

# ***Consumer Groups' TRS Policy Statement - Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act***

(April 12, 2011)

---

---

## **I. Introduction**

The national and state organizations representing individuals with hearing or speech disabilities (Consumer Groups) submit this Policy Statement for the future of Telecommunications Relay Services (TRS). The purpose of the Policy Statement is to offer goals and objectives that will ensure TRS achieves and maintains functional equivalency as required by law. The following organizations comprise the Consumer Groups and are further described in Appendix B: Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Association of Late-Deafened Adults (ALDA), Hearing Loss Association of America (HLAA), California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), American Association of the Deaf-Blind (AADB), Speech Communication Assistance by Telephone (SCT), Communication Service for the Deaf (CSD), and Deaf Seniors of America (DSA).

### **Definition of Functional Equivalency in Relay Services**

The Federal Communications Commission's (FCC's) national TRS program is first and foremost about ensuring that deaf, hard of hearing, deaf-blind, and speech-disabled consumers and their hearing contacts enjoy functional equivalency in wire and radio communications. The Consumer Groups define functional equivalency in the context of using relay service as follows:

***“Persons receiving or making relay calls are able to participate equally in the entire conversation with the other party or parties and they experience the same activity, emotional context, purpose, operation, work, service, or role (function) within the call as if the call is between individuals who are not using relay services on any end of the call.”***

Functional equivalency must be the standard filter through which every TRS program action proposed or taken by the Commission, consumer groups, and TRS providers is assessed. The ADA did not intend for the FCC to respond to developments within the TRS program as they arise. Rather, the FCC must make proactive assessments to determine whether the TRS Fund continues to provide functional equivalency, regarding whether specific action(s) will move TRS users on both sides of the conversation toward functional equivalent experience, and what technology, equipment, training, program, policy, or service needs to be developed, (or can be provided), to achieve greater functional equivalency.

## **The Consumer Groups' Core Functional Equivalency Principles for TRS**

For the Commission and the TRS industry to fulfill the original Congressional intent of functional equivalency, the Consumer Groups submit a list of ten core functional equivalency principles that represent our expectations for high quality, empowering telecommunications relay services as follows:

- ***TRS must provide full benefit to all parties on a call, regardless of the complexity and/or cost.***
- ***The TRS experience for an individual who is deaf, hard of hearing, deaf-blind or speech-disabled must, at the minimum, be equivalent to that of a call between two hearing persons on the telephone network or over the Internet.***
- ***TRS users must be offered the ability to enjoy high quality relay services using mainstream products and services.***
- ***TRS equipment and services must be accessible and address the diverse needs of individuals who are deaf, hard of hearing, deaf-blind or speech-disabled.***
- ***Interoperable communication must be readily available and achieved with anyone, anytime, anywhere.***
- ***Vendors must be motivated to bring products to market that keep pace with mainstream technological advancements, and are continually improving the relay experience.***
- ***TRS users must have a wide selection of choices regarding equipment and software interfaces as well as hardware options, TRS program services and methods of making or receiving relay calls.***
- ***Emergency calls made through TRS must fully satisfy the safety and security needs of TRS users.***
- ***TRS users must receive prompt, comprehensive customer care service from their relay providers in their preferred communication modality.***
- ***The commitment to uphold the integrity of the TRS Fund must be fully maintained.***

The Consumer Groups recognize that the FCC often must weigh competing core principles. Where such situations arise, the Consumer Groups urge the FCC to issue a Notice of Inquiry (NOI), Notice for Proposed Rulemaking (NPRM) or Public Notice (PN), as appropriate, so that the Consumer Groups and other stakeholders have an opportunity to make recommendations to resolve any perceived conflict between principles.

## **II. Rationale for the Policy Statement for National TRS Program**

***Twenty One Years of Progress:*** Thanks to the Americans with Disabilities Act of 1990, the National TRS Program has transformed the daily telecommunications experience for people who are deaf, hard of hearing, deaf-blind, and speech-disabled, as well as their contacts in the community through the use of various TRS services.

Those who are deaf and hard of hearing and who use sign language may now choose to use Video Relay Service (VRS) instead of the traditional TTY relay. Today's VRS offers an as yet unrealized promise to experience a natural, seamless conversation without the frequent gaps that occur during a traditional TTY/voice relay call. TRS users fluent in sign language and who have intelligible speech may use VRS with VCO. This too results in a naturally flowing conversation. People who are deaf or hard of hearing and who prefer to speech read may also use VRS with oral transliteration.

Those who do not sign but can speak well enough to be understood by others, and have difficulty hearing others on the phone, may opt for captioned telephone relay services. With this form of TRS, both parties benefit from hearing each other whereas the hard of hearing party has the added support of captions displayed on a special phone or on a computer monitor, which convey the responses of the other party.

Some individuals who are speech-disabled may use Speech-to-Speech relay services to participate in telephone conversations with the assistance of a re-voicer, a person specially trained to hear and repeat their voices, in calls with other parties. Other individuals may not be able to speak well enough so they type on a TTY while using Hearing Carry-Over (HCO) through traditional relay services. Internet Protocol relay services are available for anyone, regardless of sign language skills or ability to hear, to make a relay call from a computer or mobile phone by typing text. Computers and mobile phones are more accessible and widely available than TTY devices.

***Move the Program Forward:*** The FCC TRS program is beyond its formative stages. Due to recent incidents and allegations of waste, fraud and abuse in the Federal TRS Fund, other critical aspects of TRS have not been sufficiently addressed (*e.g.*, customer care, outreach, education, and research and development). Opportunities for TRS to achieve its fullest potential and to introduce TRS to new users who have not experienced its empowering influence remain unfulfilled. The time is ripe for the TRS program to move forward. Among the pressing needs are:

### ***1. Address Deficiencies in Outreach & Research:***

Data on people's interaction with TRS is sparse or nonexistent. There is an urgent need to research the availability of service, user trends and habits, including use of TRS in emergencies, and new and emerging technologies. Collection of this data will drive informed policy decision-making within the industry, the FCC and Congress toward fulfilling the functional equivalency mandate of the ADA. Immediate steps should be taken to identify and reach out to unserved and under-served Americans who are deaf, hard of hearing, deaf-blind or speech-disabled who have not discovered TRS or been extended the freedom and independence offered by the type of TRS

that best matches their communication requirements. The Consumer Groups believe that there are countless Americans who are on fixed incomes and unaware of available resources for access to TRS services, or who live in rural areas or on Tribal Lands where broadband access is lacking. The data that we propose gathering will help policy makers and the industry identify and fill these gaps.

## ***2. Emphasize that Relay Services are for the Entire U.S. Population:***

There continues to be a misconception that relay services are primarily for people with hearing and speech disabilities to use to communicate. Relay services are equal access programs that are just as useful and critically important for those with or without hearing and speech disabilities. Not many people realize and understand that a hearing person is usually one-half of every relay call. In fact, the majority of TRS users are those with normal hearing and speech. This is because people who are deaf, hard of hearing, deaf-blind or speech-disabled call multiples of people with normal hearing and speech via TRS every day. Accordingly, meeting functional equivalency for hearing people when they make or receive relay calls deserves equal consideration because the lives and careers of people without hearing or speech disabilities are intertwined in varying degrees with current and potential TRS users who have hearing and speech disabilities. Failure to achieve this will diminish, if not defeat, the purpose and benefits of a dual party relay service system. Many employers in private and public sectors are not aware of relay services or do not understand the effectiveness relay services offer for communication with persons who have hearing and speech disabilities. The same is often true of family members, neighbors and friends of every TRS user.

## ***3. Adapt the Program to the Changing World:***

Today people with hearing and speech disabilities primarily communicate across towns and states. Communication with others abroad is becoming more widespread and necessary for work, family, and personal travel and interests. The TRS Program must adapt to the continuing globalization of communications. Communication on the go is a capacity TRS must provide. TRS must be embedded within the ecosystem of today's telecommunications on the Internet that is evolving day by day with boundless offerings of applications and features. TRS must be offered regardless of the existing economic and political conditions in the world, and must provide people with hearing and speech disabilities comparable opportunities for interacting with the rest of America and the world, regardless of technology and communication modality used by either party in every call.

## ***4. Achieve Program Effectiveness & Accountability:***

Through advance and detailed plans, with the buy-in of stakeholders including TRS consumers and industry, the FCC can improve effectiveness and accountability in its TRS program. The Consumer Groups respectfully ask that the FCC's Disability Rights Office chart the future of the national TRS program by developing and implementing formal plans to exercise its jurisdiction over the TRS industry. In doing so, the FCC will more effectively address its

accountability and responsibility for the program before Congress and with other governmental agencies, the business community, and last, but not least, the TRS user population.

#### ***5. Provide Equal Attention & Support for All Forms of TRS:***

All forms of TRS must receive the necessary and appropriate attention and support from the Commission in order to function as reliable, state-of-the-art choices for an interoperable dual-party relay service for every American, with or without a hearing or speech disability, regardless of the technology and communication modality used. TRS users must be given full control of their calls, whether originated or received, and must have as full of an array of options and features available through TRS just the same as a person with no hearing or speech disability.

***America's Response to the Policy Statement with a Sense of Urgency:*** The rationale, as presented by the Consumer Groups, calls for significant advances in the immediate future in areas of policy development, outreach, research, and innovation to meet the mandate of the Americans with Disabilities Act for a true functionally equivalent experience in telecommunications for all people who are deaf, hard of hearing, deaf-blind or speech-disabled, and their contacts in the United States. Only when the national TRS program reaches its full potential can individuals with hearing and speech disabilities experience full independence and inclusion in the community. The Consumer Groups look forward to continuing our crucial working partnership with the FCC, and in collaboration with other stakeholders, in defining, promoting, achieving, and maintaining functional equivalency in relay services.

### **III. ADA-Based Goals and Objectives to Bring the TRS Program into the 21<sup>st</sup> Century**

Consumer Groups propose a set of goals and related objectives as part of the blueprint to guide the FCC in leadership and management of the national program for the future of TRS. The objectives are divided under five goals.

The five goals include:

- Interoperability and Quality Standards related to Equipment and Service
- Outreach, Education & Marketing
- Research & Development
- Competition & Choices
- Management, Staffing & Resources.

The Consumer Groups are pleased to share input regarding ways the FCC can meet the objectives outlined herein. The Consumer Groups believe that the *definition* of functional equivalency, the *principles* of functional equivalency, and the five goals and related objectives will assist the FCC in developing policies for relay services to fulfill the functional equivalency mandate of the ADA. With this Policy Statement and Blueprint as a frame of reference, the FCC will be better positioned to efficiently manage its national TRS program and foster a positive, empowering climate in communication access for all Americans who use relay services. This

living blueprint is a snapshot of the Consumer Groups' expectations for the FCC as of the date of this filing and will need to be continually updated to account for future changes in technology, services and other developments. The Consumer Groups will continue to work in partnership with the FCC on a regular basis to review the Program's progress and update the blueprint accordingly, which shall uphold the pursuit of functional equivalency as defined in the policy statement.

**IV. Consumer Groups' TRS Blueprint**

***Consumer Groups' TRS Blueprint -  
Functional Equivalency of Telecommunications Relay Services:  
Meeting the Mandate of the Americans with Disabilities Act***

<b>Goals / Objectives</b> *****
<b>GOAL 1</b>
<b><u>INTEROPERABILITY &amp; QUALITY STANDARDS FOR EQUIPMENT &amp; SERVICE</u></b>
<i>The FCC ensures that Telecommunications Relay Services are provided to Americans with hearing or speech disabilities, and their hearing contacts, in a climate where interoperability and quality standards are fully observed with respect to equipment (hardware, software, and/or firmware), telecommunications network infrastructures, platform and service.</i>
<b><u>Objective 1.1</u></b> Total interoperability is required for equipment software and services from all vendors (for any form of TRS) with no loss of core functionality.
<b><u>Objective 1.2</u></b> To facilitate Objective 1.1, Video Relay Service call routing is accomplished via server-based routing rather than equipment based routing; thus providing TRS users with a “plug and play” experience.
<b><u>Objective 1.3</u></b> A system is established to provide equipment or software for those unable to afford access to TRS.
<b><u>Objective 1.4</u></b> Equipment interoperability includes making “point-to-point” communication possible.
<b><u>Objective 1.5</u></b> Full interoperability ensures greater protection for TRS users’ safety, life, health, and property.
<b><u>Objective 1.6</u></b> TRS users have the same international communications capabilities as users of voice telecommunications.
<b><u>Objective 1.7</u></b> Universal design standards are established for voice-video-text telecommunications equipment/service that is TRS compatible.
<b><u>Objective 1.8</u></b> Adequate, meaningful support in training, certification, scheduling, and other areas must be given to all communication assistants to ensure compliance with relay service quality and safety

standards.

## **GOAL 2**

### **OUTREACH & EDUCATION, and MARKETING**

*The FCC educates and informs all Americans about the need for, benefits of, and types of telecommunications relay services for Americans with hearing and speech disabilities and their hearing contacts.*

#### **Objective 2.1**

Unserved and under-served individuals who are deaf, hard of hearing, deaf-blind, or speech-disabled are informed about different options, capabilities and features of TRS.

#### **Objective 2.2**

Extensive outreach is provided for all Americans, whether TRS users or not, to build familiarity and acceptance of TRS nationwide.

#### **Objective 2.3**

TRS promotional activities are conducted to instill responsibility of the public and private sectors to make and receive TRS calls on a regular basis (including but not limited to employers, educational programs at all levels, service providers, public officials, businesses, legislators and political office candidates, and pollsters/research entities).

#### **Objective 2.4**

Ample outreach and education activities are provided to the general public on the basics of using TRS.

#### **Objective 2.5**

Employers offer TRS training activities for their employees as part of workplace accommodations.

#### **Objective 2.6**

Collaborations with agencies and entities such as with the Department of Commerce build trust and confidence for all businesses to use relay service for transactions.

## **GOAL 3**

### **RESEARCH & DEVELOPMENT**

*The FCC supports on-going advances in delivery of relay services and associated technology which will contribute to quality and efficiency of TRS.*

#### **Objective 3.1**

The Congressional mandate to support technological innovation for TRS is met.

#### **Objective 3.2**

An ongoing effort continues to “raise the bar” in technological design and operations efficiency.

#### **Objective 3.3**

Innovation driven by consumer demand for TRS features and applications is actively and



financially encouraged and supported.

**Objective 3.4**

Consideration is given to proposals for regulatory action/initiatives that meet the broadband access needs of people with hearing and speech disabilities.

**Objective 3.5**

The existence of an adequate workforce of TRS communication assistants is ensured to meet a fast growing demand for TRS services, as well as to meet high quality performance standards.

**GOAL 4**

**COMPETITION & CHOICES**

*The FCC ensures intense competition among a number of qualified vendors in the telecommunications relay services market to give the TRS user population a range of choices in features and services within any one form of TRS.*

**Objective 4.1**

A healthy, evolving, yet competitive TRS industry provides Americans with or without hearing and speech disabilities a selection of TRS features and services to make or receive calls.

**Objective 4.2**

A thoughtfully developed, well-designed, and credible national certification process for new and existing TRS vendors is established and maintained with provisional classifications for new entrants.

**Objective 4.3**

An array of services and features that meet diverse communication needs and provide an “equivalent conversation experience” with all forms of TRS is fostered to offer a wide range of options comparable to those provided to hearing callers, such as prompt, comprehensive customer care and service for TRS users.

**Objective 4.4**

A conducive climate for healthy market competition is fostered in all forms of TRS.

**GOAL 5**

**MANAGEMENT, STAFFING, & RESOURCES**

*The FCC administers a full-time program for high quality, empowering telecommunications relay services, now approaching a cost of \$900 million a year, to fulfill the promise and potential for full, equal communication access as mandated by Title IV of the Americans with Disabilities Act (ADA).*

**Objective 5.1**

The national TRS program receives funding for full-time and contract positions responsible for ensuring adequate staffing with expertise and experience in program administration and planning, disability access laws and regulations, call center operations, marketing, outreach and education, research, engineering, and economics as well as TRS Fund administration, the ten-digit numbering system, generic outreach and education, data research and collection, and

grants for a number of research and development projects on an annual basis.

**Objective 5.2**

The national TRS program provides support and resources for operations efficiency and service quality, including but not limited to: consultations with TRS users and providers, vigorous monitoring and enforcement for the TRS industry, administration of a national equipment voucher program, and opportunities for stakeholders to provide expertise on issues in relay services through standing advisory boards and ad hoc panels or task forces.

**Objective 5.3**

The FCC holds itself accountable to fulfilling the promise and potential of the ADA with the national TRS program by providing reports to Congress and other stakeholders, on the results, challenges, and issues with TRS, and the benefits it produces for the entire American population.

**V. Conclusion**

This Policy Statement and Blueprint are the culmination of countless hours of meetings, informal discussions and drafting by Consumer Group leaders and representatives. Discussions were held not only with representatives and members of consumer organizations but also with management and staff of the FCC's Disability Rights Office and the Consumer and Governmental Affairs Bureau, and senior officers and regulatory staff from the TRS industry.

This guide is provided to assist the Commission as it makes numerous decisions. The Consumer Groups remain optimistic that the FCC's commitment and follow up action will reaffirm that high quality relay services are to be provided 24 hours a day 7 days a week, and 365 days a year. The Consumer Groups stand behind the FCC in its exercise of responsibility and sound judgment to maintain the integrity of the Interstate TRS Fund. The Consumer Groups and the individuals they represent rely on the FCC to operate a top-notch national TRS program that fulfills the intent and purposes of the ADA.

Last but not least, the Consumer Groups extend their sincere appreciation to the FCC for the first twenty-one years of significant progress with its national TRS program and its continued efforts to improve the national TRS program in order to achieve the mandate of functional equivalency. As always, the Consumer Groups stand ready to work as collaborative partners with the FCC.

***Consumer Groups' TRS Policy Statement -  
Functional Equivalency of Telecommunications Relay Services:  
Meeting the Mandate of the Americans with Disabilities Act***

**Appendix A**

**History of Legislative Mandates for Telecommunications Relay Services**

A. Section 225 of the Communications Act of 1934

This section requires the Commission to “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.” This requirement is mandated “to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation.”

B. Sections 255 & 7 of the Communications Act of 1934

Section 255 of the Act states: “A provider of telecommunications service shall ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable.” Section 7(a) of the Act unequivocally states: “It shall be the policy of the United States to encourage the provision of new technologies and services to the public.”

C. Title IV of the Americans with Disabilities Act (ADA) (47 U.S.C. 225(a)(3)), as amended by the 21<sup>st</sup> Century Communications and Video Accessibility Act of 2010

The term “telecommunications relay services” means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio. When one reads the legislative report on Title IV of the ADA, it is clear that Congress expects the FCC as it implements regulations for this provision of the Act, to “encourage . . . the use of existing technology and do not discourage or impair the development of improved technology.”

# ***Consumer Groups' TRS Policy Statement - Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act***

## **Appendix B**

### **Background Information on the Consumer Groups**

The Consumer Groups (TDI, NAD, HLAA, CCASDHH, AADB, ALDA, SCT, CSD, & DSA) support the strong commitment and substantive efforts of the Federal Communications Commission to meet the access needs of people with disabilities in telecommunications. It has our deep respect and appreciation for its remarkable 21-year record of producing service enhancements and policy directives for its national Telecommunications Relay Services (TRS) program. Filing this Policy Statement with the FCC are the national and state organizations representing individuals with hearing or speech disabilities, referred to as Consumer Groups throughout the document, as follows:

#### ***Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)***

TDI is a consumer advocacy organization that provides leadership in achieving equal access to telecommunications, media, and information technologies for 36 million Americans who are deaf and hard of hearing. TDI publishes the TDI World quarterly magazine and the annual TDI National Directory & Resource Guide, also known as the Blue Book.

#### ***National Association of the Deaf (NAD)***

National Association of the Deaf (NAD) is the nation's premier civil rights organization of, by and for deaf and hard of hearing individuals in the United States of America. The advocacy scope of the NAD is broad, covering a lifetime and impacting future generations in the areas of early intervention, education, employment, health care, technology, telecommunications, youth leadership, and more – improving the lives of millions of deaf and hard of hearing Americans.

#### ***Association of Late-Deafened Adults (ALDA)***

The mission of the Association of Late-Deafened Adults (ALDA) is to support the empowerment of deafened people. Late-Deafened Adults are people who have lost the ability to understand speech with or without hearing aids after acquiring spoken language. ALDA is committed to providing a support network and a sense of belonging by sharing our unique experiences, challenges and coping strategies, helping one another find practical solutions and emotional support, and working together with other organizations and service providers for our common good.

#### ***Hearing Loss Association of America (HLAA)***

Hearing Loss Association of America (HLAA) is the nation's leading organization representing people with hearing loss. HLAA provides assistance and resources for people with hearing loss and their families to learn how to adjust to living with hearing loss. HLAA is working to eradicate the stigma associated with hearing loss and raise public awareness about the

need for prevention and the importance of regular hearing screenings throughout life. It impacts on communication access, public policy, research, public awareness, and service delivery related to hearing loss.

***California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH)***

California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH) consists of community-based nonprofit agencies providing various social services to Californians who are deaf or hard of hearing: Deaf Community Services of San Diego, Inc.; Center on Deafness Inland Empire; Orange County Deaf Equal Access Foundation; Greater Los Angeles Agency on Deafness, Inc.; Tri County-GLAD; Deaf and Hard of Hearing Service Center, Inc.; NorCal Services for Deaf and Hard of Hearing; and Deaf Counseling, Advocacy & Referral Agency.

***American Association of the Deaf-Blind (AADB)***

American Association of the Deaf-Blind (AADB) is a nonprofit 501(c)(3) national consumer organization of, by, and for deaf-blind Americans and their supporters. “Deaf-blind” includes all types and degrees of dual vision and hearing loss. Its mission is to ensure that all deaf-blind persons achieve their maximum potential through increased independence, productivity, and integration into the community.

***Speech Communication Assistance by Telephone (SCT)***

Speech Communication Assistance by Telephone, Inc. (SCT) is a nonprofit 501(c)(3) organization dedicated to helping people with speech disabilities learn to use the telephone with the assistance of Speech-to-Speech.

***Communication Service for the Deaf (CSD)***

Communication Service for the Deaf, Inc. is a private, nonprofit organization dedicated to providing broad-based services, ensuring public accessibility and increasing public awareness of issues affecting deaf and hard of hearing individuals. Through global leadership and a continuum of quality communication services and human service programs, CSD provides the tools conducive to a positive and fully integrated life.

***Deaf Seniors of America (DSA)***

Deaf Seniors of America’s mission is to improve the quality of life for senior citizens who are deaf by providing seminars dealing with issues impacting their well-being and safety; conducting awareness projects or activities among decision makers, providers of service and the general public regarding their unique needs; and acquainting those senior citizens with national, state, and local resources that will contribute to their positive image and fuller participation in the mainstream society.