



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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TRS PROVIDERS MAY NOT USE INCENTIVE PROGRAMS TO REWARD CONSUMERS FOR PLACING TRS CALLS; OTHER IMPERMISSIBLE TRS MARKETING AND CALL HANDLING PRACTICES OUTLINED

Providers Offering Such Incentives Will Be Ineligible For Compensation from TRS Fund

Washington, DC -- The FCC's Consumer & Governmental Affairs Bureau has found that programs to encourage or reward a consumer for placing a TRS call are inconsistent with the Communications Act and the Telecommunications Relay Services (TRS) rules.

TRS, mandated by Title IV of the Americans with Disabilities Act of 1990, enables a person with a hearing or speech disability to communicate by telephone with a person without such a disability. This is accomplished through TRS facilities that are staffed by specially trained communications assistants (CAs) who relay conversations between persons using various types of assistive communication devices and persons using a standard telephone. Video Relay Service (VRS) is a form of TRS that allows persons with hearing and speech disabilities to communicate with the CA via sign language, rather than typed text.

The Bureau issued a declaratory ruling in response to a request by Hands On Video Relay Services, Inc., which asked that the FCC find that its "Brown Bag Rewards Program," offered in connection with its provision of VRS, was in compliance with the rules. Hands On's program permits consumers of its VRS service to earn points that can be redeemed by having Hands On pay their DSL or cable modem bill.

The Bureau found that any program that involves the use of any type of financial incentives to encourage or reward a consumer for placing a TRS call, including the Brown Bag Rewards Program, is inconsistent with the rules.

As a result, the Bureau found that, effective March 1, 2005, any TRS provider offering such incentives or rewards for the use of any of the forms of TRS will be ineligible for compensation from the Interstate TRS Fund.

The Bureau noted that provision of TRS is an accommodation for persons with certain disabilities and that reaching the CA to place a call is the equivalent of receiving a "dial tone." The cost of TRS is not paid by the TRS user, but by either a state or the Interstate TRS Fund. In addition, VRS consumers presently do not pay any long distance charges in connection with a VRS call. Therefore, there is no cost of any kind to the consumer for placing a VRS call.

As a practical matter, the Bureau said, the TRS provider is enticing the consumer to make TRS calls that will artificially raise costs to the Interstate TRS Fund, and the provider is doing so by in effect “paying” the consumer to make more calls.

In a separate but related action, the Bureau also issued a Public Notice specifying other marketing and call handling practices by TRS providers that are impermissible under the TRS rules.

Actions by the Chief, Consumer & Governmental Affairs Bureau, January 24, 2005, by Declaratory Ruling (DA 05-140) and Public Notice (DA 05-141).

- FCC -

CC Docket 98-67

CG Docket 03-123

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