

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

In the Matter of	)	
	)	
Telecommunications Relay Services	)	
And Speech-to-Speech Services for	)	CG Docket No. 03-123
Individuals with Hearing and Speech	)	
Disabilities	)	

**ORDER**

**Adopted: August 14, 2006**

**Released: August 14, 2006**

By the Chief, Consumer & Governmental Affairs Bureau:

**I. INTRODUCTION**

1. In this Order, we clarify waivers of certain telecommunications relay services (TRS)<sup>1</sup> mandatory minimum standards<sup>2</sup> for captioned telephone relay service, a form of TRS. The *Captioned Telephone Declaratory Ruling*<sup>3</sup> waived the following mandatory minimum standards for the provision of captioned telephone service: (1) CAs must be competent in interpreting typewritten American Sign Language (ASL); (2) TRS providers must give CAs oral-to-type tests; and (3) CAs may not refuse sequential calls.<sup>4</sup> These waivers expired on August 1, 2006.<sup>5</sup> We clarify that these requirements do not apply to captioned telephone services that use voice recognition technologies (instead of typing) to convey messages, and that do not have the CA play a role in setting up the calls.

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<sup>1</sup> "Telecommunications Relay Service" (TRS), created by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables a person with a hearing or speech disability to access the nation's telephone system to communicate with voice telephone users. TRS facilities have special equipment and are staffed by communications assistants (CA) who relay conversations between persons who use text telephones (TTY) or similar devices and voice telephone users. See 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(14).

<sup>2</sup> See generally 47 C.F.R. § 64.604.

<sup>3</sup> See *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121 (August 1, 2003) (*Captioned Telephone Declaratory Ruling*).

<sup>4</sup> See 47 C.F.R. § 64.604(a)(1)(i) (CAs must be competent in interpreting typewritten ASL); § 64.604(a)(1)(iii) (providers must give CAs oral-to-type tests to measure their typing speed); and § 64.604(a)(3)(i) (CAs may not refuse sequential calls that a consumer asks the CA to make).

<sup>5</sup> See *Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16135-16137, paras. 42-46.

## II. BACKGROUND

2. On August 1, 2003, the Commission released the *Captioned Telephone Declaratory Ruling*, which recognized captioned telephone service as a form of TRS compensable from the Interstate TRS Fund.<sup>6</sup> As a general matter, captioned telephone service uses a special telephone that has a text display. It permits the user – typically someone who has the ability to speak and some residual hearing – to speak directly to the other party to the call, and in return to both listen to what is said over the telephone and simultaneously read captions of what the other person is saying.<sup>7</sup> A CA using specially developed voice recognition technology generates the captions. As a result, there is no typing by the captioned telephone user at any time during the call, and the CA types only in rare instances when, e.g., words or proper names are used that the computer does not recognize.<sup>8</sup> Further, as presently offered, to use this service the consumer directly dials the number he or she wishes to call, not the number of a relay provider, and is automatically connected to the captioned telephone CA at the TRS facility.<sup>9</sup> The Commission concluded that some TRS mandatory minimum standards did not apply to the provision of this service and waived other requirements for limited periods of time.<sup>10</sup>

3. On June 28, 2006, captioned telephone providers filed their annual report addressing the three outstanding waivers applicable to this service – CA competence in interpreting typewritten ASL, use of oral-to-type tests, and handling sequential calls (as applied to outbound calls).<sup>11</sup> The report noted that these waivers expire August 1, 2006, and included a request that the Commission either make these

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<sup>6</sup> See note 3, *supra*.

<sup>7</sup> See generally *Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16122-16123, paras. 3-6 (describing how captioned telephone service works); see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 20 FCC Rcd 13195 (July 19, 2005).

<sup>8</sup> See generally *Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16136, para. 43.

<sup>9</sup> *Id.* at 16122, para. 4.

<sup>10</sup> See generally *id.* at 16130-16139, paras. 24-54. The Commission concluded that the requirements of the use of ASCII and Baudot protocols, call release, gender preference, hearing carry over (HCO), Speech-to-Speech (STS), and interrupt functionality did not apply to this service. *Id.* at 16131-16132, paras. 28-31, and 16137-16139, paras. 47-54. The Commission waived for one year the requirement of 711 dialing access. *Id.* at 16132-16134, paras. 32-35. That waiver has expired. The Commission waived for three years the requirements of competency in interpreting typewritten ASL, oral-to-type test, and handling sequential calls (for calls initiated by captioned telephone users, or “outbound” calls). *Id.* at 16135-16137, paras. 42-46. The three-year waivers were contingent on providers filing annual reports with the Commission detailing any changes that might make meeting these requirements possible. See *id.* at 16134, para. 37.

<sup>11</sup> Utratec, Inc., Sprint-Nextel, Hamilton Relay, Inc., *Third Annual Report on Captioned Telephone Service and Petition to Make Captioned Telephone Waivers Permanent*, CG Docket No. 03-123 (June 28, 2006) (*Captioned Telephone Waiver Petition*). The rule requiring CAs to be competent in interpreting typewritten ASL is intended to ensure that CAs can accurately understand and interpret the message the TRS user has typed when the user uses the syntax, grammar, and language unique to ASL. The oral-to-type test is intended to ensure that a CA can meet the 60 words per minute typing speed required by the rules. The rule requiring the handling of sequential calls is intended to ensure that a CA does not disconnect the TRS user after a call if the user desires to make additional calls. See 47 C.F.R. § 64.604(a)(1) & (3).

waivers permanent for captioned telephone service provided with the aid of voice recognition technology, or clarify that the “standards for which these waivers have been granted do not apply to captioned telephone relay services that use voice recognition technologies to convey messages.”<sup>12</sup>

### III. DISCUSSION

4. We clarify that these three requirements<sup>13</sup> do not apply to captioned telephone services where the user does not type the outbound message, the CA generates text for the user principally using voice recognition technologies (instead of typing), and the communications assistant does not play a role in setting up a call. First, we recognize that if a captioned telephone user does not type in making a call, there is never the opportunity for the CA to have to interpret typewritten ASL.<sup>14</sup> Similarly, we recognize that oral-to-type tests are not relevant to captioned telephone service involving voice recognition technologies, and therefore that oral-to-*text* tests may appropriately be used as a substitute to assess the proficiency of captioned telephone CAs.<sup>15</sup> Finally, we recognize that if the captioned telephone user initiates a call by directly dialing the called party, so that the CA does not play a role in setting up the call, the sequential call rule has no application.<sup>16</sup> To the extent these mandatory minimum standards do not apply to the provision of captioned telephone service, as clarified herein, providers need not file annual reports addressing these requirements.<sup>17</sup>

### IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Section 225 of the Communications Act of 1934, as amended, 47 U.S.C. § 225, and Sections 0.141 and 0.361 of the Commission’s rules, 47 C.F.R. §§ 0.141 and 0.361, this *Order* IS hereby ADOPTED.

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<sup>12</sup> *Captioned Telephone Waiver Petition* at 2.

<sup>13</sup> *See* note 11, *supra*.

<sup>14</sup> *See Captioned Telephone Waiver Petition* at 2-3; *Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16135-16136, para. 42.

<sup>15</sup> *See Captioned Telephone Waiver Petition* at 3-4; *Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16136, paras. 43-44. Because with captioned telephone service the text is generated by voice recognition technology, and not typing, an oral-to-text test, rather than an oral-to-type test, measures the speed at which the text is generated. We note that in either case the text must be generated at a minimum speed of 60 words per minute. *See generally Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16136, paras. 43-44.

<sup>16</sup> *See Captioned Telephone Waiver Petition* at 4-5; *Captioned Telephone Declaratory Ruling*, 18 FCC Rcd at 16136-16137, paras. 45-46.

<sup>17</sup> *See* note 10, *supra*

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FEDERAL COMMUNICATIONS COMMISSION

Monica S. Desai, Chief  
Consumer & Governmental Affairs Bureau