

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

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

**COMMENTS OF  
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.;  
SPEECH COMMUNICATIONS ASSISTANCE BY TELEPHONE, INC.;  
ASSOCIATION OF LATE-DEAFENED ADULTS, INC.;  
NATIONAL ASSOCIATION OF THE DEAF;  
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK;  
CALIFORNIA COALITION OF AGENCIES SERVING  
THE DEAF AND HARD OF HEARING; AND  
HEARING LOSS ASSOCIATION OF AMERICA**

September 12, 2008

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## EXECUTIVE SUMMARY

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Speech Communications Assistance by Telephone, Inc. (“SCT”), Association of Late-Deafened Adults, Inc. (“ALDA”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) and Hearing Loss Association of America (“HLAA”) (collectively, the “Consumer Groups”) commend the Commission for initiating this proceeding and look forward to working with the Commission staff to address any concerns that may be raised in response to the *NPRM*. Since many people with multiple disabilities communicate verbally and may not have speech which is readily understood, including some who are deaf or hard of hearing, STS provides a vital communications service to many individuals.

The Consumer Groups’ response to the *NPRM* is summarized as follows:

### Miscellaneous Issues

- ***Time on the Call.*** The Consumer Groups agree with the Commission’s tentative conclusion to require an STS CA to remain on a call for a minimum of 20 minutes, rather than the present minimum of 15 minutes.
- ***Muting of the Voice.*** STS providers should also be required to offer the STS user the option of having her or his voice muted so that the other party to the call hears only the STS CA re-voicing the call, and not the voice of the STS user as well.
- ***Confidentiality.*** Although confidentiality is a cornerstone of Telecommunications Relay Service (“TRS”), many potential STS users often do not know that the confidentiality requirement exists for STS calls. Therefore, so that STS users will be informed of the confidentiality requirement, the Commission should require STS CAs to ask all users whether they have ever used the STS relay service before, and if they have not to explain to them the CA confidentiality requirements.
- ***Retention of Information.*** STS CAs should not be permitted to make any written notes or retain information during a STS call for the purpose of facilitating that call, consecutive outbound calls, or for subsequent calls without an affirmative “opt in” (permission) by the STS user.

- ***Silence on the Line.*** The Commission should also require that when an STS user is silent but does not say “good-bye,” the CA cannot disconnect from either party until at least 60 seconds has passed.
- ***711 Issues.*** STS users should have easy access to STS through 711. To ensure compliance, the Commission could require that, when a 711 call connects to a prerecorded message with menu options, the 711 greeting provide the STS user with an easy option, for example, “press 1 for Speech-to-Speech.”

## **IP STS Issues**

- ***IP STS is a Form of TRS.*** The Consumer Groups agree with the majority of the conclusions set forth in the *NPRM* regarding IP STS. In particular, the Consumer Groups agree 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 an STS CA.
- ***Interstate TRS Fund.*** Consistent with the present treatment of the other Internet-based forms of TRS (*e.g.*, VRS, IP Relay, and IP CTS), and since one link of the call is made via the Internet, it is generally not possible to determine whether a particular call is interstate or intrastate. The Consumer Groups therefore agree that all IP STS calls should be compensated from the Interstate TRS Fund if provided in compliance with the Commission’s rules.
- ***Compensation Rate.*** The Consumer Groups disagree with the Commission’s tentative conclusion that IP STS should be compensated at the same per-minute rate as STS, unless additional and adequate outreach funds are provided.

## **Other STS and IP STS Issues**

- ***Outreach and Compensation.*** The Consumer Groups are concerned that outreach efforts with respect to STS have not been adequate to identify and reach potential STS users. The Consumer Groups therefore suggest that, in addition to federal outreach efforts described in the comments, states should also be required to engage in outreach efforts and provide potential STS users with adequate information regarding the availability of STS. The Consumer Groups also recommend that both intrastate and interstate rates be set high enough to provide the necessary funds for STS providers to engage in outreach and education. Such higher rates are also important since intensive consumer training will also be needed.
- ***Consumer Training.*** Unlike the adoption of other forms of Internet-based TRS, where deaf consumers transferred telephone skills (both social skills and technical skills) from previous relay experience, many new IP STS users will not have used the telephone. The ability to learn to use IP STS may, therefore, require a significant lifestyle change. The Commission should require that, where needed, home visits be made by qualified speech language pathologists to enable new IP STS users to internalize the social and psychological lifestyle changes that are necessary to use IP STS.
- ***Nationwide Provision of STS.*** The Consumer Groups submit that IP STS should be administered nationwide in a manner similar to other forms of IP-based TRS with the

marketplace determining the number of providers. A nationwide IP STS service is reasonable given the small number of potential users.

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Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Speech Communications Assistance by Telephone, Inc. (“SCT”), Association of Late-Deafened Adults, Inc. (“ALDA”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) and Hearing Loss Association of America (“HLAA”) (collectively, the “Consumer Groups”), hereby submits their comments in response to the Commission’s *Notice of Proposed Rulemaking* in the above-captioned proceeding.<sup>1</sup>

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<sup>1</sup> See *Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 *et al.*, *Notice of Proposed Rulemaking*, FCC 08-149 (rel. June 24, 2008) (“NPRM”).

With the *NPRM*, the Commission has taken an important next step towards assuring that those individuals with disabilities affecting their speech can access the telephone system. As the Commission is well aware, speech-to-speech relay (“STS”) allows a person who has difficulty speaking or being understood on the telephone to communicate using his or her own voice or voice synthesizer. An STS communication assistant (“CA”) re-voices the words of the person with a speech disability so that the person on the other end of the phone call can understand them. Since many people with multiple disabilities communicate verbally and may not have speech which is readily understood, including some who are deaf or hard of hearing, STS provides a vital communications service for those individuals as well. The Consumer Groups therefore commend the Commission for initiating this proceeding and look forward to working with the Commission staff to address any concerns that may be raised in response to the *NPRM*.

## **I. STS ISSUES**

### **A. Miscellaneous Issues**

*Time on the Call.* The Consumer Groups agree with the Commission’s tentative conclusion to require an STS CA to remain on a call for a minimum of 20 minutes, rather than the present minimum of 15 minutes.<sup>2</sup> For individuals who use STS regularly, the period to adjust to and develop an effective communication with a new CA can very often take over 10 minutes. This is particularly true when users alternate between voice and a talking PC in determining which medium is more effective. Requiring an STS CA to remain on the call for at least 20 minutes will serve to provide more efficient and effective communications. As to when the 20 minute “clock” should begin, the Consumer Groups submit that effective communication

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<sup>2</sup> *Id.* at ¶ 14.

begins when the CA can understand the user sufficiently so that the user can complete the call satisfactorily.

***Muting of the Voice.*** STS providers should also be required to offer the STS user the option of having her or his voice muted so that the other party to the call hears only the STS CA re-voicing the call, and not the voice of the STS user as well.<sup>3</sup> This practice would encourage many more people with speech disabilities to use STS who are not already doing so, as some potential users may be embarrassed by how their speech sounds. As the Commission noted in the *NPRM*, many STS providers are already offering this option, and many STS users 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.<sup>4</sup> Requiring that a user be given the option of voice muting would increase the number of STS users.

***Confidentiality.*** Although confidentiality is a cornerstone of Telecommunications Relay Service (“TRS”), many potential STS users often do not know that the confidentiality requirement exists for STS calls. Therefore, the Commission should require STS CAs to ask all users whether they have ever used the STS relay service before. If the user responds with a “no,” then the CA confidentiality requirement should be explained to the STS user along with information about STS relay service that the STS CA would otherwise provide to new STS users. Knowing about the confidentiality requirement is important for STS because of the concerns that many prospective STS users have about preserving their privacy and the confidentiality of their communications. When an STS user has been informed about STS relay service, including the confidentiality provision, the STS CA may offer to note that in the user’s profile so STS CAs

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<sup>3</sup> *Id.* at ¶ 16

<sup>4</sup> *Id.* at ¶ 16.

will not ask the user whether he or she has ever used the STS relay service before on subsequent calls.<sup>5</sup>

***Retention of Information.*** STS CAs should not be permitted to make any written notes or retain information during a STS call for the purpose of facilitating that call, consecutive outbound calls, or for subsequent calls without an affirmative “opt in” (permission) by the STS user. STS callers should have the option to put in their profile that they permit the STS CAs to make written notes or retain information identified by the STS user for such purposes. This option provides STS users with control, independence, and the choice whether to store difficult to pronounce or other information for the purpose of facilitating STS calls.

***Silence on the Line.*** The Commission should also require that when an STS user is silent but does not say “good-bye,” the CA cannot disconnect from either party until at least 60 seconds has passed. This will ensure that calls will not be prematurely disconnected for those individuals with cognitive and dexterity limitations whose conversations include prolonged instances of silence.

## **B. STS 711 Issues**

STS users should have easy access to STS through 711. As the Commission set forth in its *Second Improved TRS Order*, “we require that all TRS providers successfully implement 711 dialing access for STS users.”<sup>6</sup> The Consumer Groups submit that the method chosen by STS providers to comply with the *Second Improved TRS Order* is of less significance, than the need to comply. In fact, in the Consumer Group’s experience, compliance with the *Second Improved TRS Order* is spotty at best. To ensure compliance, the Commission could require that, when a

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<sup>5</sup> This requirement should apply to users with or without speech disabilities.

<sup>6</sup> *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, 18 FCC Rcd 12379 (June 17, 2003) (“*Second Improved TRS Order*”).

711 call connects to a prerecorded message with menu options, the 711 greeting provide the STS user with an easy option, for example, to “press 1 for Speech-to-Speech.” Some STS users have cognitive problems and cannot activate a 10 digit number, while others have limited dexterity and difficulty dialing, so pressing one button will help to ensure that STS is accessible by more people who need the service and that TRS providers *successfully* implement 711 dialing access for STS users.

To ensure compliance further, the Commission could require that, when a 711 call connects to a (live) non-STS CA, and the non-STS CA is informed that the caller wants STS relay service, the non-STS CA should transfer the STS to a STS CA. When a non-STS CA recognizes that a STS CA is necessary to complete the call, the non-STS CA should do the following: (1) inform the caller that the call is being transferred to a STS CA; (2) if the desired number was provided to the non-STS CA, offer to repeat the desired number to the STS CA; (3) inform the caller that the STS CA can assist the caller to set up a user profile which would, among other things, automatically direct future 711 calls to a STS CA; and (4) transfer the caller to a STS CA.

*All* STS users deserve easy access to STS. STS providers must ensure that all STS users fully understand that they have the opportunity to have their telephone numbers configured for STS and to complete an STS profile, that would include the default provider selected by each user. Using a profile will greatly increase ease of access to STS and ensure appropriate call handling. Each provider must also customize the user profile form for STS users by including a reasonable amount of relevant information the STS user believes will be helpful to the STS CA and beneficial to the STS user or the party being called. STS providers could have the option to limit this profile to 100 words or less. Thus, when a user with a profile and configured STS

number makes or receives an STS call, all relevant information will appear on the STS CA's screen. The profile form should be easy to complete, and it should be possible to transmit the information in a variety of ways (such as through the STS CA, by email, fax, directly online, U.S. Postal Service, etc.).

## II. IP STS ISSUES

**Form of TRS.** The Consumer Groups agree with the majority of the conclusions set forth in the *NPRM* regarding IP STS. In particular, the Consumer Groups agree 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 an STS CA.<sup>7</sup> Because IP STS allows persons with disabilities to use a computer, or other electronic device connected to the Internet, to initiate a call and speak with the STS CA, IP STS utilizes features from both the STS and IP Relay services that the Commission has already deemed as forms of TRS. Thus, the Consumer Groups agree with the Commission's conclusion that a service should be considered IP STS so long as it allows the STS user to connect to the STS CA via a computer or similar device and the Internet, rather than by making a traditional telephone call.<sup>8</sup> The Consumer Groups stress that whichever TRS services a user chooses to communicate, that method of TRS must be able to communicate with individuals using other TRS services.

**Interstate TRS Fund.** Consistent with the present treatment of the other Internet-based forms of TRS (*e.g.*, VRS, IP Relay, and IP CTS), and since one link of the call is made via the Internet, it is generally not possible to determine whether a particular call is interstate or

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<sup>7</sup> *NPRM* at ¶ 18.

<sup>8</sup> *Id.*

intrastate. The Consumer Groups therefore agree that all IP STS calls should be compensated from the Fund if provided in compliance with the Commission's rules.<sup>9</sup>

**Compensation Rate.** The Consumer Groups disagree with the Commission's tentative conclusion that IP STS should be compensated at the same per-minute rate as STS,<sup>10</sup> unless additional and adequate outreach funds are provided. The reimbursement rate for IP STS, if recognized as a service eligible for compensation from the Interstate TRS Fund, should be determined by what efforts the providers must make to ensure that the service is useful to consumers and that a significant proportion of prospective users have an opportunity to learn to use the service. As discussed below, for IP STS to be effective, the rate must include reasonable reimbursement for outreach conducted by providers to inform and train potential and existing users about STS relay services.

### **III. OTHER STS AND IP STS ISSUES**

#### **A. Outreach and Compensation**

The Consumer Groups are concerned that outreach efforts with respect to STS have not been adequate to identify and reach potential STS users. The Consumer Groups therefore suggest that, in addition to federal outreach efforts described herein, states be required to engage in outreach efforts and provide potential STS users with adequate information regarding the availability of STS. Since STS was established to provide effective telecommunications services to Americans with speech disabilities, these important services cannot be effective if consumers do not know that they exist.

The Consumer Groups are pleased that the FCC is continuing to provide for STS outreach by establishing a \$2.7248 per minute rate for interstate STS. From the perspective of

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<sup>9</sup> *Id.* at ¶ 19.

<sup>10</sup> *Id.* at ¶ 20.

interstate calls, the providers are now receiving adequate financial incentive to identify and train many potential STS users who do not know that STS exists. The Consumer Groups urge that the Commission continue with that higher rate for interstate STS on an ongoing basis.

However, the MARS rate is not adequate to generate the necessary STS outreach because the providers would have no funds and hence no financial incentive to perform STS outreach. In other words, the MARS rate is insufficient to fund both STS and the marketing necessary for widespread outreach. The Consumer Groups therefore recommend that both intrastate and interstate rates to be set high enough to provide the necessary funds for STS providers to engage in outreach and education. Such higher rates are also important since, as discussed below; intensive consumer training will also be needed.

As far as the Consumer Groups are aware, there is no known successful STS outreach method to reach consumers in large numbers. The Consumer Groups therefore suggest that the Commission establish an STS Advisory Council and work to ensure that each potential user of STS nationwide will be identified and trained. The STS Advisory Council can, among other things, develop national short and long range plans that will increase consumer awareness and education.

## **B. Consumer Training**

Unlike the adoption of other forms of Internet-based TRS, where deaf consumers transferred telephone skills (both social skills and technical skills) from previous relay experience, many new IP STS users will not have used the telephone. The ability to learn to use IP STS may, therefore, require a significant lifestyle change. The Commission should require that, where needed, home visits be made by qualified speech language pathologists (“SLPs”) to enable new IP STS users to internalize the social and psychological lifestyle changes that are

necessary to use IP STS. As individuals with speech disabilities often have social and psychological barriers to telecommunications, it is unlikely that individuals with speech disabilities will use STS without the home visits by SLPs to overcome these social and psychological barriers. In the Consumer Groups' experience, there has generally been a lack of long-term use resulting from brief introductions to STS as compared with greater success from multiple home visits by an SLP. For this reason, the Consumer Groups strongly recommend that the Commission require that intrastate STS outreach be funded by the states and provide that IP STS outreach be funded by the Interstate TRS Fund to allow for 3-10 home visits. Including such costs in the STS and IP STS reimbursement rates is reasonable and STS and IP STS users need this specific training. Consumer training not only benefits STS and IP STS users, but it benefits the general public by making it possible to interact over the telephone in a meaningful way with people who have speech disabilities.

As part and parcel with adequate outreach and STS and IP STS user training, STS and IP STS reimbursement rates should be sufficient to ensure that STS CAs are highly qualified professionals. STS and IP STS reimbursement rates should also be sufficient so that STS supervisors and STS CAs can receive regular training from qualified SLPs in order that they have a thorough understanding of the physiology of STS and IP STS users. This would result in a much higher quality of STS and IP STS service than currently exists and would help reduce the number of users who abandon STS and IP STS due to what they perceive to be unqualified CAs.

### **C. Nationwide Provision of STS**

The Consumer Groups submit that IP STS should be administered nationwide in a manner similar to other forms of IP-based TRS with the marketplace determining the number of providers. A nationwide IP STS service is reasonable given the small number of potential users.

Indeed, when the number of potential users (approximately 500,000 to 1,000,000 for STS and IP STS combined) is divided among the states, some states would have fewer than 500 potential users.

Because IP STS calls cannot be jurisdictionalized between interstate and intrastate, the Commission has ample authority to mandate a nationwide approach and encourage competition among providers. Moreover, to the extent there are states that do not have the resources or otherwise do not wish to administer state STS programs due to the relatively small number of potential STS users, the Commission has the authority under Section 225 of the Act to administer STS programs within those states.

The Consumer Groups submit that the Commission's rules ought to encourage competitive STS and IP STS providers. Competition encourages innovation and will result in a greater variety of services and better quality service. We have already seen the benefits of competition with other Internet-based forms of TRS, and the Consumer Groups encourage competitive STS and IP STS providers.

#### **IV. CONCLUSION**

The Consumer Groups estimate that approximately 500,000 to 1,000,000 Americans have the requisite hearing, cognitive, and social skills to use STS. The number of people who can benefit from STS and IP STS is far greater when other populations are considered, such as some people who are hard of hearing or deaf whose speech is not readily understood. There is also a "rolling population" of people recovering from stroke and brain injury who may need to use STS or IP STS for a few months until their speech is improved. Traditional outreach methods may not be effective because potential users do not know each other and are not available in groups, thereby making the spreading of information through word-of-mouth or group training ineffective. Many potential STS and IP STS users have never used the telephone and may have a

reluctance to try, out of a fear of failure and the experience of rejection. Given all of this, the Commission must take the lead to ensure that STS and IP STS and their providers are fully funded and made accessible to those individuals who need it.

Respectfully submitted,

/s/\_\_\_\_\_

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