



COMMUNICATIONS LAW COUNSEL, P.C.

August 12, 2013

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Misuse of Internet Protocol Captioned Telephone Service*, CG Dkt. 13-24;
*Telecommunications Relay Service and Speech-to-Speech Services for Individuals
with Hearing and Speech Disabilities*, CG Dkt. 03-123

Dear Ms. Dortch,

On August 8, 2013, S. George Ghorpade, Ph.D. and I met separately with Priscilla Argeris, Legal Advisor to Commissioner Rosenworcel, and Nick Degani, Legal Advisor to Commissioner Pai. We also met with Robert Aldrich and E. Elaine Gardner of the Consumer and Governmental Affairs Bureau. Finally, Dr. Ghorpade and I had a meeting with Dave Grimaldi, Senior Legal Advisor to Chairwoman Clyburn, Kris Monteith, Acting Chief of the Consumer and Governmental Affairs Bureau, and Rosaline Crawford of the Consumer and Governmental Affairs Bureau.

In the meetings, Dr. Ghorpade explained that he has profound hearing loss and relies on Internet Protocol Captioned Telephone Service (“IP CTS”) to make and receive phone calls. He explained that IP CTS has an enormous impact on his life, allowing him to stay in touch with his family and friends, enabling him to conduct business over the phone, and providing peace of mind that he will be able to call for help in the event of an emergency.

Dr. Ghorpade also explained that he is a volunteer and Board President of the Adult Loss of Hearing Association (“ALOHA”), a nonprofit support and advocacy organization located in Tucson, Arizona, that provides hearing loss services and help for hard of hearing or deaf adults. Many of the individuals ALOHA supports lost their hearing later in life. Since most of these individuals were not deaf from birth, they often have good speech and, therefore, are likely users of IP CTS services.

Dr. Ghorpade described ALOHA’s Demo Lab for Assistive Listening Devices which enables people with hearing loss to test different models of IP CTS phones. ALOHA volunteers are present at the lab to describe the features of the phones and demonstrate how to use the phones. Deaf and hard of hearing people thus learn the features of the phones, choose the one they like, and then are comfortable using their chosen phone at home. He explained that price was an important selection factor to many individuals in the hard of hearing population. As a result of the demo labs, ALOHA has seen an increase in the number of people using IP CTS and

August 12, 2013

in the number of calls they make. In addition, numerous individuals have expressed increased satisfaction with their phone experience, better family relations, and improved quality of life as a result of using IP CTS phones.

However, as good and valuable as captioned phones are, Dr. Ghorpade explained that an amplified phone is better for a person who can adequately use one because users of amplified phones are not tied to using the service only in places in the home with Internet access and do not have to contend with the lag time for captions, which is inherent in all captioning services. Moreover, users also do not need to purchase Internet access to use an amplified phone. These are reasons why hard of hearing users can and do choose amplified phones over captioned phones.

Based on his experience with ALOHA, Dr. Ghorpade explained that instances of IP CTS misuse are very rare and that ALOHA members understand and appreciate they are receiving a valuable benefit that enables them to have more normal lives despite a hearing impairment. Far from misusing benefits, ALOHA members frequently must advocate for benefits which the law says should be provided. Regarding proposals to impose additional requirements on the use of IP CTS, Dr. Ghorpade stated that the FCC must balance its need to prevent misuse with the ease of use and availability of IP CTS for persons who require the service in order to communicate. Dr. Ghorpade urged the FCC to impose as few additional requirements on IP CTS services as possible to avoid dissuading the individuals who benefit most from IP CTS from using the service.

Dr. Ghorpade expressed concerns that certain proposals would impose too high a burden on individuals with hearing impairments who wish to make and receive phone calls using IP CTS phones. In particular, Dr. Ghorpade explained his concern with the interim default caption off rule for IP CTS and urged this not become a final rule. Imposing a caption off default setting requirement will likely cause users to miss the beginning of an incoming call while they are trying to turn the captions on and wait for the service to initiate. The requirement will be particularly burdensome on older adults who may have a difficult time remembering to turn on captions. Dr. Ghorpade also stressed that the caption off default setting is unnecessary for people who live alone or only with other hard of hearing people.

In addition, Dr. Ghorpade stated that a requirement for users of IP CTS to obtain certification prior to initiating IP CTS service, obtaining a device for less than \$75, or permitting use of a caption on default creates yet another barrier for hard of hearing individuals and may be an insurmountable burden for many. A certification requirement would be especially expensive and inconvenient for elderly adults who would have to schedule an appointment just to obtain certification (which could require multiple appointments if a referral from a primary care physician to an audiologist is required, as is the case under many health insurance plans), and would also impose burdens on physicians and health care providers to become familiar with the issues in order to make certifications.

Dr. Ghorpade also stressed that the FCC should not adopt a rule prohibiting the sale of IP CTS phones for less than \$75, even if an individual obtains certification proving they are hard of hearing. Dr. Ghorpade explained that \$75 is particularly high for IP CTS phones considering that people without hearing impairments have the option to purchase significantly cheaper

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August 12, 2013

phones. In addition, users of IP CTS already have the added costs of purchasing both telephone and broadband service in order for IP CTS service to function. He also noted that individuals who try to obtain low-cost IP CTS units are likely those for whom the extra expense of obtaining a certification would be the greatest burden. Dr. Ghorpade also explained that he has more than one IP CTS phone in his home to avoid having to run to the same phone each time there is an incoming call. Many hard of hearing individuals may likewise require multiple IP CTS phones throughout their homes, even more so than people without a hearing impairment who generally also have multiple telephones in their homes. Dr. Ghorpade clarified that this does not increase the minutes of use, as only one phone can be used at a time. We discussed how the FCC has not sought consumer comment on this proposal, and that individuals in ALOHA would be greatly impacted if this rule is adopted.

Pursuant to the FCC's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record. Please contact me should you have any questions.

Sincerely,



Jennifer P. Bagg

cc: Dave Grimaldi
Priscilla Argeris
Nick Degani
Kris Monteith
Robert Aldrich
Rosaline Crawford
E. Elaine Gardner