



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 05-2477
September 21, 2005

TELECOMMUNICATIONS RELAY SERVICE (TRS) PROVIDERS MUST MAKE ALL OUTBOUND CALLS REQUESTED BY TRS USERS AND MAY NOT “BLOCK” CALLS TO CERTAIN NUMBERS AT THE REQUEST OF CONSUMERS

The Commission has become aware that some individuals, businesses, or other entities have made requests to telecommunications relay service (TRS) providers that the provider not make a relay call to their number (*i.e.*, they do not want to receive relay calls). The Commission issues this Public Notice to reiterate that, under applicable TRS regulations, TRS providers cannot refuse to make an outbound call requested by a TRS user, even if the called party has requested that TRS calls to his or her number be blocked.

TRS, mandated by Title IV of the Americans with Disabilities Act (ADA) of 1990,¹ enables an individual with a hearing or speech disability to communicate by telephone with a person without such a disability. Forms of TRS include traditional text-based TRS (TTY), Video Relay Service (VRS), Internet Protocol (IP) Relay, and Speech-to-Speech Relay (STS).

Section 225 is intended to ensure that TRS “give[s] persons with hearing or speech disabilities ‘functionally equivalent’ access to the telephone network.”² Pursuant to Section 225, the Commission adopted TRS regulations that include TRS mandatory minimum standards setting forth the operational and technical standards TRS providers must meet.³ These standards reflect the functional equivalency mandate. TRS providers seeking compensation from the Interstate TRS Fund must meet all non-waived mandatory minimum standards.⁴ This is true whether the TRS service is a mandatory form of TRS (like

¹ Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990), adding Section 225 to the Communications Act of 1934; *see* 47 U.S.C. § 225.

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Notice of Proposed Rulemaking, 1998 WL 251383 at para. 6 (May 20, 1998) (*1998 TRS NPRM*); *see generally* 47 U.S.C. § 225(a)(3).

³ *See* 47 C.F.R. § 64.604.

⁴ *See, e.g.*, 47 C.F.R. § 64.604(c)(5)(iii)(E) (“The TRS Fund administrator shall make payments only to eligible TRS providers operating pursuant to the mandatory minimum standards as required in § 64.604.”); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475 at 12547, para. 189 (June 30, 2004) (*2004 TRS Report & Order*).

traditional TTY-based TRS) or a non-mandatory form of TRS (like IP Relay and VRS).⁵

Under the functional equivalency mandate, TRS is intended to permit persons with hearing and speech disabilities to access the telephone system to call persons without such disabilities. TRS is intended to operate so that when a TRS user wants to make a call, a CA is available to handle the call. The Commission has noted that the “ability of a TRS user to reach a CA prepared to place his or her call ... is fundamental to the concept of ‘functional equivalency.’”⁶ For this reason, the TRS regulations provide that CAs are prohibited from refusing calls.⁷

It is fundamentally inconsistent with the nature and purpose of TRS, as well as the functional equivalency principle and the TRS regulations, for TRS providers to decline to make the outbound call requested by a TRS user, even if the called party has requested that the relay provider not make relay calls to his or her number. The relay provider acts as a transparent conduit in a telephone conversation, and must make all outbound calls requested by a TRS user.⁸ Therefore, TRS providers must make all outbound calls requested by a TRS user, and may not refuse to make an outbound call even if a consumer (the party the TRS user wishes to call) has requested that TRS calls not be made to his or her number.⁹

The full text of this *Public Notice* and copies of any subsequently filed documents relating to this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. This document and copies of subsequently filed documents in this matter may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI at its web site, www.bcpweb.com, or call 1-800-378-3160.

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⁵ See, e.g., *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140 at 5158, para. 39 (March 6, 2000) (*2000 Improved TRS Order*) (“all relay services either mandated by the Commission or eligible for reimbursement from the interstate TRS Fund must comply with the mandatory minimum standards”).

⁶ *Id.* (emphasis added).

⁷ 47 C.F.R. § 64.604(a)(3)(i) (stating that “[c]onsistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls using relay services”).

⁸ Persons who do not wish to receive relay calls may use a call blocking feature that they subscribe to through their Local Exchange Carrier (LEC) or other telephone service provider. Such an approach does not run afoul of the TRS rules because it does not affect the relay providers and their obligation to make the outbound call at the request of the relay user.

⁹ See also *Federal Communications Commission Clarifies that Certain Telecommunications Relay Services (TRS) Marketing and Call Handling Practices are Improper and Reminds that Video Relay Service (VRS) May Not be Used as a Video Remote Interpreting Service*, CC Docket No. 98-67, CG Docket No. 03-123, 20 FCC Rcd 1471 (Jan. 26, 2005) (noting “central obligation” of the provider “to be available when a caller desires to make a TRS call”).

For further information regarding this *Public Notice*, contact Thomas Chandler, Consumer & Governmental Affairs Bureau, Disability Rights Office, at 202 418-1475 (voice), 202 418-0597 (TTY), or thomas.chandler@fcc.gov.