

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

In the Matter of)
)
TELECOMMUNICATIONS RELAY SERVICES)
AND THE AMERICANS WITH) CC Docket No. 90-571
DISABILITIES ACT OF 1990)
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ORDER

Adopted: August 18, 2000

Released: August 23, 2000

By the Deputy Chief, Common Carrier Bureau:

1. On August 20, 1999, the Common Carrier Bureau ("Bureau") suspended enforcement of the Federal Communications Commission's rule requiring carriers' telecommunications relay services ("TRS") to be capable of handling coin sent-paid calls by August 26, 1999 ("coin sent-paid requirement").¹ The Bureau's one-year suspension of enforcement of this requirement will expire on August 26, 2000. In this Order, we suspend enforcement of the coin sent-paid requirement for an additional nine months, until May 26, 2001.

2. Under the Commission's rules, TRS must be capable of handling any type of call normally provided by common carriers, including coin sent-paid calls.² The coin sent-paid requirement was initially due to go into effect on July 26, 1993.³ Prior to the effective date, however, the Bureau concluded that providing TRS coin sent-paid service was technically infeasible⁴ and suspended enforcement of that

¹ See *Telecommunications Relay Services, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Order, 15 FCC Rcd 6675 (Com. Car. Bur. 1999) (*1999 Suspension Order*).

² Coin sent-paid calls are calls made by depositing coins in a standard coin-operated public payphone. See 47 C.F.R. § 64.604(a)(3); *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Order on Reconsideration, Second Report and Order, and Further Notice of Proposed Rulemaking, 8 FCC Rcd 1802, 1803-04 (1993).

³ 47 U.S.C. § 225(c) (1996); *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Report and Order and Request for Comments, 6 FCC Rcd 4657 (1991).

⁴ The technical difficulty exists because a relay call actually involves two separate calls, one from the customer to the relay center, and a second call from the relay center to the called party. During the first leg of the call, the local exchange carrier or the payphone itself performs two tasks: assesses the appropriate charge for coin calls, and handles coin collection and return functions. The TRS centers, however, are not equipped to perform these functions for the rest of the call.

requirement.⁵ In conjunction with the suspension of the coin sent-paid requirement, the Bureau adopted an Alternative Plan in August 1995.⁶ The Alternative Plan requires common carriers and TRS providers to provide: (1) free local TRS payphone calls; (2) use of calling or prepaid cards with rates equivalent to or less than those that would apply to a similar non-TRS call made using coin sent-paid service; and (3) programs to educate TRS users about alternative payment methods and to make calling or prepaid cards available to TRS users. The Alternative Plan was modified by the 1997 Suspension Order.⁷ The modified Alternative Plan includes the requirement that carriers improve efforts to educate TRS users about how they can reach relay service centers from payphones using either calling or prepaid cards at rates that are equivalent to or less than coin call rates.⁸

3. Upon review of the record in this proceeding, the Bureau concluded in the 1997 Suspension Order that provision of coin sent-paid services through TRS centers was still not technically feasible and that no technological solution appeared imminent.⁹ Therefore, the Bureau stated that it intended to recommend that the Commission conduct a rulemaking to examine the issue of whether there should be a modification to the Commission's requirement that TRS be capable of handling all calls, including coin sent-paid calls.¹⁰

4. We do not anticipate that final rules governing TRS users' access to payphones will be adopted by August 26, 2000, which is the date on which suspension of enforcement of the coin sent-paid requirement expires. Therefore, we are continuing the suspension of the coin sent-paid requirement for nine months, until May 26, 2001, or until such time as the Commission adopts final rules governing TRS users' access to payphones, whichever is earlier. The Commission continues to develop a record on the coin sent-paid requirement and the Bureau anticipates that a Further Notice of Proposed Rulemaking will be issued in the near future. During the suspension of the enforcement of the coin sent-paid requirement, we direct carriers and TRS providers to continue to make payphones accessible to TRS users under the terms of the

⁵ *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Order, 8 FCC Rcd 8385 (Com. Car. Bur. 1993) (*1993 Suspension Order*); *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Order, 10 FCC Rcd 12775 (Com. Car. Bur. 1995) (*1995 Interim Suspension Order*); *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Memorandum Opinion and Order, 10 FCC Rcd 10927 (Com. Car. Bur. 1995) (*Alternative Plan Order*). The suspension was extended six times, and the most recent extension expires on August 26, 2000. See *1993 Suspension Order*, 8 FCC Rcd 8385; *1995 Interim Suspension Order*, 10 FCC Rcd 12775; *Alternative Plan Order*, 10 FCC Rcd 10927; *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Order, 12 FCC Rcd 12,196 (Com. Car. Bur. 1997) (*1997 Suspension Order*); *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Order, 13 FCC Rcd 15453 (Com. Car. Bur. 1998) (*1998 Suspension Order*); *1999 Suspension Order*, 15 FCC Rcd 6675.

⁶ See *Alternative Plan Order*, 10 FCC Rcd 10927.

⁷ *1997 Suspension Order*, 12 FCC Rcd 12196, 12203.

⁸ *Id.*

⁹ *Id.*, 12 FCC Rcd at 12202.

¹⁰ *Id.*, 12 FCC Rcd at 12204.

Alternative Plan, as modified and set forth in the 1997 Suspension Order.

5. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 0.91, 0.204, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91(a), 0.204, 0.291, 1.3, that enforcement of the requirement that telecommunications relay services be capable of handling coin sent-paid calls, as required by 47 C.F.R. § 64.604(a)(3), IS SUSPENDED until May 26, 2001, or until such time as the Commission adopts final rules governing TRS users' access to payphones, whichever is earlier. This Order is effective upon release.

6. IT IS FURTHER ORDERED that common carriers providing telephone voice transmission services, and TRS providers, shall continue to make payphones accessible to TRS users pursuant to the terms of the Alternative Plan set forth in the 1997 Suspension Order.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma
Deputy Chief
Common Carrier Bureau