

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

In the Matter of)	
)	
Misuse of Internet Protocol (IP) Captioned Telephone Service)	CG Docket No. 13-24
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	

HEARING LOSS ASSOCIATION OF AMERICA
REPLY COMMENTS

Hearing Loss Association of America (“HLAA”) submits these Reply Comments regarding Internet Protocol Captioned Telephone Services (“IP CTS”) to the Federal Communications Commission (“Commission”) in response to the above reference Order and Notice of Proposed Rulemaking (“Order” and “Notice”) on the Misuse of Internet Protocol (IP) Captioned Telephone Service.

HLAA is the nation’s leading organization representing people with hearing loss. We have over 200 chapters and 14 state organizations representing people with hearing loss across the country.

HLAA understands that the above referenced Order and NPRM was issued in response to “a recent and dramatic spike in reimbursement requests to the Interstate Telecommunications Relay Service Fund (TRS Fund or Fund).”¹ However, according to Comments provided by the RERC-TA at Gallaudet,² it appears “a spike in IP CTS usage is not supported by the available data analyzed in a larger context.”³ We agree with the RERC-TA that “If methodological errors are indeed present, the consequences of such errors should not land on deaf and hard of hearing consumers, who rely on IP CTS for functional equivalence.”⁴ We urge the Commission to carefully consider the Comments and analysis provided by the RERC-TA.

¹ Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 & 03-123, Order and Notice of Proposed Rulemaking, FCC 13-13 (2013) (“NPRM”) at ¶ 1.

² See Comments of RERC-TA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013).

³ *Ibid.* p. 9.

⁴ *Ibid.* p. 10.

We are also eager to see the results of the survey of consumers made by the RERC-TA⁵ and urge the Commission to review those results when they become available.

In the NPRM, the Commission sought comments on whether quantitative threshold requirements should be set for consumers to be eligible to use IP CTS.⁶ HLAA urged the Commission to reject quantitative threshold requirements for eligibility.⁷ We note that Commenters⁸ are in agreement with HLAA or are silent on the point. We urge the Commission to reject quantitative threshold requirements for eligibility to use IP CTS.

The Commission also sought comments in the NPRM on whether the interim requirement that a new IP CTS user who accepts equipment for less than \$75 from any source other than a governmental program must obtain the user certification from an independent, third party professional attesting to the consumer's need for the service.⁹ We reiterate that we do not support third party certification for consumers.¹⁰ Searching for, and possibly paying for, third party certification will pose an additional burden and barrier for consumers who are eligible for IP CTS services. We again urge the Commission not to make this element of the interim Order permanent.

The Commission also sought comment on whether the default setting should have the captions off at the beginning of each call.¹¹ We reiterate that HLAA believes the default position for these phones should be captions-on.¹² Needing to turn the captions on for each call puts an additional burden on all users and will have a particularly negative impact on people who have both a hearing loss and cognitive disability and flies in the face of functional equivalency. We reject arguments by CTIA and US Telecom:

"This simple step will prevent captioned telephone services from being provided automatically, thereby ensuring that IP CTS services is not inadvertently used by those who do not require it.

⁵ *Ibid.* p. 16.

⁶ Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 & 03-123, Order and Notice of Proposed Rulemaking, FCC 13-13 (2013) ("NPRM") at ¶ 44.

⁷ See Comments of HLAA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at pp. 3, 13.

⁸ See Comments of ALOHA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p.5; Comments of Consumer Groups, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at pp 10-12; Comments of CTIA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 6; Comments of Hamilton Relay, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 6; Comments of NASRA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 2; Comments of RERC-TA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 10-13; Comments of Sorenson and CaptionCall, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at pp 24-27; Comments of TEDPA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 2.

⁹ Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 & 03-123, Order and Notice of Proposed Rulemaking, FCC 13-13 (2013) ("NPRM") at ¶ 42.

¹⁰ See Comments of HLAA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at pp. 4, 11.

¹¹ Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 & 03-123, Order and Notice of Proposed Rulemaking, FCC 13-13 (2013) ("NPRM") at ¶ 51.

¹² See Comments of HLAA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at pp. 14-15.

*Any burden hearing disabled users may encounter in taking the affirmative step of enabling will be outweighed by the substantial benefit of ensuring that the TRS-funded equipment is not misused or abused by those who do not require IP CTS and the TRS funds remain viable.”¹³
“Given the favorable implications that adoption of this proposal could have for the ongoing viability of the TRS fund, it should be adopted by the Commission.”¹⁴*

We are not convinced that the default setting of captions off will “ensure that...TRS funds remain viable.” We have no idea whether there is any misuse of IP CTS. We note that neither CTIA nor US Telecom site any data to show whether or if so, how extensive misuse is and how much relief the fund would see if the default of captions were off. It is a leap of faith to say that default off would “ensure that ...TRS funds remain viable.”

We are also not convinced that the burden to people with hearing loss will be minor, particularly for people with multiple disabilities or people experiencing memory loss. Recent studies have shown a linkage between hearing loss and memory loss.¹⁵ For people with memory deficits, having to re-learn how to use a phone they have used for years will be daunting. We urge the Commission to carefully review data during the time of the Order before making permanent any rule that requires the default to be captions off.

We again urge the Commission to reach out to consumers to get their perspective on the impact of the interim Order. A smooth and easy way to file complaints with the Commission as well as a way to receive and tally reports from service providers about complaints that come to them should be considered by the Commission.

We support comments by Consumer Groups that these rules should not hamper innovation.¹⁶ We look forward to innovation that results in better quality captions with fewer errors and with less delay between speech and the text arriving on the screen.

We also support Comments urging the Commission to be able to make and receive international calls using IP CTS. The need for Consumers to have access to captions does not stop at the borders. To be truly functionally equivalent, consumers need to be able to make and receive calls internationally, just as everyone else does.¹⁷

Finally, after reviewing all Comments HLAA remains unconvinced that the increase in IP CTS minutes used is the result of fraud. It appears to be a technology that has simply become known to more eligible users than ever before. Given how it has been the most functionally equivalent phone for people with hearing loss, we are seeing more people who are comfortable

¹³ See Comments of CTIA, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 7.

¹⁴ See Comments of US Telecom, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 6.

¹⁵ P. Belluck, *Could Hearing Loss and Dementia Be Connected?* February 11, 2013.

http://www.nytimes.com/2013/02/12/science/could-hearing-loss-and-dementia-be-connected.html?pagewanted=all&_r=0 (last visited 3/11/2013).

¹⁶ See Comments of Consumer Groups, CG Docket Nos. 13-24 & 03-123 (Feb. 26, 2013) at p 14.

¹⁷ *Ibid.*

using IP CTS phones for the first time. That this was not anticipated and budgeted for earlier to ensure the TRS Fund was adequate to the need is of major concern. Consumers should not have to shoulder the burden of additional regulations unless and until it can be established that fraud is depleting the Fund, which HLAA very much doubts.

Thank you for this opportunity to provide these Reply Comments.

Sincerely,

A handwritten signature in black ink that reads "Brenda Battat". The signature is written in a cursive, slightly slanted style.

Brenda Battat
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