

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN Q. ABERNATHY

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order (CG Docket No. 03-123), Order on Reconsideration (CC Docket No. 98-67, CC Docket Nos. 90-571) (adopted June 10, 2004).

Telecommunications relay services have long played a vital role in enabling consumers with hearing or speech disabilities to communicate by telephone. In addition, Internet-Protocol technologies have led to vast service improvements for these consumers in recent years. In particular, video relay services enable deaf consumers to enjoy the sort of seamless conversations that hearing consumers take for granted. So I am pleased to support this Order, which addresses a number of outstanding questions regarding TRS providers' regulatory obligations, cost-recovery, and related matters.

I am especially pleased that the Order directs the Consumer and Governmental Affairs Bureau to step up its outreach efforts associated with TRS services. The Commission can play a critical role in informing both the deaf community and the public at large about the availability of TRS services and how these services function. I understand that people sometimes confuse relay calls with telemarketing calls and hang up based on a lack of awareness. We can and should address such problems by developing fact sheets and web-based resources, participating in conferences, and taking a variety of other steps. As the Order notes, the Commission does not have the authority or resources to fund a national television campaign, but we can nevertheless make great strides in improving public awareness.

All of us at the Commission fully support the TRS program and want to ensure that it provides the best possible experience for consumers. At the same time, we have a statutory obligation to ensure that providers recover their "costs" — and this entails not only an assurance of compensation but also a limitation on the amount of recovery from the government. Specifically, while providers are entitled to recover all of their direct costs plus a reasonable return on investment, the statute does not appear to permit mark-ups on ordinary expenses. I recognize that some TRS providers have continuing concerns regarding the cost-recovery methodology adopted by the Bureau and the fund administrator, and I hope that the Further Notice of Proposed Rulemaking we adopt today will help generate more clarity on this issue.

Finally, I am encouraged that we are seeking comment on whether VRS should become a mandatory service. Introducing the service on a voluntary basis made perfect sense given the state of the technology, but VRS usage may surpass traditional TRS in the not-too-distant future. Parties have raised significant questions as to whether there is a sufficient number of qualified interpreters to support a mandatory 24-hour service and whether relay providers will be able to comply with reasonable speed-of-answer requirements and other mandates. I look forward to addressing these and other issues in the further rulemaking.