Appendix A:

FCC TRS Public Notice, July 25, 2012

PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
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July 25, 2012

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU REMINDS STATE TELECOMMUNICATIONS RELAY SERVICE PROGRAMS TO SEEK RECERTIFICATION

CG Docket No. 03-123

This Public Notice alerts states and territories that the certifications that they now hold for the provision of telecommunications relay services (TRS) will expire on July 26, 2013.[1] Under the Federal Communications Commission's (Commission's) TRS regulations, each state or territory may file an application for "renewal" of its certification one year prior to expiration, *i.e.*, beginning on July 26, 2012.[2] Although there is no prescribed deadline for filing, we request that renewal applications be filed no later than October 1, 2012, to give the Commission sufficient time to review and rule on the applications prior to the expiration of the existing certifications.

Congress created the TRS program in Title IV of the Americans with Disabilities Act of 1990 (ADA),[3] codified at Section 225 of the Communications Act of 1934, as amended (Act).[4] TRS enables persons with hearing and speech disabilities to access the telephone system to communicate with other individuals.[5] Under the Act, the Commission must ensure the provision of TRS that is functionally equivalent to voice telephone service.[6] The Commission's TRS regulations set forth mandatory minimum standards that TRS providers must follow to meet this functional equivalency mandate.[7]

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[1] As amended by Section 103(a) of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), TRS is defined as "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." Pub. L. No. 111-260, 124 Stat. 2751, *technical amendments*, Pub. L. No. 111-265, 124 Stat. 2795 (Oct. 8, 2010) § 103(a), codified at 47 U.S.C. § 225(a)(3). *See also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12479, ¶ 3 n.18 (2004) (describing how a traditional TRS call works).

[2] 47 C.F.R. § 64.606(c)(1). Since 1993, the Commission has granted states certification to operate their own TRS programs in five year increments. The Consumer and Governmental Affairs Bureau, under delegated authority, issued its last round of certification grants in July 2008.

[3] Pub. L. No. 101-336, 104 Stat. 327 (July 26, 1990).

[4] 47 U.S.C. § 225.

[5] 47 U.S.C. § 225(a)(3).

[6] 47 U.S.C. § 225(a)(3).

[7] *See* 47 C.F.R. §64.604.

Under Section 225, states wishing to establish their own TRS programs for the provision of intrastate and interstate TRS over the public switched telephone network may receive Commission certification to do so.[8] All certified state TRS programs are required to provide traditional (TTY-based) TRS, interstate Spanish language traditional TRS, and Speech-to-Speech relay (STS) service.[9] States may also offer captioned telephone relay service (CTS). States seeking renewal of their certification must include information about each of these services in their applications so that the Commission can ensure that the provision of these services is consistent with its rules and that the state is exercising responsibility for oversight of these services.[10]

Specifically, in order to obtain certification, a state must submit documentation to the Commission that describes its relay program and include its procedures and remedies for enforcing any requirements that the program may impose.[11] In addition, a state must establish that its program makes available to TRS users informational materials on state and Commission complaint procedures sufficient for users to know the proper procedures for filing complaints.[12] The Commission's TRS regulations explain that documentation should be submitted in narrative form, and that the Commission shall give the public notice of such applications.[13]

The state certification process is intended to ensure that TRS is provided in a uniform manner throughout the United States and territories. Applications for certification will be reviewed to determine whether each state TRS program has sufficiently documented that it meets or exceeds all of the applicable operational, technical and functional mandatory minimum standards set forth in section 64.604 of the Commission's rules.[14] If the program exceeds the mandatory minimum standards, the state must establish that the program does not conflict with federal law.[15] In addition, applications will be reviewed to ensure that each state TRS program makes available adequate procedures and remedies for enforcing the requirements of each state's program.[16]

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[8] Although state TRS programs may offer interstate as well as intrastate TRS, only the costs associated with the provision of intrastate TRS are recovered from the state. *See* 47 U.S.C. §225(d)(3). States with certified TRS programs may allow TRS providers operating under their programs to recover such costs by a method consistent with the jurisdictional separation of costs requirements of Section 225. *See id.* Costs associated with the provision of interstate TRS are recovered from subscribers of interstate and Voice over Internet Protocol (VoIP) service, and such providers are reimbursed through the TRS Interstate Fund. *Id.* In October 2011, the Commission adopted rules to implement Section 103(b) of the CVAA, requiring interconnected and non-interconnected VoIP service providers to participate in and contribute to the TRS Fund. *See* CVAA § 715; 47 U.S.C. § 616; *Contributions to the Telecommunications Relay Service Fund*, CG Docket No. 11-47, Report and Order, 26 FCC Rcd 14532 (2011).

[9] *See* 47 C.F.R. § 64.603.

[10] Since 2003, CTS has been a non-mandatory type of TRS that is eligible for compensation from the states for intrastate calls and from the Interstate TRS Fund for interstate or IP-based CTS calls. *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speec*h *Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121 (2003). If a state does not offer CTS, it need not submit documentation in its certification application pertaining to this service.

[11] 47 U.S.C. § 225(f); 47 C.F.R. § 64.606(a).

[12] 47 C.F.R. § 64.606(b)(1)(ii).

[13] 47 C.F.R. § 64.606(a).

[14] 47 U.S.C. § 225(f)(2)(A). See 47 C.F.R. § 64.604.

[15] *See* 47 C.F.R. § 64.606(b)(1)(iii).

[16] 47 U.S.C. § 225(f)(2)(B).

PROCEDURES FOR FILING: All filings must reference CG Docket No. 03-123 and be captioned "TRS State Certification Application."

Electronic Filers: Filings may be filed electronically using the Internet by accessing the Commission's electronic comment filing system (ECFS): http://apps.fcc.gov/ecfs//. Follow the instructions provided on the website for submitting electronic filings. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and **CG Docket No. 03-123**.

Paper Filers: Parties who choose to submit by paper must submit an original and one copy of each filing. To expedite the processing of the applications, parties submitting by paper are encouraged to submit an additional copy to Attn: Dana Wilson, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, SW, Room 3-C418, Washington, DC 20554 or by email at Dana.Wilson@fcc.gov. Parties should also submit electronic disk copies of their certification filing. The electronic media should be submitted in "read-only" mode and must be clearly labeled with the state's name, the filing date and captioned "TRS Certification Application."

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filing for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filings hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

SUMMARY OF STATE TRS PROGRAM CERTIFICATION TIMELINE

DATE	ITEM	FCC ACTION
Beginning July 2012	Commission issues Public Notices seeking comment on state TRS applications that have been filed.	Comments are due within 30 days of release of the Public Notices; reply comments are due within 15 days thereafter.
July 2012 – May 2013	Commission reviews applications for TRS recertification for compliance with 47 C.F.R. §§ 64.604 and 64.606.	If necessary, Commission sends deficiency letters requesting additional information from states to confirm compliance with the TRS mandatory minimum standards and other certification requirements.
May - July 2013		Commission issues Public Notices and Letter Orders of certification renewals.

ADDITIONAL INFORMATION

A copy of this *Public Notice* and related documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. These documents also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact BCPI at their web site: www.bcpiweb.com or by calling (202) 488-5300. Filings also may be found by searching on the Commission's Electronic Comment Filing System (ECFS) at http://apps.fcc.gov/ecfs// (insert CG Docket No. 03-123 into the Proceeding block).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Public Notice* also can be downloaded in Word or Portable Document Format (PDF) at: http://transition.fcc.gov/cgb/dro/trs.html.

For further information regarding this *Public Notice*, please contact Dana Wilson, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2247 (voice), (202) 418-2297 (TTY), or e-mail at Dana.Wilson@fcc.gov.