



PUBLIC NOTICE

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**REQUEST FOR COMMENT ON
PETITION FOR RULEMAKING TO UPDATE THE COMMISSION'S RULES FOR ACCESS
TO SUPPORT THE TRANSITION FROM TTY TO REAL-TIME TEXT TECHNOLOGY, AND
PETITION FOR WAIVER OF RULES REQUIRING SUPPORT OF TTY TECHNOLOGY**

GN 15-178

Comments Due: August 24, 2015
Reply Comments Due: September 8, 2015

I. SUMMARY

By this Public Notice, the Consumer and Government Affairs Bureau, the Public Safety and Homeland Security Bureau, the Wireline Competition Bureau, and the Wireless Telecommunications Bureau of the Federal Communications Commission (FCC or Commission) seek comment on two petitions filed on June 12, 2015, by AT&T Services, Inc. In one petition, AT&T Services, Inc., on behalf of its subsidiaries (collectively, AT&T) requests that the Commission initiate a rulemaking proceeding to authorize the substitution of real-time text (RTT) for text telephony (TTY) in the IP-based environment.¹ In the second petition, AT&T asks the Commission to waive, on a temporary basis, the Commission's requirements to support TTY technology for devices and services "during the pendency of the rulemaking and until RTT is fully deployed to allow [AT&T] to offer VoIP [Voice over Internet Protocol] services that do not reliably support TTY."² Generally, AT&T's petitions request that the Commission recognize RTT as an alternative accessibility solution to TTY technology,³ and as a technology that will provide "superior functionality to TTY and deliver enhanced, interoperable disability access."⁴

¹ Petition of AT&T Services, Inc. for Rulemaking, PS Docket Nos. 11-153, 10-255, WC Docket No. 04-36, CG Docket Nos. 03-123, 10-213 (filed June 12, 2015) (Petition for Rulemaking).

² Petition of AT&T Services, Inc. for Waiver, PS Docket Nos. 11-153, 10-255, WC Docket No. 04-36, CG Docket Nos. 03-123, 10-213, at 2 (filed June 12, 2015) (Petition for Waiver). (Collectively, the Petition for Rulemaking and the Petition for Waiver are referred to herein as the AT&T Petitions.)

³ Petition for Rulemaking at 1, 4 (noting the "technical and functional limitations" of TTYs); Petition for Waiver at 3 (*quoting Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, Notice of Proposed Rulemaking, PS Docket Nos. 11-153, 10-255, 26 FCC Red 13615, 13624, ¶ 26 (2011)).

⁴ Petition for Rulemaking at 4; *see also* Petition for Waiver at 6. According to AT&T, TTYs have "largely been abandoned by persons with disabilities" and have been "surpassed by emerging solutions." Petition for Rulemaking at 4. AT&T further claims that it has become challenging to continue providing TTY support with new VoIP technologies, especially wireless VoIP networks. *Id.* AT&T proposes that changing the rules would open up "real-time, accessible voice services" to persons with disabilities "without any reduction in current TTY support," and

II. PETITION FOR RULEMAKING

The Petition for Rulemaking asks the Commission to modify its accessibility rules requiring support for TTY technology in order to recognize RTT as the equivalent to and a replacement for TTY technology for newly deployed IP-based voice devices and services.⁵ Specifically, AT&T asks the Commission to determine that providing RTT functionality is an appropriate method of complying with the Commission's rules governing TTY access, including the 911 calling requirements for commercial mobile radio service providers under section 20.18(c)⁶ and the 711 toll-free relay calling requirements for common carriers under section 64.603,⁷ as long as (1) such RTT implementation is interoperable with TTYs (*i.e.*, is backwards compatible with TTYs) until TTYs sunset, and (2) such RTT implementation is interoperable with all VoIP networks.⁸ We seek comment on the Petition for Rulemaking. Should the Commission initiate a rulemaking on modifying its accessibility rules to recognize RTT as a replacement for TTY technology? What impact would such modification have on the deployment of RTT as an accessibility solution and on the advancement of text-to-911 generally?

III. PETITION FOR WAIVER

The Petition for Waiver asks the Commission to waive temporarily the Commission's rules requiring support for TTY technology for devices and services under sections 20.18(c) and 64.603 of the Commission's rules⁹ and any other rules that would require support of TTY technology as an accessibility solution for VoIP networks.¹⁰ AT&T seeks this temporary waiver to permit "the deployment of IP-based services [including Voice over LTE (VoLTE) and Wi-Fi calling services] without support for TTY, until the later of the date that AT&T deploys RTT (expected 2017) and the date that the new RTT rules become effective."¹¹ AT&T claims that granting its waiver request would benefit the public interest by "accelerating the transition to IP based services, including voice services, in the wireless marketplace, consequently enhancing accessibility."¹² While AT&T's waiver request primarily appears to be designed

potentially reduce financial pressures on the Interstate Telecommunications Relay Services Fund. Petition for Rulemaking at 2; *see also* Petition for Waiver at 2, 6.

⁵ Petition for Rulemaking at 2, 5.

⁶ 47 C.F.R. § 20.18(c).

⁷ 47 C.F.R. § 64.603.

⁸ Petition for Rulemaking at 6. AT&T also mentions that sections 6.3(b), 7.3(b), and 14.21(d) of the Commission's rules, 47 C.F.R. §§ 6.3(b), 7.3(b), 14.21(d), expressly refer to TTYs. Petition for Rulemaking at 5.

⁹ Petition for Waiver at 1, 4 (referencing 47 C.F.R. §§ 20.18(c); 64.603).

¹⁰ Petition for Waiver at 5.

¹¹ Petition for Waiver at 9. The arguments made in AT&T's Petition for Waiver mirror those made in its Petition for Rulemaking. Among other things, AT&T claims that RTT over IP-based networks will be superior to TTYs with respect to "transmission speed, latency, reliability, features, privacy, conversation form and ease of use." Petition for Waiver at 3.

¹² *Id.* at 6. For example, AT&T says that it would be able to deploy VoLTE networks in currently unserved areas and offer Wi-Fi calling to enhance its commercial mobile radio service (CMRS) voice networks in areas that have been challenging to serve. *Id.* AT&T further claims that not having to retrofit its networks to achieve compatibility with TTYs would allow it to focus on solutions that could hasten the deployment of RTT. *Id.* Finally, AT&T claims that during the waiver period a variety of accessibility options will remain available to consumers. *Id.* at 7.

to enable AT&T's own deployment of new wireless technologies,¹³ in various places, its petition discusses more generally the public interest benefits of waiving the underlying rules for the industry as a whole.¹⁴ Accordingly, we seek comment on the merits of waiving the underlying rules for AT&T individually, and in the alternative, for all entities covered by these rules.

IV. COMMENT CYCLE AND FILING INSTRUCTIONS

The Commission invites comments on the AT&T Petitions. Pursuant to section 1.405 of the Commission's rules, comments regarding the Petition for Rulemaking are due within 30 days from the date of this Public Notice, and reply comments are due within 15 days after the time for filing comments and oppositions has expired.¹⁵ Given that both petitions raise similar substantive issues and that the Petition for Waiver includes numerous cross-references to the Petition for Rulemaking, we will apply to the Petition for Waiver the same pleading cycle as the Petition for Rulemaking.¹⁶ For these reasons, and because a 45-day pleading cycle will still permit action on the Petition for Waiver later this year as requested by AT&T,¹⁷ we will not provide for a shorter pleading cycle for filing comments on the Petition for Waiver.

Permit-but-Disclose. The proceeding this Public Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁸ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).¹⁹ In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native

¹³ For example, AT&T notes that the temporary waiver is needed "until RTT is fully deployed to allow *it* to offer VoIP services that do not reliably support TTY," *id.* at 2 (emphasis added), and that the waiver is needed "[i]n furtherance of *its* efforts to deploy wireless IP-based voice services . . ." *Id.* at 4 (emphasis added).

¹⁴ For example, AT&T notes the "superiority of RTT as an accessibility solution for an IP network environment," *id.* at 4, and states generally that grant of this waiver "would further the TTY-to-RTT transition, bring the benefits of IP-based services, including voice, to the wireless marketplace, and enhance accessibility . . ." *Id.* at 2.

¹⁵ See 47 C.F.R. § 1.405.

¹⁶ See Petition for Waiver at 1-2, 9.

¹⁷ See Letter from David L. Talbott, AT&T Services, Inc., to Marlene H. Dortch, Secretary, FCC (filed July 10, 2015) (requesting expedited review for the Petition for Waiver).

¹⁸ 47 C.F.R. §§ 1.1200 *et seq.*

¹⁹ 47 C.F.R. § 1.1206(b).

format (e.g., .doc, .xml, .ppt, searchable .pdf).²⁰ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Filing Instructions. Pursuant to sections 1.415 and 1.419 of the Commission's rules,²¹ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.

- *Electronic Filers:* Comments and reply comments may be filed by accessing the Commission's Electronic Comment Filing System (ECFS)²² at <http://fjallfoss.fcc.gov/ecfs2/>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW, CY-A257, Washington, DC 20554. These documents will also be available via ECFS.

People with Disabilities. To request materials in accessible formats (such as Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY). This Public Notice can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/encyclopedia/advanced-communications-services-acs>.

Additional Information. For additional information on this proceeding, please contact Suzy Rosen Singleton, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-510-9446 or e-mail Suzanne.Singleton@fcc.gov; or Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2235 or e-mail Eliot.Greenwald@fcc.gov.

²⁰ 47 C.F.R. § 1.49(f).

²¹ 47 C.F.R. §§ 1.415, 1.419.

²² See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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