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CG 03-123

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MAR 5 2013

Federal Communications Commission
Office of the Secretary

Mr. Greg Guice
 Director, Office of Legislative Affairs
 Federal Communications Commission
 445 Twelfth Street, Sw, Room 8-c445
 Washington, DC 20554

Dear Mr. Guice,

I am writing on behalf of my constituent, Mr. Karl J. Hallsten who has requested assistance submitting comments regarding the Order and Notice of Proposed Rulemaking relating to Internet Protocol Captioned Telephoned Services. I have included his comments for your convenience.

Please review Mr. Hallsten's comments and respond to me with the appropriate information. Should you have any questions, please do not hesitate to contact me or Alesia Ash in my Sierra Vista office at (520) 459-3115 or via email at alesia.ash1@mail.house.

Thank you for your assistance.

Sincerely Yours,


 Ron Barber
 Member of Congress

RB:Aa

Enclosure

No. of Copies rec'd 1
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What does the Order and NPRM say? In their own words...
 The FCC has summarized the Order and NPRM as follows:

On January 25, 2013, the FCC released an interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of Internet Protocol Captioned Telephone Service (IP CTS).

This released item is a rulemaking proceeding in CG Docket Nos. 13-24 and 03-123.

IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device.

To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes the following requirements on a temporary basis (for 180 days after the date of the publication of the Order in the *Federal Register*):

1. IP CTS providers may not offer financial and other rewards to consumers, charitable organizations, and audiologists and other professionals for the referral and registration of new IP CTS customers.
2. New IP CTS users must self-certify to the provider that (1) they have a hearing loss requiring use of the service to effectively communicate over the phone, (2) they understand that the captioning service is provided by a live communications assistant (CA), and (3) they understand that the cost of IP CTS calls is paid by the federal TRS Fund. If the user spends \$75 or more for their IP CTS phone, he or she needs to only provide this self-certification. But if the user obtains IP CTS equipment for free or for less than \$75, she or he must also provide certification from a third party professional that the user needs IP CTS to communicate effectively over the phone.
3. IP CTS phones must have as a default setting with the captions are turned off, so that consumers need to turn on the captions for each call.

The NPRM seeks comment on:

1. Whether to adopt the above interim rules as permanent rules;
 Some would be fine others would defeat the accessibility to the Hard of hearing.
2. The likely reasons for the unusually rapid growth in the use of IP CTS:
 There are several
 - The biggest one is the tremendous technological advances in the captioning on phones like Caption Call and CapTel 840i that provide captioning on incoming calls without the caller manually going through the relay service. Family and friends and business just won't do that. I had one of those for three years—got

one call from a family member and two from a friend other wise I had to make 2the call.

- It's called American Capitalism—Since Caption Call has become a major competitor to CapTel rapid technological improvements have been made in the equipment and ease and quality of the service—The availability only through state contract service substantially has slowed progress and dumbed down the quality---no reason to innovate because it won't be used until the next contract (5 years) Now the improvements come on line fast and regularly.Until these improvements came on-line a large number of us—avoided using the phone—now we use it at a more normal rate.
 - Forms. Applications have no space for putting in the instructions and special numbers for accessing the caption relay service so businesses, offices, doctors etc just didn't call us or if they did the call was very difficult or a total failure.--for HoffH people determining who is calling is a major challenge---names, numbers have no context in which to guess—our ability to recognize voices is greatly diminished. So now when businesses call us we can conduct business over the phone.
 - Using the contracted (AZTEDP for Arizona caption phone (not using internet) is like using a Maytag wringer washer compared to an Automatic Washing Machine. So now we call more and receive a more normal amount of incoming calls.
 - Captioning is now available on some smart phones—Sprint has an app for Android based phones—I believe Hamilton CapTel works with any phone with simultaneous voice and data. Innocaption has the the technology and set up to provide near normal caption service on both incoming and outgoing calls but FCC has held up approval—This is a great disservice to Deaf and Hard of Hearing people—Since they are the only ones set up to provide 21st century captioning service.
3. Whether to prohibit all provider programs that give away or loan equipment to potential or existing IP CTS users for free or at a cost below some specified level;
- The only way this will reduce the use of captioning is that some people may not be able to afford it. People just plain don't use captioning if they don't need it and won't use even the heavy amplified phones. There is major distaste for it for several reasons—among them stigma—captioning is delayed from speech (not synced) and often contains inaccuracies—i.e. "Skateboard" for State Board.--The amplification is distressing to a normal hearing person. So several adjustments need to be made—you don't want to do that for every call. These phones are special use phones and others in the family use normal phones. Not having free phones will limit access to a percentage of potential users. Free phones encourages people who need captioning to get one and try it---if they don't like it they won't use it. They will revert to using whatever they had before. Regardless of the degree of need—medicare, or insurance will not pay for a phone regardless of need. The state program only provides what I consider obsolete captioning phones. Other phones, which do not provide 21st century service are provided free through the state equipment distribution program—what difference does it make if we get it free on long term loan from the state or from Caption Call?

- Smart phones with internet access now can make captioned calls—this drives up not only the use of captioning but there are far more regular telephone calls made than prior to cell phones.
 - Adult Loss of Hearing Association—ALOHA in Tucson has an area in their office where all brands of phones are set up for people to tryout—ALOHA does not recommend one brand over another though we have received funds from Caption Call. These funds do help us provide space for this service with assisted devices which is not available anywhere else in the state and perhaps in the country.
 - Your delay and or refusal to approve InnoCaption is a great disservice to the hard of hearing community. Basically it means for practical purposes we can not receive captioned calls on our smart phones as callers need to manually go through a relay service which they by and large won't do. i.e. I can not receive a captioned call from my doctor's office.
4. Whether to require each IP CTS provider, as a condition of continuing to offer service to existing IP CTS users who have not yet registered for service, (a) to register each of their users and (b) as part of the registration process, to obtain from each user certification that the user has a hearing loss that requires IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users;
- Everyone I know who uses a captioned phone and I know 30 plus people is well below the definition here. Using a captioning phone is a last desperate trial at using a phone which for a long time has been an extremely frustrating, adverse experience.
 - Only a very small probably less than 1 percent of those meeting your criteria currently have access to a captioning phone. Mostly because they are only available through special outlets—you can't get them at WalMart or Best Buy.
 - Most licensed hearing aid dispensers do not talk with their clients about other assistive devices and by and large do not have the time to walk the people through the process and that is not what they are getting paid for. I have worked and demonstrated with several persons up to 10 hours over several contacts to get them to try a captioning phone or use web-based services which is usually what I have available to demonstrate. Ease of access and low barriers i.e. cost are important to improve the quality of life of adults with loss of hearing.
 - At Adult Loss of Hearing Association—ALOHA here in Tucson we have a weekly support group—phone use is a significant topic each week. We are the only weekly support group for adults with loss of hearing in the United States.--In our office reception area, we have installed options of both CapTel and Caption Call (both the internet and land line only models) and amplified phones for people to try—with no one selling anything—I do not believe this is available anywhere else.
 - Since Caption Call became available they have had to market their phones and they have—without the benefit of state contracts. Providing the phones free to those who have both a land-line and high speed internet connection has provided access to many that would not otherwise have access.
5. Whether to establish a specific (quantitative) hearing loss threshold for eligibility to use IP CTS;
- Your description: *"certification that the user has a hearing loss that requires IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users;"*
 - Who beside the user is going to certify this. --Testing by hearing aid dispensers do not test this. Almost never is testing done with hearing aids on and in place. In over 40 years the test I had that came closest to that was one to qualify for cochlear implant—but this test did not include names, numbers, addresses—all of which have no context and present incredible challenges on the phone.

- Never had they tested using the phone—except on my request to see if the telecoil worked.
 - What you need to be aware of is every Hard of Hearing person uses some degree of lip reading—even if they say they don't—One thing that makes phones so challenging is there are no lips and face to read to help fill in the blanks—captioning does that.
6. Whether to amend the speed of answer requirement for IP CTS;
 - I think what is the issue here is the speed with which one needs to be connected to captioning. If so, And we are talking about approximating the experience of a conventional voice user it needs to be at least as good as it is now.
 7. Whether to adopt any requirements for IP CTS equipment to have labels informing consumers that IP CTS may be used only by people with hearing loss; and
 - Perhaps if these phones are in public places like hotel lobbies —as they should be required by ADA that would be appropriate. They should be—I have asked and never seen one.
 - Anything that increases stigma in other situations should be avoided. Family and friends just plain won't use captioning phones They may be curious for a demonstration. People with normal hearing don;t want their calls, their TV shows, their movies captioned. We have had to go to court to win reasonable access and are still working on it.
 8. Whether to require applicants for IP CTS certification to describe how they ensure that they do not bill the TRS Fund for service to ineligible users
 - If so make it simple and cost to provider neutral--
 9. To learn more about the Order and NPRM see our Fact Sheet on IP CTS Order .

There is no reasonable reason to believe the increase in use of captioning service has anything to do with people not needing it using it—in other words abuse.

Access without manually connecting through the relay service—brings using captioning phones from the early 20th century into the 21st century—The need is monumental compared to current usage.

So the problem is not abuse but increasing the funding so that it grows with the need.

There is the issue that few know or understand how captioning service is funded—and work with providers and especially those providing phones under state contracts need to explain this. Just a few weeks ago—I corrected a representative from AzTEPD who said it was free—no it is paid for by everyone as a tax on their monthly phone bill.

But knowing or not knowing that would have negligible effect on the usage. Wheel chair users don't use or not use the curb based on their knowledge of how its funded—nor does knowing which tax source—city county state or federal—affect which road we choose to drive on.

Providing that information—i.e. Paid for by a federal tax—at the point of sale or installation would have negligible likely hood of being integrated because at that point we are worried about using it. How to make adjustments, how to turn it off and on—will it work?

- Currently the tax that generates the funds is only on land-line phone service. We have talked over the past years that these funds will be depleted. Obviously the

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answer to the problem is to extend the tax to cell phone service and continue making the CTS available to the many more who need it.



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Congress of the United States House of Representatives Washington, DC 20515 Privacy Act Consent Form

In accordance with the provisions of Public Law 93-579 (Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my US Representative, Ron Barber. I have discussed my case with Congressman Barber and/or his representative(s) and request that any relevant information he might require in order to assist in responding to my inquiry be provided to him in accordance within the provisions of the law.

First Name: (please print) Karl Holtstern Last Name: Holtstern

Address: 2758 Raven Dr. Zip: 85650

Mailing Address (if different) _____ Zip: _____

Day Telephone: 520-378-0377 Evening/Cell Telephone: 520-678-5544

E-mail Address: foodstoryteller@cox.net

Federal Agency Involved: FCC Social Security Number [REDACTED]

Date and Place of Birth: Evreton MA - April 16, 1935

Immigration Case Number / A#: _____

Civil Service Claim Number: _____

Veterans Affairs Claim Number: _____

Branch of service: ARMY Military Rank: SP4 Dates of service: [REDACTED]

Other numbers identifying your case: 100 service connected for loss of hearing

SIGNATURE: Karl Holtstern Date: 2-7-2013

****Please fill out reverse side of this form, or attach a separate sheet describing the details of your situation along with copies of documentation pertaining to your case****

Please return completed form to:

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Or

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