. *Regulatory Flexibility Certification.* As required by the Regulatory Flexibility Act of 1980 (RFA),[88] the Commission has prepared an Initial Regulatory Flexibility Certification of the possible significant economic impact on small entities of the policies and rules addressed in this document. The certification is set forth in Appendix.

36. *Paperwork Reduction Act of 1995 Analysis.* This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. § 3506(c)(4).

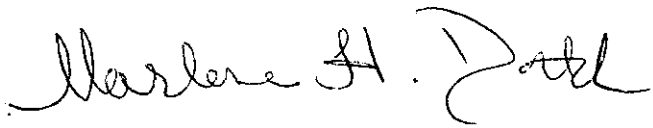
V. ORDERING CLAUSES

37. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i) and (o), 225, 255, 303(r), 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i) and (o), 225, 255, 303(r), 403, 554(g), and 606, this Notice of Proposed Rulemaking IS ADOPTED.

38. IT IS FURTHER ORDERED that this Notice of Proposed Rulemaking SHALL BE EFFECTIVE 30 days after publication in the Federal Register.

39. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch
Secretary

[87] *See* 47 C.F.R. § 1.1206(b)(2).

[88] *See* 5 U.S.C. § 604.

APPENDIX

Initial Regulatory Flexibility Certification

1. The Regulatory Flexibility Act of 1980, as amended (RFA),[1] requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."[2] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[3] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[4] A "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[5]

2. In the *Notice of Proposed Rulemaking*, the Commission seeks comment on issues concerning the provision of STS and IP STS. The Commission proposes requiring an STS CA to stay with the call for a minimum of 20 minutes, rather that the present minimum of 15 minutes, in order to ensure the effective and efficient relaying of STS calls. The Commission also proposes amending its TRS rules to require that STS providers offer the STS user the option of having her or his voice muted so that the other party to the call would only hear the STS CA re-voicing the call, not the voice of the STS user as well. In this *Notice*, the Commission provisionally proposes that the STS provider should be required to utilize an interactive menu that provides, as the first option, reaching an STS CA in order to ensure that STS users calling 711 will promptly reach an STS CA to handle their calls. For instance, after an STS caller dials 711 and reaches the provider, the caller would reach an STS CA by pressing one additional number on the telephone. Finally, the Commission invites comment on its tentative conclusion that IP STS is a form of TRS eligible for compensation from the Interstate TRS Fund.

3. The Commission concludes that these proposed changes may be necessary to improve the effectiveness and quality of STS and IP STS services so that users may receive a functionally equivalent telephone service, as mandated by Title IV of the Americans with Disabilities Act. We believe that none of these proposed changes would impose a significant burden on providers, including small business. However, if the proposed changes may result in additional financial burden on the part of the affected providers, including small entities, the providers will be promptly reimbursed from the Interstate TRS Fund for the costs of complying with the proposed rules, if adopted. Entities, especially small businesses, are encouraged to quantify the costs and benefits of any reporting requirement that may be established in this proceeding. The modifications the Commission proposes consist of policies aimed at achieving a functionally equivalent telephone service for Internet-based TRS users and are not expected to have a substantial economic impact upon providers, including small businesses, because each small business will receive financial compensation for reasonable costs incurred rather than absorb an uncompensated financial loss or hardship.

---

[1] *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[2] 5 U.S.C. § 605(b).

[3] 5 U.S.C. § 601(6).

[4] 5 U.S.C. § 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

[5] 15 U.S.C. § 632.

4. With regard to whether a *substantial number* of small entities may be affected by the requirements proposed in this *Notice*, the Commission notes that, of the 7 providers affected by the *Notice*, only one meet the definition of a small entity. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such firms having 1,500 or fewer employees.[6] Seven providers currently receive compensation from the Interstate TRS Fund for providing STS: AT&T Corp.; GoAmerica, Inc.; Hamilton Relay, Inc.; Nordia Inc.; Kansas Relay Service, Inc.; State of Michigan and Sprint. Because only one of the providers would be affected by this *Notice*, if adopted, is deemed to be small entities under the SBA's small business size standard, the Commission concludes that the number of small entities potentially affected by our proposed rules in this *Notice* is not substantial. Moreover, given that all providers potentially affected by the proposed rules, including the one that is deemed to be small entities under the SBA's standard, would be entitled to receive prompt reimbursement for their reasonable costs of compliance, the Commission concludes that the *FNPRM*, if adopted, will not have a significant economic impact on these small entities.

5. Therefore, we certify that the proposals in this *Notice*, if adopted, will not have a significant economic impact on a substantial number of small entities.

6. The Commission will send a copy of the *Notice*, including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA.[7] This initial certification will also be published in the Federal Register.[8]

[6] 13 C.F.R. § 121.201, NAICS code 517110. According to Census Bureau data for 1997, there were 2,225 firms in this category which operated for the entire year. U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, "Establishment and Firm Size (Including Legal Form of Organization)," Table 5, NAICS code 513310 (issued Oct. 2000). Of this total, 2,201 firms had employment of 999 or fewer employees, and an additional 24 firms had employment of 1,000 employees or more. Thus, under this size standard, the majority of firms can be considered small. (The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is "Firms with 1,000 employees or more.")

[7] 5 U.S.C. § 605(b).

[8] *Id.*

STATEMENT OF
CHAIRMAN KEVIN J. MARTIN

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers, CG Docket No. 03-123 and WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking.

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services, CG Docket Nos. 03-123 and 08-15, Notice of Proposed Rulemaking.

Today we take additional steps to help improve the quality of life for individuals with disabilities. We adopt a ten-digit numbering system for Internet-based Telecommunications Relay Services (TRS). We also seek comment on ways to improve Speech-to-Speech service (STS) and whether IP STS should be compensated from the Interstate TRS Fund. Through these actions, we make progress in fulfilling our statutory goal of ensuring that every person has equal access to this nation's communications services.

We are well aware that there are many Americans with hearing or speech disabilities that depend on TRS services for their daily communication needs. The Commission remains committed to improving the quality of life for individuals with disabilities by ensuring that they have the same access to communication technologies as people without such disabilities.

In March, the Commission committed to adopt an order providing a ten-digit numbering system for Internet-based TRS by the end of June and to require that the ten-digit numbering system be implemented no later than December 31, 2008. I am pleased that we fulfill these commitments today. Ten-digit numbering will enable Internet-based TRS users to make and receive calls like anyone else, eradicating another barrier that stands in the way of functional equivalency. Functional equivalency means individuals with disabilities having access to the same services as everyone else. This equal access is vital to accessing jobs, education, public safety, and simple communications with family, friends, and neighbors.

I also support our inquiry into ways to improve STS and our tentative conclusion that IP STS is a form of TRS eligible for compensation from the Interstate TRS Fund. IP STS has the potential to allow a broader range of individuals to communicate. By not being constrained to a specific piece of equipment that resides in a particular location, users of this service would have tremendous flexibility in how and where they use this service. Moreover, individuals with disabilities would have access to new technologies and, specifically, be able to realize the benefits of broadband services.

I want to assure those of you with hearing or speech disabilities that we will not stop actively working to fulfill your need for functional equivalence. We could not have taken today's actions without your valuable input. We thank you for your participation in our proceedings and look forward to working with you and the service providers to implement the ten-digit numbering system and to improve speech to speech service. It is by working together that we can best ensure that the tremendous advances in communications are enjoyed by *all* Americans.

STATEMENT OF COMMISSIONER MICHAEL J. COPPS

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services, CG Docket Nos. 03-123 and 08-15, Notice of Proposed Rulemaking.

A cornerstone of the Americans with Disabilities Act is to ensure that persons with disabilities can access the tools they need to lead prosperous, productive and fulfilling lives. Speech-to-Speech Relay is an important and underutilized service available to those with speech disabilities. The Notice of Proposed Rulemaking raises important questions about how to improve upon the service and how we can provide more information so the disability community can take advantage of it. The NPRM also tentatively concludes that IP-Speech-to-Speech (IP-STS) service is eligible for compensation from the TRS Fund, and it seeks comment on issues related to the administration of IP-STS as a covered service. I am pleased to support the requests for comment and the tentative conclusions as they shine a light on some very critical issues in the provision of these services. Moreover, it is my hope that the comments we receive will enable the FCC to complete these proceedings quickly in order to provide those with speech disabilities additional tools for staying connected.

I would like to thank the disabilities community for bringing these issues to the Commission's attention and my colleagues for their interest in opening a proceeding to address the specific needs of those with speech disabilities.

STATEMENT OF COMMISSIONER JONATHAN S. ADELSTEIN

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services, CG Docket Nos. 03-123 and 08-15, Notice of Proposed Rulemaking.

I am pleased to support this Notice seeking comment on ways to improve Speech-to-Speech relay service, a vital connection for Americans with speech disabilities. Speech-to-Speech relay service uses specially-trained communications assistants who understand the speech patterns of persons with speech disabilities and can repeat the words to the other party to the call. By seeking comment on important technical aspects of our Speech-to-Speech relay service requirements -- including extending minimum call lengths, providing better options for voice muting, and enhancing access to 711, our nationwide code for access to relay services – we seek to recognize and respond to the unique needs of Speech-to-Speech users. Perhaps most importantly, we tentatively conclude the Internet-based Speech-to-Speech relay service should be compensable from the Telecommunications Relay Service Fund. Consumers explain that IP-based Speech-to-Speech relay service offers several distinct benefits, including ease of use and mobility, over traditional Speech-to-Speech relay services.

Taken together, these proposals have the potential to measurably improve the services available to those with speech disabilities, bringing us closer to our guiding principle of functional equivalence under the Americans with Disabilities Act. My thanks to the staff of the Consumer and Governmental Affairs Bureau for their hard work on this item, and I look forward to working with all my colleagues, consumers, and the Bureau as we move forward expeditiously with these proposals.

STATEMENT OF COMMISSIONER DEBORAH TAYLOR TATE

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services, CG Docket Nos. 03-123 and 08-15, Notice of Proposed Rulemaking.

Today we continue to recognize our responsibilities to insure all our citizens have access to communications services by issuing this NPRM. We seek comment regarding the TRS regulations and specifically whether or not the Commission should amend specific regulations applicable to Speech-to-Speech (STS) services including whether to require that the Communications Assistant (CA) remain with the call for a minimum of 20 minutes, and that providers offer the STS user the option of having her or his voice muted so that the other party to the call would only hear the STS CA re-voicing the call (and not also the voice of the STS user). The draft NPRM also seeks comment regarding ways in which the Commission can ensure that STS users calling 711 (the nationwide access code for state relay providers) may promptly reach an STS assistant (CA) to handle their calls, including, for example, requiring TRS providers to use an interactive menu that allows the STS user to reach an STS CA as the first option.

These are important issues for STS users, and the changes proposed will likely result in the more efficient handling of STS calls. As the Commission continues to consider the needs of all our consumers in this digital age, I especially value the input of those who know first-hand what rules will most effectively serve those consumers who will benefit most.