



PUBLIC NOTICE

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COMMON CARRIER BUREAU REMINDS ALL COMMON CARRIERS OF THEIR OBLIGATION TO PROVIDE ACCESS TO THEIR TELECOMMUNICATIONS SERVICES VIA TELECOMMUNICATIONS RELAY SERVICES

By this Public Notice, the Common Carrier Bureau reminds all common carriers of their obligation to provide access to their services via telecommunications relay service (TRS) throughout the area(s) in which they offer telecommunications services. TRS allows individuals with hearing or speech disabilities to communicate by telephone with individuals who may or may not have such disabilities. TRS facilities are equipped with special equipment and are staffed by communications assistants (CAs) who relay the conversations between the caller and the called party by speaking or typing text.

Title IV of the American with Disabilities Act of 1990 (ADA) requires the Commission to ensure that TRS is available, to the extent possible and in the most efficient manner, to individuals with hearing or speech disabilities in the United States. Pub. L. No. 101-336, § 401, 104 Stat. 327,366-69 (codified as Section 225 of the Communications Act of 1934, as amended, 47 U.S.C. § 225); *see* 47 U.S.C. § 225(b). Carriers are required to provide TRS, in compliance with regulations prescribed by the Commission, throughout the areas in which they offer service. 47 U.S.C § 225(c).

To satisfy the ADA's mandate, the Commission adopted comprehensive rules delineating the TRS obligations of carriers, including a requirement that interexchange carriers (IXCs) provide equal access for TRS users. 47 C.F.R. § 64.604(b)(3). Under this requirement, "TRS users shall have access to their chosen interexchange carrier, and to all other operator services, to the same extent that such access is provided to voice users." *Id.*

Pursuant to the implementation schedule mandated by the ADA, nationwide TRS has been generally available throughout the United States since 1993. 47 U.S.C. § 225(c). The primary purpose of the ADA and the Commission's TRS implementing rules is to provide individuals with hearing or speech disabilities telecommunications services that are functionally equivalent to those provided to individuals without hearing or speech disabilities. This goal is achieved, in part, through nationwide TRS. Various competitive telecommunications services are continuing to enter the telecommunications market. To realize the full benefits of such competition, TRS users must have equal access to the public switched network to the same

extent as non-TRS users.

It has come to the Commission's attention, however, that TRS users do not always have the same access to their carrier of choice or special pricing plans as non-TRS users. The Commission has been informed that some TRS users have been unable to place TRS calls through their chosen carrier or have been unable to make "dial-around" calls using a carrier-specific access code. If TRS users are not able to use their carrier of choice and are forced to select an alternative provider, they may pay rates that are higher than those charged by their preferred carrier, or may not have access to particular services. This result is inconsistent with the ADA and the Commission's rules. *See* 47 U.S.C § 225(c); 47 C.F.R §§ 64.603, 64.604(b)(3). Carriers should take appropriate measures to ensure that callers in the areas that they serve have access to their services through TRS.

Because the Commission's rules require each common carrier to allow access via TRS to their services throughout the area(s) in which they offer service, the Commission is reviewing the extent to which TRS users are unable to access their chosen carrier. The Commission intends to work with TRS users, the industry, TRS centers, state commissions, and other interested parties to ensure that TRS users have equal access to their carrier of choice. We remind carriers, however, that the Commission may consider enforcement action, including forfeitures, should this obligation not be met.

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