

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

In the Matter of)	
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
Supplement to Petition to Mandate Captioned Telephone Rely Service)	
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)	

COMMENTS OF SPRINT NEXTEL

Sprint Nextel Corporation ("Sprint"), on behalf of the Telecommunications Relay Service ("TRS") operations sued June 26, 2009 in the above-captioned docket, hereby respectfully submits its comments of its subsidiary, Sprint Communications Company L.P., pursuant to *Public Notice* DA 09-1436 is on the Supplement to Petition to Mandate Captioned Telephone Relay Service ("Supplement") filed jointly by several organizations representing the interests of deaf, hard-of-hearing and late-deafened Americans.

The joint petitioners filing seeks Federal Communications Commission ("Commission" or "FCC") action on their nearly 4 year-old petition in which they asked the FCC "to initiate a rulemaking for the purpose of mandating captioned telephone relay service ("CTS") provided over the public switched network (PSTN) nationwide." Supplement at 1-2.¹ In the current

¹ The original petition was filed on October 31, 2005. The Commission solicited comments on the petition in a *Public Notice* (DA 05-2962) issued November 14, 2005 in this docket. 20 FCC Rcd 18028 (2005). In its Comments, Sprint stated that it strongly supported the petitioner's request for a rulemaking proceeding and urged the FCC to institute the rulemaking as quickly as possible. See Comments of Sprint Nextel Corporation filed December 30, 2005.

pleading, the joint petitioners request that the FCC dispense with a rulemaking proceeding because “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....” Supplement at 2. Sprint agrees. The issuance of a rulemaking will only further delay mandating the one PSTN-based TRS service that “is uniquely capable of providing functionally equivalent communication access” for “millions of Americans.” *Id.*

In its 2005 Comments, Sprint pointed out that the marketplace had confirmed the FCC’s prediction when it declared CTS to be a compensation-eligible TRS service that CTS “would prove to be highly beneficial to ‘users who become hearing impaired later in life’ and who have ‘traditionally not been well serviced by current TRS options’.” Sprint’s Comments at 2 quoting *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, 18 FCC Rcd 16121, 16127 ¶ 16 (2003). The joint petitioners have provided even more evidence of the CTS’s value to individuals with hearing loss. The statements from CTS users set forth in the Supplement (at 13-15) confirm that CTS is necessary to “fill[] in the chasms created by diminished hearing without sacrificing the ability to converse by telephone to which these individuals are accustomed.” *Id.* at 10. CTS “affords nearly the same level of spontaneity as a typical voice-to-voice telephone call by allowing the user [with residual hearing] 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 convey those comments), and listen to the voice, tone inflections of the other party... filling in any gaps in what is said by reading the text of the conversation.” *Id.* at 5-6. Plainly, if the FCC is ensure that all Americans with hearing loss are provided with telecommunications services that are functionally equivalent to conventional telephone services – and the FCC’s obligations under Section 225 of the Telecommunications

Act, 47 USC §225, require it to do so – it must at long last mandate the provision of PSTN-based CTS.

The fact that CTS is not a mandated relay service has produced some untoward effects. For example, three States have refused to make the service the available to their citizens depriving them not only of the opportunity to use CTS for their intrastate calling but for their interstate calling as well. Supplement at 17. Others severely restrict CTS's availability to their hard-of-hearing citizens and subject those who are fortunate enough to obtain CTS service to conditions that are contrary to the TRS standards which the FCC has found are necessary to achieve functionally equivalency. And, at least one State seeks to impose a condition on the providers of CTS that will all but destroy the transparency of the CTS.²

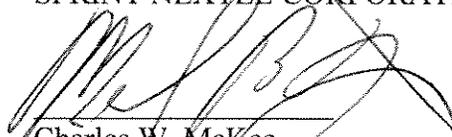
As Sprint explained in its previous comments, the availability and use restrictions were perhaps understandable in 2005 for a service still in its infancy. The States, which are responsible for the costs of intrastate CTS, certainly had the right, if not the duty, to learn whether the offering of this incipient service would strain their budgets or unduly increase the TRS surcharge their citizens pay to fund the provision of TRS on an intrastate basis. Four years later, these availability and use restrictions can no longer be justified. The benefits of CTS as documented by the joint petitioners and the fact CTS is the only functionally equivalent

² The joint petitioners have detailed such restrictions and conditions and thus Sprint need not repeat them here. *See* Supplement at 15-27.

PSTN-based TRS service for individuals “who become hearing impaired later in life” plainly outweigh whatever costs a mandated CTS service would impose on the States and ratepayers generally.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

A handwritten signature in black ink, appearing to read 'McKee', is written over a horizontal line.

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