Before the

Federal Communications Commission

Washington, DC 20054

In the Matter of	)	
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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

REPLY COMMENTS OF AT&T INC.

AT&T Inc. ("AT&T"), on behalf of its telephone companies, hereby files these reply comments in the foregoing dockets.[1]

INTRODUCTION

In response to the NPRM released June 24, 2008, seeking comment on issues concerning the provision of Speech-to-Speech ("STS") telecommunications relay service ("TRS"), the majority of commenters did not object to amending the TRS rules to require communications assistants ("CAs") to stay with a STS call for a minimum of 20 minutes, require STS providers to offer STS users the option of muting their voice during the call, and recognize IP STS as a form of TRS eligible for compensation from the Interstate TRS Fund. Commenters offered differing opinions as to when to begin the time period that the CA is required to stay with a STS call, whether to require TRS providers to offer an

[1] *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 No. 03-123, CG Docket 08-15, FCC 08-149 (rel. June 24, 2008) ("NPRM").

interactive menu to STS users calling 711 that allows direct access to a STS CA, and whether to establish a single nationwide STS provider.

Consumer Groups[2] and the American Association of People with Disabilities ("AAPD")[3] also proposed the following new initiatives:

- 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;[4]
- STS CAs must ask all users whether they have previously used STS relay service and, if the user responds "no," explain to the user the Commission's confidentiality requirement;
- STS CAs should not make written notes or retain information received during a STS call to facilitate the call, consecutive outbound calls, or for subsequent calls without affirmative permission from the STS user; and
- Allow the Interstate TRS Fund to fund home visits to new IP STS users by a qualified speech language pathologist ("SLP") to train the users on the use of IP STS.

AT&T submits the following reply comments on these additional issues.

DISCUSSION

STS CAs Should Terminate a Call Upon Confirmation of Disconnection of the Call

AAPD and Consumer Groups request that the Commission require CAs to stay with a call for at least 60 seconds when an STS user is silent but does not say "good-bye." Consumer Groups attribute this request to the need to "ensure that calls will not be prematurely disconnected for those individuals with cognitive and dexterity limitations

[2] 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 (collectively the "Consumer Groups").

[3] Comments of the American Association of People with Disabilities.

[4] *Id*. at page 5; Comments of Consumer groups, page 4.

whose conversations include prolonged instances of silence."[5] AT&T endorses the efforts that TRS providers have taken to implement training and policies to ensure that CAs do not prematurely terminate STS calls, but discourages the imposition of additional operational standards on CAs for the minimal advancement of that goal.

STS calls are a small percentage of all TRS calls. Of those few STS calls, AT&T is unaware that CAs prematurely terminating calls is a significant problem.[6] In situations where the speech patterns of a user include prolonged instances of silence, the CA can (and does) wait a longer period of time before terminating the call and makes the decision to terminate only after considering the call and its own communication with the user as a whole. Current rules already ensure that CAs skillfully handle these situations. CAs must be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities,[7] be familiar with hearing and speech disability cultures, languages and etiquette,[8] and stay with a call for a minimum of 15 minutes.[9] These parameters allow a CA to use their best judgment as to when a call is ended by considering the speech patterns of the STS user, the context and substance of the conversation, the interplay between the user and the other party to the call, and the interplay between the CA and the user. Reliance on the CA in this manner is superior to relying on an unneeded prophylactic rule that cannot adequately address all situations.

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[5] Comments of Consumer Groups, page 4. AAPD offered no express justification for the proposal to require the CA to remain with a call with silence for a minimum of 60 seconds.

[6] Consumer Groups and AAPD offer no details as to the extent of a problem with prematurely terminated STS calls. Nor do they suggest when the 60-second wait period should begin or the extent to which a 60-second wait time, versus a shorter or longer wait time, will resolve problems with prematurely terminated STS calls.

[7] 47 C.F.R. § 64.604(a)(1)(i).

[8] 47 C.F.R. § 64.604(a)(1)(ii).

[9] 47 C.F.R. § 64.604(a)(1)(v).

Further, AT&T CAs, and the CAs of many other TRS providers, are aided by visible indicators that advise the CA when either party to the STS call has disconnected the call. This visible indicator makes it even more unlikely, aside from the CAs training and skill that a CA will prematurely terminate a call with a STS user in the belief that the call is ended. Despite these factors, if the Commission determines that CAs should remain on a call for a minimum of 60 seconds after silence, the Commission should recognize an exception to allow CAs to immediately terminate calls in situations where the CA confirms through a visible or audible indicator that the call has already been disconnected by one of the parties to the conversation.[10]

The Commission Should Not Dictate that CAs Regurgitate TRS Rules

Consumer Groups seeks a mandate from the Commission that STS CAs ask every user whether they have previously used STS relay service, and if the user answers "no", the STS CA must explain the Commission's confidentiality requirement to the user in addition to the information the STS CA otherwise conveys to STS users. Consumer Groups explain that this requirement is needed "because of the concerns that many prospective STS users have about preserving their privacy and the confidentiality of their communications."[11] AT&T opposes this request.

Users speaking to an STS CA have already made the decision to use STS relay service; otherwise, they would not be on the call. These users, along with other prospective STS users, have educated themselves on the confidentiality requirements **prior to initiating contact with the STS TRS provider** by reviewing TRS provider, Commission,

[10] A Commission decision to adopt a 60-second stay requirement should also include a discussion of the interplay of such a rule with the requirement that STS CAs remain with a call for a minimum of 15-minutes (or 20-minutes, if revised).

[11] Comments of Consumer Groups, at page 3.

and State websites, reviewing information provided during outreach efforts by TRS providers and consumer groups, and asking questions of the TRS provider. Requiring the STS CA to regurgitate Commission TRS rules with which the user is likely already familiar will not advance the knowledge of the user or resolve user concerns. AT&T sees no need for additional rules on this matter.

Further, adding to the generic information that a STS CA must provide to a user merely frustrates (or at best, delays) the CA's intended purpose—to establish effective communication with the user so that an STS call can be completed. In this rulemaking, the Commission sought comment on a proposal to extend the minimum time that a STS CA must stay with a call in order to improve the functional equivalence of the call. The majority of commenters did not object to this proposal. Consumer Groups now seek to add a requirement that CAs solicit answers to mandated questions and make mandated disclosures to STS users. Such a requirement would undermine the effort to improve the functional equivalence of the call. If the Commission extends the period of time when a STS CA must stay with a call from 15 to 20 minutes, it is likely that some or all of this additional 5 minutes intended to facilitate communication between the CA and user would be spent on the new mandated questioning and confidentiality disclosure.

The Commission's Retention of Information Rules Need No Revision

Without significant discussion of existing rules or justification of the need for new rules, Consumer Groups ask the Commission to declare that 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

affirmative permission from the STS user.[12] AT&T opposes the imposition of new rules, where rules already exist to address the situation.

FCC Rule 64.604(a)(2)(i) reads as follows:

> STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.[13]

This rule is clear—a CA cannot retain information from a call without the user's permission. Consumer Groups have not explained how this rule is deficient. Absent such an explanation, no justification exists to modify the current rule.

Insufficient Information Exists to Fund Home Visits

Consumer Groups comment that learning to use IP STS may require a significant lifestyle change, and therefore, 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" and that the Interstate TRS Fund pay for those visits.[14] While AT&T agrees that training on the use of any relay service increases the use of that service, it does not logically extend that such training should be required by Commission rule or funded by the Interstate TRS Fund. At this point, there are too many unanswered questions (and the record is lacking) to grant the Consumer Groups request. At most, additional study of the issue might be justified.

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[12] Comments of Consumer Groups, page 4.

[13] 47 C.F.R. § 64.604(a)(2)(i).

[14] Comments of Consumer Groups, pages 5-6.

At this point in time, the unanswered questions associated with this proposal out-number the known details about the proposal, such as:

- Does the Commission have jurisdiction under Section 225 of the Communications Act to implement a home visit training program under the Interstate TRS Fund?
- Which prospective IP STS users get home visits, which users take priority over other users, and which users get 3 visits versus 10 visits?
- What is the cost of each visit, and does the cost include travel expenses, training expenses, etc.?
- How is a home visit training program managed, and is it managed by the State or the Commission?
- Is the program funded by State Intrastate TRS funds or the Interstate TRS Fund?
- Why is home visit training warranted more for IP STS than for other forms of TRS and would funding home visit training for IP STS justify future requests to fund home visit training for services not yet developed?

AT&T encourages the Commission to reject efforts to fund home visits from the Interstate TRS Fund without a separate rulemaking or technical study that provides more in-depth consideration of these and many other questions about the program. Thoughtful analysis is even more justified in light of the sure to be significant costs of such a program.

<u>There is a Clear Need for a National Council to Address STS Related Issues</u>

The Consumer Groups' proposals demonstrate the need for a broad-based discussion of STS issues, rather than debating every idea through a rulemaking. AT&T proposes the establishment of a national STS Advisory Council, which would serve some or all of the following purposes:

- Discuss STS relay service and issues related to STS as they currently exist and as anticipated in the future.
- Gather data for informed decision making on current and future STS relay service related issues.

- Pool resources (financial, professional/medical guidance) for optimal use of NECA funding for the development of a nationally-focused marketing and education program for hard-to-reach STS users and the public at large.

- Provide input to the FCC Disability Rights Office, STS relay providers, and state relay administrators.

The STS Advisory Council could be a sub-group of the TRS Advisory Council currently in existence.[15]

CONCLUSION

AAPD and Consumer Groups have proposed that the Commission impose specific and significant rule changes to STS and IP STS relay service with little justification or discussion. AT&T opposes these efforts to revise the TRS rules because the existing TRS rules provide adequate guidance and protection for STS users, justification is not provided that a rule change is needed, or there is an inadequate record of the need for the proposed rule change or the long term impact of the proposed rule change. Nevertheless, AT&T understands the need to address in some forum some of the every-day issues raised by Consumer Groups, and recommends the establishment of a STS Advisory Council to serve that purpose.

[15] The STS Advisory Council should be comprised of representatives from a diverse group of organizations and agencies who interact with STS users, such as national advocate Dr. B. Segalman and representatives from State agencies, professional organizations, and STS TRS providers.

For the foregoing reasons, AT&T urges the Commission to consider this submission.

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September 29, 2008

CERTIFICATE OF SERVICE

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