

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

In the Matter of)	
)	
Speech-to-Speech and Internet Protocol (IP))	CG Docket No. 08-15
Speech-to-Speech Telecommunications Relay)	
Services)	
)	
Telecommunications Relay Services)	
and Speech-to-Speech Services for)	CG Docket No. 03-123
Individuals with Hearing and Speech)	
Disabilities)	

**REQUEST FOR CLARIFICATION, OR
IN THE ALTERNATIVE,
PETITION FOR EXPEDITED WAIVER**

AT&T Services, Inc., on behalf of its affiliated companies, (collectively “AT&T”) files this Request for Clarification or, in the alternative, Petition for Expedited Waiver, pertaining to the Federal Communications Commission (“Commission”) new speech-to-speech (“STS”) relay service rule.

I. INTRODUCTION AND SUMMARY

AT&T, a STS provider, mutes the voice of users on a STS call if, before the call, the user has created a user profile with AT&T and preselected the muting option on her profile (i.e. preselected muting). Effective October 15, 2013, a new Commission rule will require AT&T to offer each STS user the option to have their voice muted.¹ AT&T will modify its procedures to provide all STS users the mute option at the beginning of each call. However, for incoming calls to a STS user who has not preselected muting but nevertheless wants her voice muted, AT&T can mute the user’s voice only if the STS user drops off the call and the CA adds the user back to

¹ 47 C.F.R. §64.604(a)(1)(viii).

the call. AT&T seeks clarification that this process comports with the Commission’s new STS muting rule. In the alternative, AT&T seeks, on an expedited basis, a twelve-month waiver of the STS muting requirement for these incoming calls to allow AT&T sufficient time to modify its relay platform to allow immediate muting of the STS user’s voice.

II. DISCUSSION

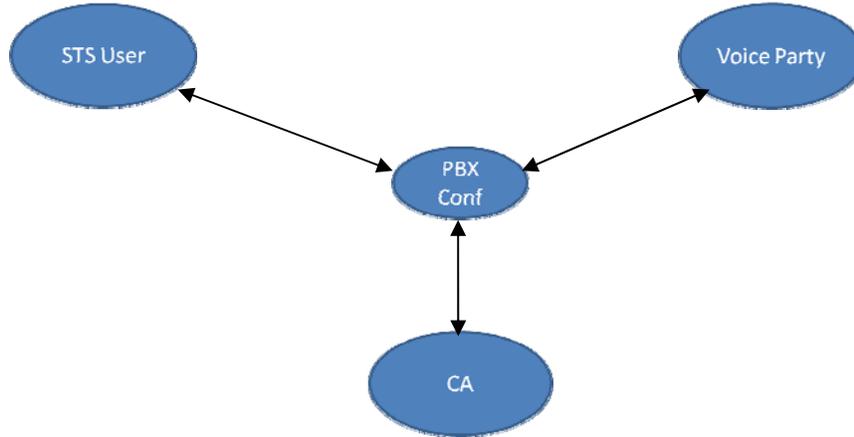
A. AT&T REQUESTS CLARIFICATION THAT DROPPING THE STS USER AND REINITIATING THE CALL TO MUTE THE STS USER’S VOICE, AT THE USER’S REQUEST, COMPLIES WITH THE STS MUTING RULE.

In its STS Report and Order, the Commission amended its rules to require STS providers to offer each STS user the option to have their voice muted so that the voice party to the call will hear only the communications assistant (“CA”), not the STS user.² The Commission reasoned that providing STS users with this option will give persons with speech disabilities more confidence to use STS, as they may be reluctant to use STS because they do not want the voice party to hear their speech impediment or it may disrupt the conversational flow of the call. This rule becomes effective on October 15, 2013.

AT&T is a STS provider in the District of Columbia and eight states—Arizona, California, Colorado, Florida, Michigan, Pennsylvania, Tennessee, and Virginia. In a normal STS call configuration on AT&T’s relay platform, a CA sets-up a conference bridge between the STS user, the voice party, and the CA, as demonstrated in the following diagram.

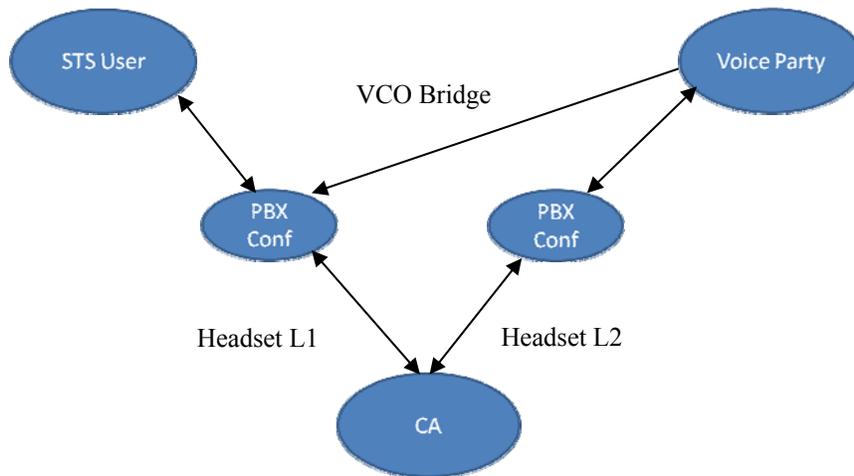
² *Report and Order*, Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 08-15, CG Docket No. 03-123, 28 FCC Rcd 10702, 10712 (2013).

Diagram 1: STS Normal Configuration



Once the PBX conference bridge is established, the CA cannot mute the voice of the STS user only. However, if the STS user has preselected muting on her profile, the CA knows in advance that the STS user wants her voice muted and configures the call to allow muting, as demonstrated in the following diagram.

Diagram 2: STS Configuration with Muting



In this configuration, the CA creates two separate PBX conference bridges—between the STS user and the CA and between the voice party and the CA. The voice party is linked to the STS↔CA PBX conference bridge via a one-way voice carry over (“VCO”) bridge. The CA can

relay the STS user's words to the voice party and the STS user can hear the voice party, but the voice party cannot hear the STS user's voice.

After the effective date of the Commission's new muting rules, AT&T CAs will continue to mute the voice of STS users who have preselected muting. The CAs will also begin offering each STS user the option to have their voice muted. For outgoing calls, the CA will offer the muting option before the voice party is joined to the PBS conference bridge, and if muting is requested, the CA will immediately configure the call with muting, as described in Diagram 2 above. However, for incoming calls to a STS user, the CA must configure the call with the PBX conference bridge, as described in Diagram 1 above, before offering the muting option. In that case, if the STS user wants her voice muted, the STS user will have to drop from the PBX conference bridge and the CA will have to add back the user using the configuration described in Diagram 2 above.

Although the Commission's new rules require that STS users be given the option of muting their voice, those rules do not purport to prescribe how carriers comply with this requirement. Accordingly, AT&T seeks clarification that dropping the STS user from the PBX conference bridge and adding them back, as described above, is consistent with section 64.604(a)(1)(viii) of the Commission's rules.

Such a ruling would not be inconsistent with prior Commission decisions regarding call-backs. In particular, it would not be inconsistent with prior decisions finding that (1) call-backs could not be the only means by which a TRS user may reach a CA,³ or (2) that call-backs could

³ *Public Notice*, Clarification That Certain Telecommunications Relay Services Marketing and Call Handling Practices are Improper and Reminder That Video Relay Service May Not be Used as a Video Remote Interpreting Service, CC Docket No. 98-67, CG Docket No. 03-123, 20 FCC Rcd 1471, 1473-75 (2005).

not be used for services with speed-of-answer requirements.⁴ In the first instance, the Bureau reasoned that a call-back requirement could not be squared with the statutory functional equivalency mandate because that requirement must be gauged with reference to the ability of TRS users to reach a CA: “As we have frequently noted, ‘for a TRS user, reaching a CA to place a relay call is the equivalent of picking up a phone and getting a dial tone.’”⁵ The second decision was a variation on the same theme: insofar as reaching a CA that is prepared to place a call is the functional equivalent of obtaining a dial-tone, a call-back arrangement could never comport with a speed of answer requirement.

The clarification sought here, in contrast, would not affect the ability of a STS user to reach a CA prepared to handle an outgoing or incoming call; it would merely require a callback if the user elected to mute her voice on that call and had not preselected the muting option.

B. PETITION FOR EXPEDITED WAIVER.

If the Commission does not clarify that AT&T complies with the new STS muting rule by reconfiguring the STS call to add back the user with their voice muted, AT&T seeks a twelve-month expedited waiver of the STS muting rule for those limited incoming calls impacted—where the STS user has not preselected muting but wants her voice muted for a call. Section 1.3 of the Commission’s rules allows the Commission to grant a waiver of its rules on good cause shown.⁶ Specifically, the Commission may grant a request for waiver if the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, if

⁴ Report and Order, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, CC Docket No. 98-67, 20 FCC Rcd 13165, 13177 (2005).

⁵ *Id.* at 1474.

⁶ 47 C.F.R. §1.3.

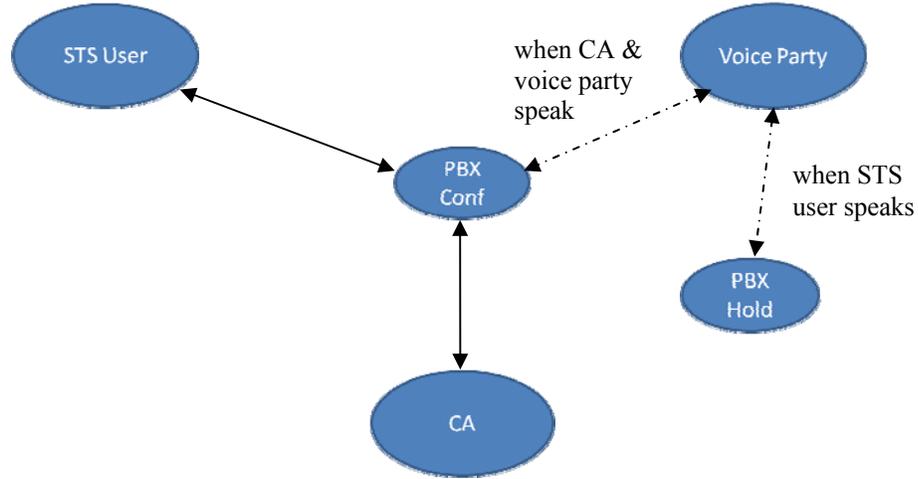
granting the waiver would be in the public interest, if application of the rule would be inequitable, unduly burdensome or contrary to the public interest, or if the applicant has no reasonable alternative.⁷

In the instant case, AT&T's relay platform cannot mute the voice of STS users who have not preselected muting and who have answered an incoming call unless the CA reconnects that call. Accordingly, if a call back in this circumstance violates the Commission's rules, AT&T has no choice but to seek a temporary waiver of any such prohibition so that it may continue offering STS users the call-back option while it modifies its platform. Certainly, there is good cause for such a waiver, and it would be inequitable to impose these new STS muting rules without giving AT&T the opportunity to modify its relay platform and come into compliance. There has been insufficient time since the release of the Order adopting the new STS muting rule to make those modifications.

AT&T believes that it can modify its existing platform to add a "hold" function during STS calls and meet the requirements of the new STS muting rules. After performing this modification, AT&T CAs would set-up the STS call in a normal configuration, as demonstrated in Diagram 1 above, and then switch the voice party on and off "hold" as necessary to prevent the STS's user's voice from being heard by the voice party. In other words, the CA would place the voice party on "hold" while the STS user is speaking and release the "hold" when the voice party and CA are speaking. The following diagram demonstrates this call configuration.

⁷ *Id.* at §1.925(b)(3).

Diagram 3: STS Configuration with Hold Function



This STS call configuration will allow AT&T to mute a STS’s user’s voice at any time during the call, and thus, comply with the Commission’s new STS muting rule. AT&T estimates that it will take 9-12 months to design, develop, test, and deploy this solution. AT&T anticipates minimal impact to STS users from grant of this waiver. As referenced above, AT&T offers STS users the option to create a user profile and preselect muting on that profile before calls are established. AT&T estimates that only about 6% of its users have created a user profile and less than 1% of those users have preselected muting, suggesting that muting may not be a priority for STS users.

Moreover, those few STS users who want their voice muted will not likely receive an incoming STS call. In the last year, STS calls represented only 3.2% of AT&T’s total traditional relay calls and incoming calls to STS users comprised less than 10% of those STS calls. Consequently, for the limited time for which AT&T seeks a waiver, few STS users are likely to be impacted.

AT&T has demonstrated good cause for the Commission to grant a twelve-month waiver of its STS muting rule to allow AT&T to design, develop, test, and deploy a solution that allows a CA to engage muting at any time during a STS call.

Respectfully submitted,

/s/Robert Vitanza

Robert Vitanza

Gary L. Phillips

Peggy Garber

AT&T Services, Inc.

208 S. Akard Street

Rm 2914

Dallas, Texas 75202

(214) 757-3357 (Phone)

(214) 746-2212 (Fax)

Dated: September 26, 2013