

Federal Communications Commission Consumer Advisory Committee

Recommendation: For the reasons provided below, the Consumer Advisory Committee requests the FCC to approve Internet protocol captioned telephone, an enhanced telecommunications relay service (TRS) that is provided either partially or entirely over the Internet, as a service that is eligible for reimbursement from the interstate TRS fund administered by the National Exchange Carriers Association (NECA).

Title IV of the Americans with Disabilities Act (ADA) requires the provision of TRS to people who are deaf, hard of hearing or speech disabled that is functionally equivalent to voice telephone services. Captioned telephone relay service is one type of relay service that achieves this goal by enabling a person to use his or her own voice to speak directly to another party, while both reading responses from the other party in captions and, if he or she has residual hearing, hearing the responses voiced back by that individual. The service works by having the relay operator re-voice everything that the person responding says and then using a speech recognition program to automatically convert the operator's speech into text. The text then appears on the user's captioned telephone device.

On July 25, 2003, the FCC approved single line captioned telephone as a form of enhanced voice carry over (VCO) relay service.¹ On July 14, 2005, the FCC authorized a two-line version of captioned telephone relay.² Interstate captioned telephone calls are reimbursed by the Interstate TRS Fund administered by NECA. Intrastate captioned telephone calls are reimbursed through funding mechanisms determined by individual states. The separation of jurisdictions for funding purposes mirrors the funding method for traditional TTY-voice relay services that are carried over the public switched telephone network (PSTN).

Because captioned telephone is authorized, but not mandated by the FCC, states are free to decide whether or not to offer this service to some or all of their residents. As a consequence, ten states still do not offer nor have any plans to offer this service at all, and the vast majority of the states that do offer this relay feature allow only a fraction of their populations to participate in their captioned telephone programs. For example, Vermont allows only five people to be added to their roster of captioned telephone participants each month. Kentucky, Indiana, Nebraska, Nevada, New Hampshire, Utah and Wyoming have a monthly

¹ *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Dkt No. 98-67, FCC 03-190, Declaratory Ruling (August 1, 2003).

² *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Dkt No. 98-67, CG Docket No. 03-123, FCC 05-141, Order (July 19, 2005).

limit of ten new individuals. Mississippi allows 11, South Carolina allows 12 and Connecticut allows 15. The consequence of these arrangements is that captioned telephone relay service is now the *only* form of relay service that is not equally available to all Americans who need relay services.

In order to remedy this situation, on October 31, 2005, more than thirty organizations representing people with hearing loss filed a petition with the FCC to mandate captioned telephone relay service and approve an Internet version of this service for cost recovery through the Interstate Fund.³ That petition described at length the significant ways in which captioned telephone relay service has enhanced the ability of people with hearing loss to communicate by phone. Because these services allow conversations to take place in near real-time, they allow for the natural flow and speed of a typical voice phone conversation. In addition, users of one- or two-line captioned telephone can dial their destinations directly, eliminating any need for interaction with the relay operator. The captioned telephone user simply dials the desired telephone number, and the relay service for the captioned telephone is connected automatically. Calls made from a hearing person to a two-line captioned telephone user can similarly be made without operator assistance, by connecting the captioning through the second telephone line. Because captioned telephone relay services are so transparent and spontaneous, consumers who previously were reluctant to use relay services – including senior citizens who lost their hearing later in life – are finding these services invaluable to maintaining their independence, privacy, and productivity in ways they previously thought were not possible. For example, they are now better able to secure and retain employment, participate in civic affairs, conduct commerce, engage in recreational activities, and communicate with their families. In addition, captioned telephone services is ending isolation for children and teenagers with hearing loss, who are able to communicate with friends to obtain homework and arrange social events – to the same extent as their hearing peers.

Currently, individuals who wish to use captioned telephone relay service must do so using a dedicated piece of equipment – the captioned telephone – over PSTN-based analog transmissions. However, as our nation makes the rapid transition to advanced Internet-based technologies and reliance on analog telephone connections continues to decline, we need to ensure that individuals reliant on captioned telephone relay service will continue to enjoy the access that they now have. Specifically, the FCC has an obligation to ensure that individuals with hearing loss can continue to access captioned telephone relay services over Internet protocol (IP) digital transmissions and voice over IP (VoIP) technologies that interconnect with the PSTN. This is particularly important in the employment context, as employers replace their analog phones with digital lines and

³ “Petition for Rulemaking to Mandate Captioned Telephone Relay Service and Approve IP Captioned Telephone Relay Service” (October 31, 2005).

telephone lines that connect directly to the Internet. This is also true in communities where digital cable and VoIP lines are replacing analog options.

Fortunately, multiple methods of transport are now available for delivering captioned telephone relay service over the Internet. These include carrying the voice and text of these phone calls exclusively over the Internet, or over a combination of IP connections and PSTN circuits. IP captioned telephone has the significant advantage of providing consumers with the opportunity to make calls over a wide range of devices, including desk and lap top computers, personal desk assistants (PDAs), cell phones, and any other web enabled wireless equipment anywhere, and at any time, using no-cost software instead of a specially designed captioned telephone. In this fashion, like conventional telephone users, IP captioned telephone users can have ubiquitous telephone access – in or outside of their home or work environment – to complete job functions, contact help in an emergency and communicate with others from hotels or while in transit. Other benefits of IP captioned telephone, depending on the specific mode of transport used, include the ability to receive calls directly from hearing callers, to add or drop captions from a call as necessary, and to more easily conduct conference calls.

The ability to make calls over one's own computer or IP-enabled device can also eliminate the significant costs that are associated with purchasing specially designed captioned telephone devices. This will be beneficial to both end users as well as state equipment distribution programs that rely on limited funds to disseminate captioned telephone equipment. The ability to use lower cost VoIP services over IP captioned telephone can also provide end users with financial relief.

By allowing the display of captions on a computer, IP captioned telephone can also enable a much larger group of individuals with disabilities, including those with multiple disabilities, to benefit from this service. For example, people who are blind, low-vision or deaf-blind can change the size and font of the text, and alter colors and brightness for easier reading. Braille output devices and other specialized hardware and software applications can also be added to expand use of this technology to new populations. Finally, the ability to manipulate captions that appear on the computer screen, as well as to have a greater amount of text available at any one time, can assist individuals with reading and cognitive disabilities.

Captioned telephone relay service provides a phone experience that closely approximates the experience that conventional voice users have when making telephone calls. The Internet version of this service achieves this experience in a manner that maximizes flexibility, portability and affordability. As the nation's communication services migrates from the PSTN to the Internet and digital technologies, the FCC has an obligation, under Section 225 of the Communication Act, to ensure that individuals with hearing loss can benefit from the same advanced and innovative communications services upon which the rest of our nation is now becoming reliant.⁴ The FCC's Consumer Advisory Committee, TRS Working Group urges approval of IP-based captioned telephone service to achieve this goal and to bring the benefits of this functionally equivalent relay service to all Americans who so urgently need it.

Adopted November, 3, 2006 with three abstentions.

⁴ 47 U.S.C. §225(d)(2).