
**SEPARATE STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

Re: Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket 98-67, Order on Reconsideration.

I strongly support granting IP Relay providers the flexibility to provide this exciting new service without being forced to comply with certain regulatory mandates that were adopted with older technology in mind. I only regret that the Commission needlessly withheld this relief a year ago and forced providers to seek reconsideration. Last year, when the Commission found that IP Relay falls within the statutory definition of telecommunications relay services (TRS), we granted providers a one-year waiver from certain requirements (including standards regarding hearing carry over and 900 number service) that presented technical feasibility problems. I argued then that the Commission was being shortsighted in its grant of such limited relief.¹ I stated that the Commission should be more willing to refrain from extending legacy regulatory requirements to nascent technologies like IP Relay. By delaying the relief granted in today's Order, the Commission unfortunately denied cost-recovery to providers that rolled out this service in the face of regulatory uncertainty and may have deterred additional carriers from offering IP Relay service. I hope that, in future proceedings, the Commission will be quicker to recognize that the reflexive extension of legacy regulations to nascent technologies often harms the public interest.

¹ See Separate Statement of Commissioner Kathleen Q. Abernathy, *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, CC Docket No. 98-67, 17 FCC Rcd 7779 (2002).