PUBLIC NOTICE

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CONSUMER INFORMATION BUREAU SEEKS ADDITIONAL COMMENT ON THE PROVISION OF IMPROVED TELECOMMUNICATIONS RELAY SERVICE

CC DOCKET No. 98-67

Pleading Cycle Established

Comments Due: July 30, 2001
Replies Due: August 20, 2001

By this Public Notice, the Consumer Information Bureau (Bureau) solicits additional comment on the provision of improved Telecommunications Relay Service (TRS).[1] Title IV of the Americans with Disabilities Act (ADA) requires the Commission to promulgate regulations on TRS, to make available to Americans with hearing or speech disabilities telecommunications services that are functionally equivalent to those available to individuals without disabilities.[2] In its *First Report and Order on TRS*, the Commission established minimum operational, technical, and functional standards to fulfill this mandate.[3] Last year, the Commission released additional minimal standards to supplement these earlier standards. Specifically, in its *Improved TRS Order and FNPRM*, the Commission both expanded the scope of eligible services that would be classified to receive reimbursement as relay services, and established new criteria for relay providers to improve the quality of relay services.[4] Among other things,

[1] Petition for Clarification of WorldCom, Inc, CC Docket. 90-571 (filed Dec. 22, 2001) (WorldCom Petition). The Commission initially sought comment on Internet protocol relay (IP Relay) service in the *Improved TRS Order and FNPRM*. This Public Notice seeks to supplement the record received in response to the *FNPRM* concerning IP Relay. *See* Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 98-67, 15 FCC Rcd 5140 (rel. Mar 6, 2000) (*Improved TRS Order and FNPRM).*

[2] 47 U.S.C. §225(d). TRS enables persons with hearing and speech disabilities to communicate by telephone with persons who may or may not have such disabilities. Currently, there are three types of TRS: text-to-voice, which uses relay operators called communications assistants (CAs) to read text telephone (TTY) text to a person using a conventional voice phone and to type responses back to the TTY user; video relay service (VRS), which uses CAs/interpreters and video equipment to interpret between users of American Sign Language and conventional voice callers; and speech-to-speech relay, which uses specially trained CAs to facilitate conversations between individuals who have speech disabilities and other individuals.

[3] 47 C.F. R. §64.604; 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) (*First Report and Order on TRS).*

[4] See *Improved TRS Order and FNPRM.*

the *Improved TRS Order and FNPRM* added speech-to-speech (STS) and interstate Spanish relay as required relay offerings, and permitted the recovery of video relay service (VRS) costs through the interstate TRS funding mechanism. The Order encouraged, but did not require the provision of VRS at the present time.

The *Improved TRS Order and FNPRM* took note of the fact that new technologies are continually challenging the Commission to determine the most appropriate means of achieving functionally equivalent relay service.[5] The Commission stated that the language of the ADA requires that it encourage, consistent with section 7(a) of the Act, the use of existing technology and that it not discourage or impair the development of improved technology.[6] To that end, the *Improved TRS Order and FNPRM* solicited comment on a number of new relay features and technologies that could facilitate the provision of functionally equivalent TRS, including use of the Internet for relay services.[7] A large number of parties submitted comments on this issue, representing the telecommunications industry, state government organizations, disabilities advocacy groups, and individuals with disabilities.[8]

On December 22, 2000, WorldCom filed a Petition for Clarification of the *Improved TRS Order and FNPRM*.[9] WorldCom seeks clarification that its connection to TRS via the Internet (IP Relay) is eligible for reimbursement from the Interstate TRS Fund.[10] WorldCom notes that it has been providing limited IP Relay Service since November of 2000.[11] WorldCom's IP Relay Service carries the first leg of a TRS call, between the caller and the CA, over the Internet. The second leg, from the CA to the point of destination, is carried by the public switched telephone network. WorldCom describes its service as follows:

> 1. A user establishes a local connection to an Internet service provider (ISP) using a computer, web phone, personal digital assistant, or any other IP-capable device.
>
> 2. The user points his/her web browser to the Internet address -- "www.IPRelay.com," and clicks on the relay operator icon.
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> 3. When the call reaches WorldCom's Internet platform, a java [program] is launched, which then automatically establishes a connection, via an 800 number, to WorldCom's relay center.

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[5] *Improved TRS Order and FNPRM*, ¶4.

[6] 47 U.S.C. §225(d)(2).

[7] *Improved TRS Order and FNPRM*, ¶*138.*

[8] *See Improved TRS Order and FNPRM*, CC Docket No. 90-571, for comments filed in response to the *FNPRM*. Additionally, in conjunction with this proceeding, on November 21, 2000, AT&T presented information concerning IP Relay to Commission Staff. Since then, AT&T has also initiated an IP Relay Service.

[9] WorldCom Petition.

[10] The Commission has thus far received 62 comments in response to WorldCom's Petition. All comments have supported WorldCom's position to allow interstate reimbursement for IP Relay. *See e.g.,* Comments of the National Association of the Deaf Telecommunications Advocacy Network (filed March 13, 2001). In addition, the Commission received several comments on the issue of IP Relay in response to a further notice of proposed rulemaking released during the past year. *See Improved TRS Order and FNPRM* and Telecommunications Relay Services for Individuals and Speech-to Speech Services for Individuals with Hearing and Speech Disabilities, *Order on Reconsideration*, FCC 00-200, CC Docket No. 98-67 (rel. June 5, 2000).

[11] *Id*. at 4. WorldCom notes that it has received no reimbursement for the provision of this IP Relay Service.

4. The call is immediately routed to a [CA], and a regular relay session is initiated.[12]

On May 8, 2001, representatives from WorldCom met with Commission staff to further discuss WorldCom's petition.[13] Additionally, on May 18, 2000, representatives from Communications Services for the Deaf made a presentation to Commission staff on its for a similar IP-based relay service.[14] Although the information gathered at these meetings, together with the formal comments submitted in response to both the *Improved TRS Order and FNPRM* and the informal comments submitted in response to the WorldCom petition have provided the Commission with basic information about IP Relay, it has become clear that additional information is needed before the Commission can issue a final order on this subject. Accordingly, we request comment on the following issues:

Benefits. WorldCom states that its IP Relay service provides customers with many benefits, including the ability to make multiple calls simultaneously, make conference calls, and view websites while calling. Eventually, according to WorldCom, IP Relay will allow computer-to-TTY calls without intervention by a CA, and will provide additional features, such as graphics, text, and video. Some of these services may be software-based, and made available through free computer downloads, without a need for new hardware. We ask that commenters address the desirability of these and other potential benefits of IP Relay. We also ask commenters to alert us to any potential disadvantages of handling TRS calls via IP Relay.

Cost Recovery. WorldCom has requested that the Commission require reimbursement of IP Relay from the interstate TRS Fund for all calls, whether interstate or intrastate. We note that WorldCom states that there is no way of determining the origin of IP Relay calls, because Internet addresses have no geographical correlates. Is this an appropriate way to reimburse IP Relay providers? Is there a mechanism in place, or can a mechanism be developed, by which a provider can determine the geographic location of the originator of a call? We seek information on the best means of recovering the costs associated with IP Relay. Is there an effective method to estimate the percentage of calls associated with intrastate versus interstate usage, and divide reimbursement accordingly? If such a method exists, would it be utilized on a call by call basis, or would it employ a formula that divides the calls proportionally? Who would ascertain the correct distribution of IP Relay funds? Should computer-to-TTY calls without intervention by a CA be considered reimbursable from the TRS fund? Are there other relay call types (e.g., other protocol conversions) that should not be reimbursable?

In the *Improved TRS Order and FNPRM*, the Commission ruled that video relay providers could recover all of their costs from the interstate TRS Fund, regardless of the origin and destination of their VRS calls. The Commission did this in order to aggregate demand for this new service in a few relay centers, and to encourage the development of this new service. The Commission stressed that this funding scheme was temporary, and that it intended to revert to traditional funding when VRS advances to the point where such funding can be required.[15] We seek comment on whether a similar cost recovery scheme should be applied to IP Relay, initially allowing cost recovery for all reimbursable calls from the interstate TRS Fund, until such time that IP Relay technology matures? How do the costs associated with IP Relay compare with the costs associated with text-based relay, STS, and VRS? Does the average length of a call handled over IP Relay differ significantly from calls handled entirely over the public switched network?

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[12] *Id*. at 2.

[13] *See ex parte* letter from Larry Fenster, WorldCom, to Magalie Salas, Secretary, Federal Communications Commission, dated May 9, 2001.

[14] *See ex parte* letter from Philip W. Bravin, Communications Services for the Deaf, to Magalie Salas, Secretary, Federal Communications Commission, dated May 23, 2001.

[15] *Improved TRS and Order and FNPRM* ¶¶ 24-27.

Minimum Standards. To what extent should IP Relay be subject to the same minimum standards as current TRS? For example, our rules currently require that CAs be able to type at least sixty words per minute, and that 85% of all calls be answered within ten seconds.[16] How will varied access (*e.g.*, dial-up, cable, DSL) used to complete the first leg of a relay call to the Internet affect compliance with our call answering standards? Similarly, our rules require that relay users be able to choose their preferred carriers for long distance calls. If IP Relay providers do not have access to the caller's automatic number identification (ANI), will they be able to offer callers their carrier of choice? To what extent can IP Relay offer hearing carry-over, voice carry-over, speech-to-speech, or VRS? In order to provide these services, would additional software be needed by the IP Relay Center or by consumers? What is the likelihood that such software would be made available to consumers without charge? Further, we note that we require TRS centers to be able to provide a caller's ANI to Public Safety Answering Points (PSAPs)[17] in the event that a TRS customer wishes to make an emergency call to 911. Because IP Relay centers may not have access to the caller's ANI, we wish to explore the critical issue of the customer's ability to make 911 calls through IP Relay. We request comment on whether this requirement should apply to IP Relay, and what technical problems might arise from such a requirement, as well as potential solutions to any such problems. Commenters are invited to address whether these and other minimum standards should apply to IP Relay, and whether any standards should be relaxed, eliminated, or delayed for IP Relay. Conversely, we ask commenters to address whether there are specific standards that do not apply to traditional relay, but which should apply only to IP Relay. Commenters are specifically requested to explain why any suggested alteration, addition, or deletion of particular standards would be justified by the technical capabilities or requirements of IP Relay.

IP Capabilities. WorldCom states that its IP Relay system is currently handling only calls initiated by text. Is IP Relay capable of handling calls initiated by voice users as well? This would allow persons without hearing disabilities to initiate calls by voice to persons with hearing disabilities, and would allow persons with speech disabilities to initiate calls via IP Relay. We request comment on whether initiation of IP Relay calls by voice, either over the public switched telephone network or over Internet telephony, is technically feasible. If so, should we require IP Relay to make voice initiation of IP Relay calls available? Similarly, we seek information on the extent to which IP Relay can accomplish protocol conversions, such as TTY-format to IP, American Standard Code for Information Interchange (ASCII) to IP, and TTY-format to ASCII.

Security. We seek comment on the extent to which relay user information will remain secure in an IP Relay platform. Commenters are asked to address the measures that providers should be required to take in order to ensure the privacy of both (1) calls made by IP Relay consumers, and (2) caller profiles of these consumers.

Outreach. We seek comment on the need for an outreach program to inform consumers of the availability of IP Relay. What should such a program entail? Should our outreach requirements for IP Relay be different from our requirements for other forms of TRS? For example, would it be appropriate to mandate an Internet outreach and information program? If we determine that national outreach is needed, should we establish a separate outreach program, or make IP Relay outreach a part of the current TRS outreach requirement? To what extent should expenses associated with outreach activities be reimbursable from the interstate fund?

We seek comment on these questions, and on any other features or considerations that may be associated with IP Relay. Comments will be considered in reaching our decision on whether to classify

[16] 47 C.F.R. § 64.604(a)(1),(b)(1).

[17] A PSAP contacts police, fire, or ambulance service when it receives calls through its emergency service number.

IP Relay as a part of TRS, and whether and how to regulate the performance and reimburse the costs of IP Relay.

Procedural Matters

Parties interested in filing comments on WorldCom's petition and/or the associated issues in this Notice may do so on or before July 30, 2001. Reply comments are due on or before August 20, 2001. Comments already submitted in response to WorldCom's petition will be considered in this docket. All comments shall reference the docket number of this proceeding. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through ECFS can be sent as an electronic file via the Internet to http://www.fcc.gov/e-file/ecfs.html. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the docket number of this proceeding. Parties who choose to file by paper must file an original and four copies of each filing with the Commission's Secretary (Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington D.C. 20554) and a diskette copy to the Commission's copy contractor (International Transcription Service, Inc. (ITS), CY-B400, Federal Communications Commission, 445 12th Street, S.W., Washington D.C. 20554). In addition, parties must submit a paper copy and diskette to Dana Jackson, Disabilities Rights Office, Consumer Information Bureau, Federal Communications Commission, Room 4-C746, 445 12th Street, S.W., Washington D.C. 20554. Filings and comments are also available for inspection and copying in the Reference Information Center, Federal Communications Commission, Room CY-A257, 445 12th Street, S.W., Washington D.C. or may be purchased from ITS.

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Dana Jackson, (202) 418-2247 (voice), (202) 418-7898 (TTY).

This document is available to individuals with disabilities requiring accessible formats (electronic ASCII text, Braille, large print, and audio) by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or by sending an email to access@fcc.gov.