



February 26, 2013

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

CG Docket No. 13-24

NPRM Comments – Misuse of Internet Protocol (IP) Captioned Telephone Service

Dear Ms. Dortch:

The Telecommunications Equipment Distribution Program Association (TEDPA) submits these comments in response to the Notice of Proposed Rulemaking (NPRM) released on January 24, 2013. In this NPRM, the Federal Communications Commission (FCC) seeks comment on issues related to the FCC's concerns regarding Misuse of Internet Protocol (IP) Captioned Telephone Service (MIPCTS). Specifically, the FCC is looking for comments on the need for immediate interim rules, unusual increase in IP CTS minutes of use, referrals for rewards, registration and certification requirements, default captions off, and provider compensation.

Immediate Interim Rules

TEDPA agrees with the FCC implementing interim rules as a swift, but essential, measure to control the unusual rapid growth of IP CTS minutes until such time the FCC has explored all feasible options to safeguard the integrity of the TRS programs.

The Recent Increase in IP CTS Minutes of Use

TEDPA is unable to provide the FCC with substantive data relative to the cause(s) of the unusual increase of the IP CTS, and therefore refrains from providing comments addressing those concerns. However, states would be in a much better position to monitor and comment on the growth if they had state-specific data. We therefore request that the FCC amend the Contract with RLSA to include the provision of state-specific data for all forms of IP TRS. We look forward to the opportunity to partner with the FCC, RLSA and NASRA to be able to analyze and monitor the provision of all forms of TRS in our respective states.

Referral for Rewards

TEDPA supports the FCC's suspension of the "referral for rewards" program, and believes it should be permanent. When the video relay service (VRS) "referral for rewards" or "brown bagging" programs were discontinued by the FCC for reasons related to the FCC determining that this type of distribution methodology had resulted in inappropriate or unethical behavior, the FCC thereby set a precedent; therefore, the FCC should handle the IP CTS concern in the same manner.

Provider Dissemination of Free End IP CTS User Equipment

TEDPA supports the FCC's prohibition against providers disseminating IP CTS equipment and software at no cost. We also support the prohibition against providers disseminating IP CTS equipment at *de minimis* cost. However, we are concerned that the definition for *de minimis* is sufficiently vague to allow a loophole for continued misuse. We would encourage the FCC to consider a definition based on: not less than some percentage of the manufacturer's suggested retail price; an average price of off-the shelf-telephones; a set price point, such as \$75.00; or some other more concrete measure.

The FCC seeks comment on the extent to which governmental programs are able to provide IP CTS equipment to people with limited incomes, making the free distribution of equipment by providers unnecessary. While some states EDP have income requirements, others do not. Additionally, not all state EDPs distributes Internet Protocol (IP)-based equipment due to statutory limitations or restrictions.

Registration, Threshold Eligibility and Certification Requirements

Since most state EDPs have thorough eligibility and certification processes already in place to ensure that IP CTS equipment is appropriately distributed to end users, TEDPA suggests that the FCC consider using state EDPs as a model, and proposes that manufacturers and/or vendors that sell or distribute IP CTS equipment directly to the public have a similar verification process to ensure client eligibility and appropriate record keeping.

TEDPA does not support a minimum hearing threshold being implemented because of the varying degrees of hearing loss and auditory discrimination. Additionally, there may be individuals that do not have a hearing loss but have an auditory processing disability that could also benefit from the use of captioning.

Default Captions Off

Although TEDPA members are split on a recommendation regarding the default "captions off" concern, an equally important concern is having the ability to turn the captions "on" or "off" in as simple and obvious a manner as possible. A single, clearly marked button should be required rather than a multi-step menu option.

Provider Compensation

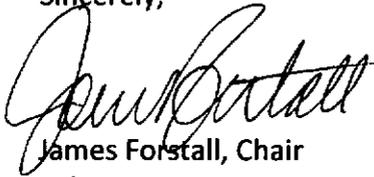
TEDPA is unable to provide the FCC with substantive data relative to provider compensation, and therefore refrains from providing comments addressing this topic.

Notification Labels

TEDPA supports the use of notification labels being added to all IP CTS equipment and supports having all IP CTS providers provide these labels to equipment already in use. TEDPA does not support the same information appearing on the captioning screen.

Questions related to these comments may be directed to James Forstall at jforstall@ftri.org.

Sincerely,



James Forstall, Chair

Telecommunications Equipment Distribution Program Association