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

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| 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 |
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| Supplement to Petition to Mandate | ) | |
| Captioned Telephone Relay Service | ) | |
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**Supplement to Petition to Mandate Captioned Telephone Relay Service**

## I. Introduction

The Hearing Loss Association of America (HLAA), the Alexander Graham Bell Association for the Deaf and Hard of Hearing (AG Bell), the American Academy of Audiology (AAA), the American Association of People with Disabilities (AAPD), the American Speech Speech-Language-Hearing Association (ASHA), the Association of Late-Deafened Adults (ALDA), the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), the National Association of the Deaf (NAD), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), the California Association of the Deaf (CAD), and the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH) and the Alliance for Public Technology (APT) (Petitioners) hereby renew and supplement their petition, originally filed on October 31, 2005 (2005 Petition), with the Federal Communications Commission (FCC or Commission), to initiate a rulemaking for the purpose of mandating captioned telephone relay service (CTS)

provided over the public switched telephone network (PSTN) nationwide.[1] In this pleading, Petitioners update the Commission on the state of CTS and the ongoing and pressing need for an immediate mandate of this service. Petitioners believe that the failure to mandate this service not only does a disservice to the millions of Americans for whom this service is uniquely capable of providing functionally equivalent communication access, but also that such inaction violates the FCC's statutory obligation to ensure universal telephone service for all Americans. Petitioners believe that the existing record, supplemented by the material presented in this document, provides the FCC with a complete and thorough record on the need for and feasibility of a CTS mandate, eliminating the need for yet another cycle of notice and comment on this issue. In the alternative, we urge that any such additional proceeding be conducted on an expedited basis to forestall further delays in making these functionally equivalent services universally available.

The FCC put Petitioners' 2005 Petition out for public comment over three years ago, via a Public Notice released on November 14, 2005.[2] In addition to a request for a CTS mandate, the 2005 Petition asked the FCC to approve an Internet Protocol version of CTS (IP CTS) as a reimbursable relay service. However, in January 2006, Ultratec filed a *Request for Expedited Clarification for the Provision of and Cost Recovery for Internet Protocol Captioned Telephone Relay Service,* asking the Commission to separate out the issue of whether an Internet-based CTS can be a compensable service, alleging that a full-blown rulemaking was not necessary to decide this issue.[3] In a Declaratory Ruling released on January 11, 2007, the Commission granted the

[1] A full list and description of Petitioners is provided in Appendix A of the 2005 Petition, which is attached hereto.

[2] *Petition for Rulemaking Filed Concerning Mandating Captioned Telephone Relay Service and Authorizing Internet Protocol (IP) Captioned Telephone Re1ay Service*, Public Notice, CG Docket No. 03-123, DA 05-2961 (Nov. 14, 2005).

[3] Ultratec, Request for Expedited Clarification for the Provision of and Cost Recovery for Internet Protocol Captioned Telephone Relay Service (January 17, 2006). Shortly thereafter,

amended petition, ruling that IP CTS is a type of telecommunications relay service eligible for compensation from the Interstate Telecommunications Relay Service (TRS) Fund.[4] Although the FCC also noted, at that time, its intention to "address whether captioned telephone service (including IP CTS) should be a mandatory form of TRS in a separate proceeding,"[5] the Commission has not re-visited this issue – despite having received hundreds of supporting comments from the public urging a nationwide mandate for this service. As a consequence, CTS remains the *only* widely used PSTN-based relay service needed to achieve functional equivalency that is not mandated.

Unlike video relay service (VRS) and Internet Protocol text relay (IP Relay) – two other relay services that are also not yet mandated – the funding for CTS is divided into state and federal jurisdictions. This leaves the provision of in-state CTS subject to the vagaries of internal state political and budgetary processes, wherein these services often are treated like a charity that the state can grant or rescind at any time. This tenuous status has become intolerable for consumers. When this service is denied or restricted, it significantly affects an individual's independence and livelihood, threatening that individual's well-being. Indeed, it was for this very reason that advocates who helped draft Title IV of the Americans with Disabilities Act (ADA) so vigorously opposed the use of state or federal tax revenues to fund TRS: they did not

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Petitioners similarly amended their 2005 Petition, to seek expedited clarification from the FCC that Internet-based CTS is also a reimbursable relay service. *Request to Amend Petition for Rulemaking to Mandate Captioned Telephone Relay Service; Request for Expedited Clarification on the Provision of Internet Protocol Captioned Telephone Relay Service* (undated; date posted on ECFS: Jan. 19, 2006).

[4] *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech*, Declaratory Ruling, CG Docket No. 03-123, FCC 06-182 (January 11, 2007) (*IP Captioned Telephone Declaratory Ruling*).

[5] *IP Captioned Telephone Declaratory Ruling*, at ¶1, n.3

want this service to come and go depending on the economic strength of governmental budgets.[6] Congress and the FCC agreed, and responded with stringent relay mandates and the establishment of a stable federal funding source that is supported by all telephone subscribers, evidencing the intent of these regulators to treat telephone access as a civil right, not a mere privilege that would have to depend on the generosity of government appropriators.

Consumers applaud the many states that have initiated CTS programs since the filing of the 2005 Petition to mandate this service. Were it not for these voluntary efforts – even in these economically austere times – thousands of individuals across the nation would still be denied telephone access. Many state relay administrators charged with implementing CTS are doing the best they can with the support that they are given. Unfortunately, because CTS is not mandated, these administrators often have to struggle to make ends meet. Without a mandate, they have no authority to go to their legislatures to secure the necessary funding and are forced to impose restrictions on and sometimes completely deny telephone access to their residents.

As a service that has, over the past seven years, proven itself to be technologically feasible, cost efficient and, most importantly, the most appropriate and functionally equivalent form of communications access for its intended user population, it is now time for PSTN-based CTS to take its place among the other mandated relay services regulated by the FCC. With a mandate in place, state administrators would be guaranteed the funding and support they need to make CTS available to their residents both now and in the future.

[6] Peltz Strauss, *A New Civil Right, Telecommunications Equality for Deaf and Hard of Hearing Americans* (Washington, D.C.: Gallaudet Press), 2006, p. 95.

## II. CTS – Brief History and Background

CTS first began on a trial basis in October 2001. After witnessing the overwhelming consumer approval that this service received over the months that followed, on July 25, 2003, the FCC approved CTS as eligible for reimbursement from the Interstate TRS Fund under Section 225 of the Communications Act.[7] On July 14, 2005, the FCC expanded eligibility to include reimbursement to two-line CTS,[8] and, as noted above, on January 11, 2006, the Commission further ruled that IP CTS is eligible for interstate compensation. At each of these junctures, the Commission has ruled that CTS is needed to achieve functional equivalency for specific populations of individuals with hearing loss.

Under the FCC's definition of CTS, users must be able to "simultaneously *both* hear what the other party is saying (with whatever amount of hearing the user may have) *and* read what the other party is saying."[9] This is done by having a communication assistant (CA) re-voice what is said by the other party and then using speech recognition to convert the CA's speech to text, which is displayed on the captioned telephone in near-real-time. The reason that this service appeals to so many individuals is that it affords nearly the same level of spontaneity as a typical voice-to-voice telephone call by allowing the user to speak directly to another party with his or her own voice, inject comments at any time (without having to wait for the CA to

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[7] *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, FCC 03-190, 18 FCC Rcd 16121, Declaratory Ruling (released Aug. 1, 2003) (*Captioned Telephone Declaratory Ruling*).

[8] *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, FCC 05-141, Order (released July 19, 2005) (*Two-line Captioned Telephone* Order) at ¶10. Two-line CTS uses one line for captions and the other for voice, allowing callers to dial 911 directly and to use other conventional telephone network features, including call waiting and call forwarding, that are available to conventional telephone users.

[9] *Captioned Telephone Declaratory Ruling* at ¶11 (emphasis in the original).

convey those comments), and listen to the voice, tone, and inflections of the other party if he or she has residual hearing, filling in any gaps in what is said by reading the text of the conversation. Among the many advantages of CTS identified by the FCC is that this service allows CTS users to place a call in the same way that a conventional telephone user places a phone call. As the CTS user dials, the captioned telephone automatically connects to a CTS, making call set-up entirely invisible to both parties to the call. In addition, because there is no interaction of any kind between users and the CA throughout the call, CTS users are empowered to control the content and flow of each call. For example, it would be the CTS user, not the CA, who would ask the speaker to repeat an address or spell a name.

As noted in the 2005 Petition, conventional telephone users may also initiate CTS calls. A telephone user calling a one-line CTS user dials the toll-free CTS number and enters the CTS user's telephone number to have the call connected through the CTS. A telephone user calling a two-line CTS user may dial the CTS user's telephone number directly, and the call will be automatically connected to the CTS through the CTS user's second telephone line when the incoming call is answered. A two-line CTS user can also add or release a CA to or from the call at any time during the call. Using a one-line CTS or a two-line CTS, when the call is connected, the CTS user can hear (as much as possible), speak to the conventional telephone user, and simultaneously read captions of what that telephone user is saying.

At present, CTS is being offered by Sprint and Hamilton Telephone through a multi-center service delivery platform.[10] In addition, various other entities around the country play roles in either providing services or billing the National Exchange Carriers Administration

[10] Ultratec has continued to offer a license of its captioned telephone technologies at reasonable rates.

(NECA) for CTS. Several states also provide captioned telephone equipment for CTS users through their state equipment distribution programs.[11]

## III. Meeting Specific Communication Needs with Functionally Equivalent Service

### A. A Growing and Underemployed Population

A 2006 National Health Interview Survey found that as many as 37.2 million adults – or 17% of all adults – reported having difficulty hearing. Hearing loss is also now one of the three most prevalent chronic conditions in older Americans, ranking just after hypertension and arthritis. In fact, a Cornell University study conducted in 2007 revealed how the prevalence of disability, including hearing disabilities, increases with age:

- 6.3% for persons ages 5 to 15
- 6.8% for persons ages 16 to 20
- 12.8% for persons ages 21 to 64
- 29.7% for persons ages 65 to 74
- 52.9% for persons ages 75+[12]

Precisely because hearing loss and aging are related to a high degree, the number of adults in the United States who are deaf or hard of hearing is expected to increase significantly as the people who are part of the Baby Boom generation enter their senior years and Americans in general live longer. Many such individuals have already begun turning to CTS to meet their communication needs. Indeed, a significant number of CTS users are within the category of persons with the highest prevalence of disabilities (52.9%) – people who are over the age of 75; and a substantial number of these CTS users have even reached their 80s and 90s. Many of these individuals experienced had a gap of 20 to 30 years during which they had stopped using the

[11] Petitioners wish to clarify that this petition does not seek reimbursement for the costs of CTS equipment.

[12] Erickson, W., & Lee, C. (2008). *2007 Disability Status Report: United States*. Ithaca, NY: Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics, at http://www.ilr.cornell.edu/edi/DisabilityStatistics/.

telephone altogether. They have since resumed using telephone services through CTS, precisely because CTS is so similar to conventional telephone services.

As our economy experiences difficulties and greater numbers of Americans will need to continue working into their senior years, the need for accessible telephone services for people with hearing loss will also continue to intensify. The stress associated with losing one's hearing, coupled with the need to remain employed to meet one's basic needs can be overwhelming. Indeed, as a group, people with disabilities have far greater unemployment rates than people without disabilities. Recent Bureau of Labor statistics, for instance, show that in February 2009, the unemployment rate of people with disabilities was 14%, compared with 8.7% for people without disabilities.[13] Other research shows that people with disabilities who work full-time earn less than their counterparts. In 2007, the median annual earnings of working-age Americans with disabilities working full-time was approximately $34,000, compared to $41,000 for people without disabilities. Also, significantly, the poverty rate is much higher for working-age people with disabilities: 24.7% for people with disabilities, compared to 9% for people without disabilities, a difference of almost 16%.[14] As noted in the 2005 Petition, a 2004 survey also revealed that the number of people with hearing loss who were not employed increased by 33% since 2000.[15] Research by Gallaudet University similarly revealed that only 12% of people with hearing loss hold managerial positions, compared with 29% of the general population.[16] Likewise, 26% of people with hearing loss hold blue collar jobs, as compared to 12% of the

[13] Bureau of Labor Statistics, March 6, 2009, at http://www.bls.gov/cps/cpsdisability.htm.

[14] Erickson & Lee, *supra* n. 11.

[15] *See* Kochkin, S. Ph.D., "MarkeTrak VII: Hearing Loss Population Tops 31 Million People," The Hearing Review, 16-29 (July 2005).

[16] Armstrong, T. Ph.D., "Demographics and Labor Force Aspects of Hearing Loss," GRI Monograph 1993, Center for Assessment and Demographic Studies, Gallaudet University.

general population. In addition, Petitioners have received reports from consumers who have been forced into early retirement as a result of progressive hearing loss. The ability to make and receive telephone calls is often essential to obtaining and retaining employment, as well as a necessary component for achieving upward mobility. Because increasing employment among Americans is at the top of our national agenda, every effort needs to be made to make sure that all Americans, including Americans with hearing loss, have the telecommunication tools they need to sustain a livelihood.

**B. A Functionally Equivalent Service**

It is a well-established tenet that Title IV of the ADA requires TRS to be functionally equivalent to conventional telephone services.[17] Just as well settled is the Commission's obligation to ensure that relay consumers benefit from technological advancements.[18] It is this directive – that the FCC "ensure that [the TRS] regulations . . . encourage . . . the use of existing technology and do not discourage or impair the development of improved technology"[19] – together with the need to ensure functionally equivalent service, that justified the Commission's approval of various forms of TRS, including CTS. These obligations now call for CTS to take its place as a mandated form of TRS.

The FCC's record is replete with consumer acclamation of the benefits of CTS. The population served by CTS is primarily individuals with hearing loss who prefer to use their own voices, together with residual hearing and technological aids (e.g., hearing aids, cochlear implants and assistive listening devices) to facilitate communication. For these individuals, CTS

[17] 47 U.S.C. § 225(a)(3).

[18] 47 U.S.C. § 225(d)(2).

[19] 47 U.S.C. § 225(d)(2), cited in the *Captioned Telephone Declaratory Ruling* at ¶9 and ¶44; *IP Captioned Telephone Declaratory Ruling* at ¶11.

provides the perfect balance: it fills in the chasms created by diminished hearing without sacrificing the ability to converse by telephone in the manner to which these individuals are accustomed. In addition to the ever-increasing population of older Americans with hearing loss for whom CTS is best suited, the early identification of hearing loss, provision of early intervention services, and use of advanced technologies are contributing to the ability of children who are deaf or hard of hearing to use spoken language to communicate. These children – and later, the teenagers and young adults that they become – who are able to communicate verbally with friends and family, can also achieve functionally equivalent telephone service through the use of CTS. Because of the access it can provide, CTS can benefit social and emotional development, aid in the development of independent living skills, and increase self-esteem for these children who are deaf or hard of hearing.

In its very first Declaratory Ruling approving CTS, the FCC noted that CTS is "an example of just the type of advancement that the Commission contemplated when it called for innovation in TRS."[20] It went on to explain that, because this form of relay operates more like a conventional telephone service, it is "less intrusive" than other forms of TRS and users who lose their hearing later in life "may find it easier to adjust to captioned telephone VCO service than to traditional TRS services."[21] The FCC further predicted that CTS will "reach a segment of the population that has traditionally not been well serviced by current TRS options,"[22] and concluded that "just as VRS has allowed greater functional equivalence in telecommunications for callers

[20] *Captioned Telephone Declaratory Ruling* at ¶15.

[21] *Id.* at ¶16.

[22] *Id.*

who use sign language . . . captioned telephone VCO service will provide greater functional equivalence for those people who prefer VCO TRS and use this technology."[23]

The FCC's predictions have borne out. Individuals who have become captioned telephone users over the past several years have found CTS to be invaluable to maintaining their independence on a day-to-day basis.[24] Indeed, as the FCC expected, CTS has appealed to a segment of people with hearing loss whose communication needs were not adequately met by traditional relay services. The thousands of consumers who are now captioned telephone users have come to rely heavily on this technology to transact business, stay in touch with their families, and handle their day-to-day affairs independently. For years, many of these individuals had been relying on their spouses, children, neighbors, or even strangers to make calls for them, assuming they had no other options. When they discovered that they could make calls on their own with CTS, they swiftly took up the opportunity to become self-sufficient. As noted above, the vast majority of Americans with hearing loss who grew up using conventional telephones continue to prefer a telephone experience in which they can dial a number (as they always have), speak for themselves, and listen to as much of the response as possible from the other call participant. By enabling the use of residual hearing, these individuals may pick up the sound of a grandchild's voice or the emotion behind the call of a friend or family member, at the same time as they see the text of the words they may have missed. It is the ability to converse as naturally and comfortably as possible for them that makes CTS so important to these individuals.

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[23] *Id.*

[24] Accolades about CTS actually began pouring in during trials of this service that began seven years ago, even though the interstate service was approved for federal reimbursement only five and a half years ago. In addition to the testimonies contained in the FCC docket, Petitioners continue to receive reports about how people's lives have been impacted positively by the use of CTS.

An added benefit for two-line captioned telephone users is being able to bring a CA into a call only when one is needed. Individuals who are hard of hearing often report that their ability to understand conversations over the telephone varies widely, depending on the speech of the other party to the call, the level and type of their hearing loss (e.g. the frequencies in which their loss occurs), background noise occurring during the call, their level of fatigue, and various other factors. For example, it may not be hard to understand a person who speaks clearly and slowly, but be very difficult to comprehend a person who has an accent, speaks too quickly, or speaks very softly. Similarly if the individual called is in a noisy environment, understanding what that person is saying will be more difficult.

When making outgoing calls to businesses, governmental offices or service personnel, a person with a hearing loss has no way of knowing in advance whether he or she is going to be able understand the individual being called. For now, the only recourse for most people is to use a relay service from the outset to ensure full comprehension, even when this service might not actually be needed once the call is connected to a particular business or service. This unnecessarily adds to the cost of TRS, especially when the individual is placed on hold for long waiting periods and does not end up needing the CA. Having the ability to engage a captioned telephone CA in the middle of a call *only* when such assistance is needed is both an invaluable feature to the consumer and a way to save costs associated with TRS. Similarly, many people with severe hearing loss who can understand the telephone speech of some people but cannot understand others do not currently have a way to bring a CA onto a call for *incoming* calls. These individuals are not always allowed to simply call back the party that is calling them, either because the phone number of the incoming caller may be blocked or the person with hearing loss may not be able to understand enough information to return the call. Having the ability to

engage a relay service on a telephone call when needed – at least through two-line captioned telephone service – would go a very long way toward achieving truly functional equivalent telephone access.

Since the 2005 Petition was filed, CTS has continued to be *the* relay service that best approximates the conventional telephone experience for that part of the deaf and hard of hearing population that communicates verbally. High praise for this service has been captured in the numerous testimonies filed with the FCC in support of a mandate, as demonstrated by the examples below:

> *On the ability to use one's own voice, access interactive voice response (IVR) systems, and stay in touch with family*:
>
> I have a severe to profound hearing loss occurring in adult life. I have a good voice and my friends and family want to hear it. Captel allowed me to talk to and understand my brother who lives far away for the first time in over 30 years. . . . With Captel, I can call my doctor, veterinarian, bank, insurance company, choosing from the complex programmed computerized answer systems. Captel has given me back my pride in doing things for myself and managing my life and staying mentally healthy with social relationships. I can talk to and hear grandchildren who have soft high voices. I am now in the world again. It should be mandated in all states. I would not move to a state that does not have it as I could not work there or manage my life. Older people I have helped get Captel are not longer going to nursing homes as they can manage their lives at home and be checked on by family and neighbors. Its benefits to society, employment, and individuals is uncalculable both in dollars and happiness.
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> -- Teresa Nellans of Pennsylvania

> *On having the tools needed for gainful employment:*
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> My husband's business demands his using the telephone. He wears 2 hearing aids and has minimal hearing left. He is 58 yrs old and suffers from sudden hearing loss. Currently he strains to listen to callers through his speaker phone as he cannot hear anything but mumbling if he attempts to use the receiver. He has tried other telephones for the hearing impaired and not one comes close to helping him hear any better. [C]aptioned telephone service would be of incomparable aid to him. He is constantly frustrated and stressed trying to hear callers as well as it is exhausting to maintain that heightened strain of listening all day long. . . . . He lives in fear of losing his business and having to be forced into retirement . . .
>
> -- Roz Cohen of Massachusetts
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> I am college-educated, I have had several years of positive job evaluations and

advancements within my department, but because I cannot engage in a conversation over the phone, I am constantly passed over for promotions that go, instead, to those younger than me, less qualified than me. The technological advancements our society has made, in both innovation and invention, should warrant inclusion of such a basic feature as captioned telephones for the use by members of the deaf and hard-of-hearing communities.
-- Melissa Earll of Missouri

*On having emergency access:*

If captioned telephone remains an optional service, millions of Americans who urgently need this service for basic telephone communication and for emergency contact will continue to be denied access. Captioned telephone calls allows for nearly the same level of spontaneity as a typical voice-to-voice telephone call. This is important for me to make and receive calls in a close to normal manner.
-- Jeffrey S. Simmons of Virginia

Telephone captioning should be considered because it will benefit everyone. As the parent of a hearing impaired elementary school student, I strongly believe that this service would not only improve communication on a daily basis, but it will also increase phone safety/security as well as allow for better communication in emergency situations.
-- Colleen Sandorfi of Massachusetts

*On maintaining one's independence and having the ability to converse naturally:*

I'm a late deafened 29 year old adult, an educated mother of 4 young children . . . I participated in [Washington state's] short trial period a few years back and I was amazed at how much independence it has given me for that short period of time. I was finally able to hear my parents voice (with no problem) who lives in another state. . . . Because I am late deafened many of my families and friends are used to speaking to me in a normal way vice versa without having to say GA like I'm on a walkie talkie. I have used a VCO phone and found it to be very frustrating because what normally takes a 5 minute call takes so much longer when using a VCO phone averaging 30 minutes. Clearly, we live in a fast-paced world, and my hearing loss, which is a handicap, makes it a burdensome and very inconvenient for me to use a TTY or VCO phone. I grew up with normal hearing and . . . I long to be independent, free from depending on my husband and young children to translate phone calls for me and CapTel provided that for me. I long to be able to work as an accountant without having any problems communicating over the phone.
-- Marissa Quenga of Washington state

My sister-in-law lost her hearing due to bacterial meningitis and she really lost a lot of self-confidence due to her hearing impairment. Not being able to talk on a traditional phone made this situation worse for her and our family wished she could function as normal as possible just like a person with a normal hearing.
-- Mary Cozad of Michigan

*On achieving accuracy and speed of conversation*:

> Captioned telephone service should be available nationwide. . . . While Voice Carry Over is an option, it can be confusing and people can lose part of the text if they don't get the receiver on the TTY fast enough or if they pick it up too quickly. This could potentially have dire consequences. Imagine a doctor telling a patient via VCO that they should wait to see if symptoms subside and then call an ambulance if they don't after an hour, but because the patient picked up the phone from the TTY a little too quickly they miss the part about calling an ambulance if symptoms continue. Or a parent who missed the part of the conversation that their child needed a ride from the Little League field because a teammate didn't show.
> -- Cathy Taylor of Massachusetts

Hundreds of other consumers similarly wrote of their experiences, imploring the Commission to mandate CTS so that they could lead productive and self-sufficient lives. With sustaining passion, over and over again, these individuals reported on the successes that they have had using CTS to maintain gainful employment and stay connected with their loved ones. Captioned telephone users who previously used more traditional relay services also praised the ability to regularly get their calls accepted and returned by hearing people, especially businesses, as this had been a challenge with other forms of TRS. As noted, still others touted CTS as the most effective way of making 9-1-1 calls. Many such individuals, especially those who lost their hearing later in life, have hearing losses too severe to use conventional telephones with amplification, yet they do not type well enough to use TTYs and they never learned sign language, which is needed for VRS. CTS offered their only means of securing help in an emergency. Unfortunately, for every individual who wrote in support of CTS, there were many others who lived in locations where these services were still unavailable and wrote of their frustrations at being denied equal communications access.

## IV. State Restrictions and Inconsistencies

### A. History Repeating Itself

Over the past several years, one by one and through the enormous efforts of state TRS administrators and their constituents, most states have gradually and painstakingly initiated captioned telephone programs, spurred by grassroots efforts for telephone equality. But the inconsistencies in state captioned telephone programs that now exist are far too reminiscent of state activities that preceded passage of the ADA, when traditional TTY-based relay programs first began to spring up in the individual states. In the 1980s, state relay programs varied widely, with many states imposing severe restrictions on the time, length, and number of relay calls that individuals could make. Together, these formed an unacceptable patchwork of services that never fully met the needs of the consumers they were trying to serve.[25]

It was precisely the need for a more uniform and ubiquitous nationwide service that prompted Congress to adopt the relay mandates contained in Title IV of the ADA, and that led the FCC to adopt a series of mandatory minimum standards with which all certified state programs would have to abide. This has worked well for most traditional or PSTN-based forms of relay services. But because CTS is still not mandated, it continues to remain vulnerable to the whims of state regulators. Discussed below are some of the many restrictions placed by states on these services – unchecked restrictions on who can participate, limitations on the use of these services across state lines, and even intrusions into the privacy of captioned telephone users. For far too long, CTS users have been the only relay users that lack the protections afforded by the

[25] Some examples of state TRS restrictions included: Kansas provided services from 8:00 a.m. to 5:00 p.m., Monday-Friday; Virginia only accepted calls between 7:30 a.m. and 7:30 p.m.; Massachusetts and Vermont limited personal calls to 10 minutes and business calls to 20 minutes; Wisconsin allowed operators to cut off conversations that appeared to be "long social calls"; New Hampshire imposed a 5-call-per-day limit for calls up to 15 minutes; and most states did not allow calls to cross state lines. Peltz Strauss, *A New Civil Right, Telecommunications Equality for Deaf and Hard of Hearing Americans* (Washington, D.C.: Gallaudet Press), 2006, p. 60.

FCC's mandatory minimum standards. Petitioners urge the FCC to put an end to these discriminatory practices.

### B. State Entry Restrictions

Even though the FCC has touted CTS as the single most effective means of providing large numbers of people with hearing loss with functionally equivalent telephone service, five and a half years after the Commission first approved this service, it remains the *only* form of TRS that is not available to anyone who needs it. The vast majority of states that have captioned telephone programs continue to impose restrictions that severely impede the ability of their residents to access this relay service, and after all this time, three states still do not have CTS at all: Massachusetts, Louisiana, and Delaware.[26]

The primary means by which the states offering service have restricted access to CTS is by placing a limit on the number of residents who may join their state captioned telephone program in any one month. For example, on a monthly basis, Michigan allows only 25 additional program participants, Tennessee allows 16, Connecticut allows 15, and New Hampshire allows only 10. At least 38 states impose similar limitations. Some states also limit access through the back door by placing restrictions on the number of PSTN-based captioned telephone devices that can be sold or acquired within their jurisdiction.[27] Another common state practice is to permit consumers to acquire only a single captioned telephone, forcing them to

[26] In addition, after all this time, only now is the District of Columbia captioned telephone program getting underway, notwithstanding the District's role as the host of Gallaudet University, the only four-year liberal arts school for individuals who are deaf and hard of hearing in the world.

[27] Still other states impose numerical and/or income limits on the number of phones they will give out via their equipment distribution programs. While these equipment limitations go beyond the scope of this proceeding, some of these very same states also impose limits on the sale of these devices, thereby effectively closing out all consumer options to acquire the devices they need to communicate by phone.

carry the device back and forth between work and home, or simply do without the phone in one of those locations. When these acquisitions are constrained, the effect is the same as limiting the number of entrants to a state's CTS program, because individuals who cannot acquire these devices do not have the tools to use this service.

Some examples of states that impose equipment restrictions include:

- California will not allow direct sales of equipment in addition to imposing a cap on the number of new captioned telephone users per month;
- Georgia's equipment distribution program distributes a maximum of 10 devices monthly, with a cap of 40 devices that can be sold directly;
- Michigan limits equipment sales to 25 per month;
- Missouri's equipment program gives out 20 devices each month, and any additional direct sales first require the permission of its CTS program;
- New York limits equipment sales to 300 per month, despite estimates of upwards of two million New Yorkers with hearing loss;
- Pennsylvania limits equipment sales to 75 per month; and
- Washington state will not allow direct sales of captioned telephone equipment at all.

The discriminatory treatment that has resulted from the lack of a CTS mandate has had dire consequences for individuals who, as a consequence of not having telephone service, have been denied employment, lost promotions, and had to depend on others for telephone-related matters. In one particular situation, Petitioners are aware of a caseworker who endeavored to teach a late-deafened woman telephone skills in order to find her a job. However, the woman had great difficulty grasping how to use a TTY to contact employers or receive calls. Her state did not offer CTS, so this was not an option. Largely because of this, and because she had to rely upon her sister to make all of her calls, she remained without a job for three years.

One has only to imagine the absurdity of placing a quota on the number of hearing people who can begin receiving telephone service in a given state in a given month. Certainly, this was not Congress's intent when it enacted the ADA; rather that statute was designed to put an end to

such blatant discrimination against individuals with hearing loss. The very purpose of the relay provisions was to achieve universal telephone service for *all* Americans, including Americans with hearing loss – an objective that is incorporated directly into the statutory mandate of the ADA's Title IV, now approaching its 19-year anniversary as part of the Communications Act.[28]

Also disturbing is that the states that have more generous participation quotas have done little to meet their permitted ceilings. For example, although Florida originally announced its intention to add 100 individuals to its captioned telephone program each month, in fact, its monthly entrants have only averaged 10-15 captioned telephone users. Similarly, although California's extended CTS trial committed to allowing 200 new entrants monthly, an average of only 70-80 new individuals have been added each month to its program over the past year.

**C. Restrictions on Jurisdictional Boundaries**

Just as it is commonplace for hearing individuals to order and receive service from any local or long distance telephone carrier when they need it, without having to *wait their turn* because of artificially imposed state restrictions, so too is it customary for hearing persons to purchase wireless, wireline or VoIP phone equipment at any retail establishment and use those phones in any state that they so choose. Yet this very basic right – the right to use one's telephone to place calls anywhere, to anyone, at any time – is denied to captioned telephone users who live in states that place restrictions on the locations where their residents can use their CTS equipment or services. New York, California and Texas are examples of "no roaming" states that will not pay for calls made on their state-distributed telephones if those calls are

[28] Section 225(b) of the Communications Act (which codified Title IV) reads: "In order to carry out the purposes established under section 1, to make available to all individuals in the United States a rapid, efficient nationwide com service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States."

placed outside their state lines. Although phones acquired in New York and Texas *may* be used in another state so long as that state accepts "guest users," California does not even allow this; none of its captioned telephone devices will work if taken out of the state. Numerous other states allow interstate calls only if one leg of the call begins or ends within their states.[29] Others only allow calls to be completed if the state that the caller is visiting allows guest users.

The combination of these complex and inconsistent jurisdictional restrictions causes considerable confusion and severe hardships for callers traveling from one state to another. For example, because Texas, California, Maryland, and New York do not allow guest users, captioned telephone users visiting these states from jurisdictions that do not allow "unrestricted roaming" cannot use their captioned telephone equipment in those states. In other words, neither the originating state nor the visiting state will agree to cover the call minutes for the captioned telephone user. Such restrictions deny telephone access to senior citizens who visit family in other states, families who take vacations in other states, professionals who travel for business purposes, and countless other Americans who move around in our very mobile society. These restrictions not only prevent CTS users from receiving functionally equivalent telephone service; by preventing people with hearing loss from being able to freely travel at will, arguably they result in disparate treatment in violation of the ADA.

The following scenario offers a better understanding of the practical consequences of these jurisdictional barriers:

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[29] Prior to 7-1-1 dialing, when states used statewide numbers for traditional TRS, it was not uncommon to restrict use of those numbers to calls made within their state boundaries. However, this did not pose a problem because where one state dropped off, another picked up. With the introduction of 7-1-1 dialing, this became even less of a problem because calls made via 7-1-1 automatically connected the caller with the relay service physically located in the state where that code was dialed. By contrast, the policies that restrict CTS to jurisdictional boundaries create significant gaps in communications access for users of this service.

> Harry, a consumer living in Idaho, obtains a captioned telephone in Idaho that he is permitted to keep even if he moves from the state. He loses his job as a result of the economic downturn, but learns of a new job for which he qualifies in California. Idaho does not allow unrestricted roaming in other states. California, on the other hand, does not allow guest users. In order for Harry to continue using CTS in California, he must apply for acceptance to the California Telecommunications Access Program (CTAP), a process that first entails acquiring proof of hearing loss from a doctor, audiologist or counselor, and then working one's way through the state's bureaucracy. Not only can this process lead to considerable frustration; it can also jeopardize Harry's new employment, for which telephone communication is required. Eventually, Harry gets accepted to the California program, which allows him to get his personally owned captioned telephone device reassigned to California. But Harry still needs a second phone so that he can have one phone at home and another at work. Because California does not permit Harry to purchase a phone directly, he must now apply and get approved for a second phone through the CTAP for use at work.

The onerous process that an individual must undertake to obtain or continue CTS contrasts sharply with the ease with which virtually all other relay users can obtain or continue using relay services when they travel or move to another state. Even more striking is the contrast between what an individual who uses CTS must undertake and the simple steps a hearing person needs to take in order to obtain or continue using his or her telephone. Yet, in the scenario described above, Harry was fortunate in one regard. Because Idaho is a state that allows direct equipment purchases, Harry was permitted to keep the original captioned telephone unit that he had purchased in Idaho. Some states, including Florida and Minnesota, have loan programs that require residents who move out of state to return their state-distributed unit, and acquire a new device from their new home state.[30] Had this been the case for Harry, he would have been forced to acquire two new devices from California, further delaying his ability to make phone calls in that state, and endangering his ability to keep his new job.

Although the availability of IP CTS, such as WebCapTel, has helped some people avoid

[30] Note that California's equipment distribution program also does not let individuals take captioned telephone devices from that state, even though consumers who acquire other types of specialized customer premises equipment are entitled to keep that equipment when they relocate to another state.

these gaps in communication, if an individual does not own a computer he/she would not have this option. Although IP CTS has made CTS available to greater numbers of Americans, there are still large segments of the population that cannot use IP-based services. Many, if not most, seniors (the largest group of CTS users) do not own a computer or cannot afford the cost of high-speed Internet services needed for IP CTS on their fixed incomes. Nor do all areas of the country even offer broadband services to their residents. Yet, even when these individuals do have access to broadband-equipped computers, many are often not comfortable using these computers to make calls. These individuals have a lifetime of experience using conventional telephone devices and only feel comfortable continuing to do so.

**D. Intrusive and Unfair State Policies**

In addition to the various state restrictions imposed on individuals wishing to gain access to CTS programs, the lack of a federal mandate for this service is now leaving consumers vulnerable to varying and conflicting state interpretations of how these services should be provided. The most recent example of this occurred when the state of California issued a request for proposals (RFP) that included a requirement for all CTS providers to inform all parties to a CTS call, by text and voice messages, about the "participation" of a CTS CA on every call that includes a California-based participant.[31] The basis for this restrictive provision, according to the California Public Utilities Commission (CPUC), is California's privacy protections, including prohibitions against the wiretapping, eavesdropping, monitoring, and recording of

[31] California Public Utilities Commission (CPUC) Request for Proposal (RFP) 08PS5800 for California Relay Services 3 (CRS-3), CPUC Document 368851, January 21, 2009 (the RFP), Section 6.12.4.1 (Appendix C).

conversations without the consent of individuals to a conversation.[32] However, a careful reading of these state laws reveals that their intent is to curb illegal activities intentionally designed to invade the privacy of unsuspecting telephone callers, and that these provisions, in fact, have no relevance to CTS calls.

Rather than invade the privacy of unsuspecting callers, all that the proposed announcement does is violate the right to privacy of CTS users. Most disturbing is that the invasive requirement is being proposed *only* for CTS users, and not users of the state's other relay services. A separate provision of the CPUC's RFP actually gives users of other types of relay the option of *not* announcing that their calls are being made through a relay service,[33] and further prohibits CAs from informing called parties that the caller has a speech or hearing disability unless the caller asks the CA to do so.[34]

Forcing CAs to announce their presence is at odds with one of the most important contributions that CTS has made to the ADA's promise of functional equivalency: the complete transparency of the CA throughout the call. The FCC highlighted this attribute in its 2003 Order approving CTS for reimbursement:

> The captioned telephone user does not need to dial an 800 or 711 exchange to reach the TRS facility and set up the call, nor is there any interaction with the CA (by either party to the call). . . . Throughout the call the CA is completely transparent and does not

[32] See California Penal Code Sections 630-637.9; California PUC General Order 107-B. Specifically, Section 6.12.4.1 of the RFP asserts that "California State law prohibits monitoring, recording or transcribing of telephone conversations unless *all* parties to the conversation give their *express prior consent* or have *received notice* that such monitoring, recording or transcribing is occurring." (Emphasis in the original.)

[33] Section 6.9.7 of the RFP states: "Upon request by the user, the CA shall not announce a call as a relay call, permitting the caller to provide explanation, if any." However, in Section 6.12.2 of the RFP, CPUC waives compliance with Section 6.9.7 *specifically for CTS* and, as noted above, requires the announcement of such calls.

[34] Section 6.9.7 of the RFP.

> participate in the call by voicing any part of the conversation.[35]
>
> . . .
>
> Captioned telephone VCO service offers consumers the benefit of operating more like conventional voice telephone service, with direct dialing of the called party's number and the nearly simultaneous delivery of the actual voice of the called party and written text of what the called party has said as generated by the CA re-voicing the message. The record reflects that it is less intrusive and more natural for the call participants, and that users who become hearing impaired later in life may find it easier to adjust to captioned telephone VCO service than to traditional TRS services.[36]

Most relevant to the issue at hand, is that in that Order the FCC joined consumers in rejecting a proposal that would have allowed CAs to interrupt the CTS conversation because this would "interfere with the natural flow of the conversation and largely defeat one of the central features of the captioned telephone VCO service, *i.e.*, that the CA is transparent during the set-up and throughout the call."[37]

A few years later, when the Commission approved an Internet-based form of CTS, it reiterated its expectation that --

> as with captioned telephone service, [the IP] service will be provided in a way that is automated and invisible to both parties to the call. For example, presently with captioned telephone service the consumer does not communicate directly with a CA to set up the call; similarly, we expect that IP captioned telephone service should permit the consumer to directly dial the called party and then automatically connect the CA to the calling party to deliver the captions.[38]

The FCC concluded that one of the "defining characteristics" of IP CTS is that "the captions are delivered to the consumer in a way that is automated and invisible."[39] The FCC's clear expectation is that CTS users are not to have any relationship with the CA and that the CA is not

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[35] *Captioned Telephone Declaratory Ruling* at ¶4.

[36] *Id.* at ¶16.

[37] *Id.* at ¶50.

[38] *IP Captioned Telephone Declaratory Ruling* at ¶23.

[39] *Id.* at ¶30.

to have any involvement in the user's communications. Assuming the California RFP requirement is contained in the resulting state contracts, it would not only result in a significant invasion of the privacy of users of this service, it would also result in the unnecessary disclosure of the existence of an individual's disability, and the consequent opportunity for discrimination on the basis of disability that the ADA was intended to eliminate.

California's proposed announcement requirement might also contribute to increased hang-ups if allowed to stand. Since the inception of relay services, businesses and other telephone users have frequently refused to accept relay calls, under the mistaken belief that these calls involve marketing or sales pitches. Over recent years, an increase in fraudulent IP Relay calls also has contributed to a dramatic rise in hang-ups on relay callers using any form of relay service. When a relay call is rejected, the caller is denied the ability to perform his or her job, make an appointment, or engage in any one of a number of activities needed to maintain that individual's independence, privacy, and productivity. It is precisely for this reason that the FCC has issued public notices directing businesses covered under the ADA to accept relay calls.[40] Unfortunately, these notices have had, at best, only limited impact. As a result, some relay providers now report that an increasing number of their users are intentionally directing CAs not to announce their existence on relay calls, to make sure that the calls are accepted by businesses.[41] Because of its transparency, CTS has offered a means by which users do not have

[40] Public Notice, *FCC Reminds Public of Requirements Regarding Internet Relay Service and Issues Alert*, DA 04-1738, 19 FCC Rcd 10,740 (released June 18, 2004); and Public Notice, *FCC Alerts Public and Merchants of Fraudulent Credit Card Purchases Through Internet Protocol (IP) Relay Service, a Form of Telecommunications Relay Service (TRS)*, DA 07-2006 (May 4, 2007).

[41] VRS is another type of service that achieves simultaneous communication between the parties to a call. If a VRS user requests the video interpreter handling the call not to announce herself, the party receiving the call will, like the party receiving a captioned telephone call, not know that a relay service is in use.

to worry about whether their calls will be accepted or not. CTS provides an opportunity for a person who is deaf or hard of hearing to be treated just like everyone else who uses a telephone, but *only* if the call's transparency is maintained.

Not only is the California restriction unnecessarily invasive, it is antithetical to one of the basic premises of the ADA – "to address the major areas of discrimination [including communication] faced day-to-day by people with disabilities."[42] If left unchecked, other state programs could similarly chip away at the integrity of this service to the point where its most useful attributes will be stripped away. This illustrates the importance of having the FCC regulate this service for all of the United States and its territories. Provisions like this should not be permitted, and would not be permitted, were the FCC to mandate CTS and clearly set out mandatory minimum standards for its operations.

**E. Outreach and Education**

Despite its having been approved by the FCC several years ago, CTS remains unknown or unattainable to a great many of those individuals who need and can benefit from these services. One of the reasons for this is that, unlike other forms of relay service, CTS caters to individuals who may not associate themselves with culturally deaf or disability communities. Indeed, many potential captioned telephone users are seniors or other adults who have lived without any hearing loss for most of their lives and who are not part of a greater community that has its own communications network. For this reason, it especially important to undertake efforts to reach out and educate this population about the availability and use of CTS to ensure that their communication needs are met.[43]

[42] 42 U.S.C. § 12101(b)(4).

[43] Indeed, as the FCC is aware, outreach is a requirement for relay providers.

Unfortunately, most states not only do not provide much outreach on CTS, and some seem to discourage their residents from using this service – treating it as a service of last resort.[44] For example, some states, such as Florida, have required applicants to go through a rigorous screening process, carefully evaluating whether each captioned telephone user truly has a need for this service, and balancing that need against the individual's ability to get along with an amplified phone. Other states have failed to distribute brochures or produce public service announcements. Still other states that have been successful in initially motivating consumers to learn about this service have later neglected to provide enough staffing to respond to this heightened level of interest.

### F. Federal Relay Service

The above state restrictions – as well as the failure of a few states to offer these services at all – imposed a severe hardship on federal government retirees when the General Services Administration (GSA) decided to cease offering CTS to those individuals through the Federal Relay Service (FRS) at the end of December 2007.[45] Had there been a federal mandate at the time that the government made this change, there would not have been any break in telephone service for these individuals. Indeed, there are still some individuals who previously enjoyed CTS through the FRS but, since being discontinued on that program, have not been permitted to resume this service in their own states.

## V. New Developments and Artificial Restraints on Competition

[44] One state even requires applicants to first try out an amplified phone, even when those individuals have specifically requested CTS. While that state has on-line information and applications for other types of specialized customer premises equipment (SCPE), there is no or little information on-line about captioned telephones.

[45] At that time, GSA also changed its method of funding FRS, shifting the costs of this program to individual agencies and departments.

In the past, the FCC raised concerns about there being only one technology provider of CTS, even though there are, and have been since the very first CTS trial, at least two (and as many as three) active, competing suppliers of CTS. This competition has resulted in the average costs for CTS tracking almost exactly with the average costs for traditional TRS, both of which are the product of competitive bids submitted through each state's TRS RFP process. In addition, within the last few months, a new competitor CTS technology has emerged. The federally certified provider of this new technology is already receiving reimbursement for the IP CTS it is providing to the public. Finally, as of last summer, yet another entity received federal certification to begin providing IP CTS (although this company has yet to begin providing such services). Clearly any concerns about a single source for CTS are no longer valid.

Petitioners have serious concerns about the Commission's reluctance to adopt a mandate based on a desire for greater competition in this field. A critical need for telecommunications access by people with hearing loss has been demonstrated and CTS has more than proven itself to meet this need. The Communications Act obligates the FCC to ensure universal telephone service for people with disabilities and to do so through the use of new technologies when such technologies have proven themselves to provide functionally equivalent service. There is simply no valid justification for a continued refusal to mandate this service based on the fact that only one small company took the risk and pushed ahead with an innovation to make this service possible for people with hearing loss when none of the larger common carriers would dedicate the resources to do so.

Moreover, by its very refusal to adopt a mandate, Petitioners believe that the FCC has artificially held back CTS competition in the relay industry. While CTS minutes have increased steadily over the past seven years, this growth has remained modest because of the many

restrictions imposed on this service. In order to fund the development and set up of call centers to enter the CTS market, a new competitor would need to be assured that the service was permanent and required, that the market for the service would have an opportunity to grow, and that the funding for the service would be assured. At the present time, CTS is not required, the growth is very modest, and the risks of investing time and resources into this service are very high because all PSTN-based CTS is contingent on discretionary funding that could be pulled at any moment, especially in these stressed economic times.

Prior to passage of the ADA, AT&T was the primary TRS provider and there was similarly very little relay competition across the United States. It was only *after* the ADA was passed that competition in the TRS industry truly began to grow. The same will hold true for CTS. Although the FCC has suggested that a mandate may not be warranted without additional technology providers, new companies are not likely to enter this field without a mandate to ensure continued funding and a growing market for their services. Rather than artificially suppress the availability of CTS, the FCC needs to be responsive to consumer demand by stimulating innovation and competition with a mandate for this service.

**VI. Mandatory Minimum Standards**

Notwithstanding the many restrictions placed on CTS, the many benefits of this service have attracted a growing population of individuals who rely on captioned telephone calls as their primary mode of telephone communication. The growing popularity of these services has made the need for FCC minimum standards – standards that all states must follow – all the more pressing. Only with uniform standards can individuals all over the country be assured that they can access these services the way that the FCC fully intends, in compliance with the ADA's mandate for functionally equivalent telephone service. In the 2005 Petition, Petitioners set forth

a set of proposed minimum standards for adoption by the FCC. Because of their importance, we repeat and clarify these below:

- CTS must be automated and invisible *to the user*. The user should not have to talk to a CA in order to make a call; rather the device used to make the call should operate like a conventional telephone. The user must continue to be empowered to make a call independently, without having a CA interrupt the conversation at the beginning or at any point during the call.

- CTS must be automated and invisible *to the other party*. With the exception of having to dial an 800 access number (and then the destination party's telephone number) to reach one-line captioned telephone users, CTS should operate exactly like a conventional telephone service. This means that a CA should not have to announce him or herself and the conventional telephone user should not have to talk to a CA, or have that CA interrupt the conversation at any point, to make, receive, or complete a call.

- Captions must be fast enough to keep up with the speed of the other party's speech. At a minimum, the transcription and transmission speed of the words being captioned should be at least 125-130 words per minute. Anything short of this will cause the captions to be too delayed to allow the call to have a natural flow.

- CTS providers must test CAs to determine their speed and accuracy. It has been found that such tests must yield speeds of at least 130 words per minute with accuracies over 98% for the CA to reliably produce acceptable speeds and accuracies for the user on CTS calls.[46]

- CTS must allow for both one-line and two-line (where one line is for voice and the second line is for captions) service over various transmission methods, pipelines and hybrids – so long as the service provided meets the minimum standards otherwise set for CTS.

As noted in the 2005 Petition, we reiterate that any FCC standards should allow sufficient flexibility to encourage continued technological innovation to bring consumers with hearing loss closer to complete functional equivalence.

## VII. Conclusion

One of the primary reasons for passage of Title IV of the ADA was to bring consistency and uniformity of relay services to all Americans wherever they might live or travel. As was true

[46] The methods for establishing such testing include using scripted calls that are fed to the CA's headset at speeds of 160 words per minute or faster using straight matter.

before passage of the ADA, when states haphazardly applied conflicting rules governing TRS, states now vary widely in their delivery of CTS, with many states limiting participants of this service, others restricting its jurisdictional reach, and still others boldly redefining its functionality. Without a federal mandate coupled with federal guidelines for CTS, history will repeat itself.

CTS remains the *only* PSTN-based relay service declared by the FCC to achieve functional equivalency that is still not mandated. The consequence is that individuals who need this service to maintain their independence, privacy, and productivity continue to be denied these benefits and the ADA's promise of communications equality. The Petitioners urge the FCC to take expeditious action to implement a federal mandate CTS finally and swiftly.

Respectfully submitted,

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