

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Speech-to-Speech and Internet Protocol (IP)	)	CG Docket No. 08-15
Speech-to-Speech Telecommunications Relay	)	
Services	)	
	)	
Telecommunications Relay Services	)	CG Docket No. 03-123
And Speech-to-Speech Services for	)	
Individuals with Hearing and Speech	)	
Disabilities	)	

**REPORT AND ORDER AND  
FURTHER NOTICE OF PROPOSED RULEMAKING**

**Adopted: July 19, 2013**

**Released: July 19, 2013**

**Comment Date: (30 days after date of publication in the Federal Register)**

**Reply Comment Date: (45 days after date of publication in the Federal Register)**

By the Commission: Acting Chairwoman Clyburn and Commissioners Rosenworcel and Pai issuing separate statements.

**I. INTRODUCTION**

1. In this Report and Order (*Order*), we amend certain telecommunications relay services (TRS) mandatory minimum standards applicable to Speech-to-Speech (STS) relay service.<sup>1</sup> These amendments will ensure that persons with speech disabilities have access to relay services that address their unique needs, in furtherance of the objectives of section 225 of the Communications Act of 1934, as amended (“Act”),<sup>2</sup> to provide relay services in a manner that is functionally equivalent to conventional telephone voice services. In the Further Notice of Proposed Rulemaking (*Notice*) we seek comment on other ways to improve the efficiency and effectiveness of the STS program, for example by creating a nationwide STS outreach program. The actions taken in this proceeding and proposed in the *Notice*

<sup>1</sup> This *Report and Order* follows a Notice of Proposed Rulemaking seeking comment on various issues concerning STS. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Service*, CG Docket Nos. 03-123 and 08-15, Notice of Proposed Rulemaking, 23 FCC Rcd 10663 (2008) (*2008 STS NPRM*). TRS, required by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables a person with a hearing or speech disability to access the nation’s telephone system to communicate with another person through a relay provider and a communications assistant (CA). See generally 47 U.S.C. § 225; 47 C.F.R. § 64.601 *et seq.* (the TRS regulations). See also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 and 98-67 and CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12479-80, ¶ 3 n.18 (2004) (*2004 TRS Report and Order*) (discussing how TRS works). Unless otherwise indicated, references in this item to “STS” refer to PSTN- or interconnected VoIP-based STS.

<sup>2</sup> 47 C.F.R. § 225.

demonstrate the Commission's longstanding commitment to ensuring that TRS is available to enable Americans with hearing *and* speech disabilities to communicate in a manner that is functionally equivalent to communications using voice telephone service.

## II. BACKGROUND

### A. TRS and STS

2. Title IV of the ADA requires the Commission to ensure that TRS is available to all individuals with hearing and speech disabilities in the United States and to increase the utility of the telephone system by enabling these persons to access the telephone system to make calls to, and receive calls from, other individuals.<sup>3</sup> Under Title IV, the Commission must ensure that, "to the extent possible and in the most efficient manner,"<sup>4</sup> relay services are made available that provide access to the telephone system that is "functionally equivalent" to voice telephone services.<sup>5</sup> The functional equivalency standard serves as a benchmark for determining which services and features TRS providers must offer to consumers, and is reflected throughout Title IV of the ADA and the Commission's TRS mandatory minimum standards.<sup>6</sup>

3. When Congress first enacted section 225 of the Communications Act, relay calls were placed using a text telephone device (TTY) connected to the PSTN. Since then, the Commission has determined that several new forms of relay fall within the definition of TRS and decided to include PSTN-based STS,<sup>7</sup> captioned telephone service (CTS),<sup>8</sup> video relay service (VRS),<sup>9</sup> Internet Protocol Relay (IP Relay),<sup>10</sup> and IP captioned telephone service (IP CTS)<sup>11</sup> as compensable forms of TRS.

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<sup>3</sup> Pub. L. No. 101-336, § 401 (1990); 47 U.S.C. § 225. When originally drafted, Title IV of the ADA limited relay communications to calls between individuals who had a hearing or speech disability and hearing persons. However, the Twenty-First Century Communications and Video Accessibility Act (CVAA) amended the definition of TRS to enable people with hearing or speech disabilities to use TRS to communicate with any other individual, whether or not they have a disability. Specifically, the new definition defines TRS as "telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio." Pub. L. No. 111-260 § 103(a), codified at 47 U.S.C. § 225(a)(3). *See also* S. Rep. No. 336, 111<sup>th</sup> Cong. 2d. Sess. (2010) at 2-3.

<sup>4</sup> 47 U.S.C. § 225(b)(1).

<sup>5</sup> 47 U.S.C. § 225(a)(3).

<sup>6</sup> 47 U.S.C. § 225(a)(3). *See also* 47 C.F.R. § 64.604 (TRS mandatory minimum standards).

<sup>7</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5149, ¶ 15 (2000) (*2000 TRS Report and Order*).

<sup>8</sup> CTS is a form of TRS that allows the user to both listen to what is said over the telephone and simultaneously read captions of what the other person is saying on a telephone that has a text display. *See Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121 (2003) (*CTS Declaratory Ruling*).

<sup>9</sup> VRS is a form of TRS that enables the VRS user and another person to communicate through a CA in sign language via a video link over broadband services. *See 2000 TRS Report and Order*, 15 FCC Rcd at 5152-54, ¶¶ 21-27.

<sup>10</sup> IP Relay is a text-based form of TRS that uses the Internet for the link of the call between the relay user and the CA. *See Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (2002) (*IP Relay Declaratory Ruling*).

4. In March 2000, the Commission mandated that carriers obligated to provide TRS also provide STS so that persons with speech disabilities can access the telephone system.<sup>12</sup> STS utilizes specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by such individuals to the other parties to a relayed call.<sup>13</sup> A person with a speech disability can initiate an STS call by dialing 711 (the nationwide access code for state relay providers) and giving the CA the number of the person he or she wishes to call. The CA then makes the outbound call, and re-voices what the STS user says to the called party. Persons desiring to call a person with a speech disability via STS can also dial 711 to reach a CA who can handle the call. At present, states are responsible for compensating providers for the costs of providing intrastate STS, while the Interstate Telecommunications Relay Services Fund (Fund) compensates providers for the costs of providing interstate STS.<sup>14</sup>

#### **B. 2006 Petition for Rulemaking to Modify STS Rules**

5. On June 26, 2006, Bob Segalman and Rebecca Ladew (Petitioners) filed a petition requesting that the Commission amend its rules to require an STS CA to stay with the call for a minimum of 20 minutes, rather than 15 minutes, to the extent the call lasts 20 minutes or longer.<sup>15</sup> Generally, the TRS rules require CAs to stay with a call for at least 10 minutes prior to transferring the call to another CA.<sup>16</sup> However, when the Commission first approved STS as a form of TRS eligible for compensation from the TRS Fund in 2000, it required STS CAs to stay with a call for at least 15 minutes before being permitted to transfer the call to another CA.<sup>17</sup> The Commission explained that the longer minimum for STS calls was appropriate because “changing CAs can be particularly disruptive to users with speech disabilities.”<sup>18</sup> The Commission also noted that “during the initial stages of a relay call there is a “settling-in” period. During this time, “callers with speech disabilities develop greater assurance that the CA will understand them,” and “[r]otation of a CA during an STS call disrupts this assurance, and may even cause the user to speak less clearly.”<sup>19</sup>

6. Petitioners assert that because “STS calls often last much longer than text-to-voice calls[,] changing CAs on these calls prior to 20 minutes can seriously disrupt their flow and impair

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<sup>11</sup> IP CTS is a form of captioned telephone relay service that uses an Internet connection to carry the captions between the relay provider and the user. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 388, ¶ 22 (2007) (*IP CTS Declaratory Ruling*).

<sup>12</sup> See *2000 TRS Report and Order*, 15 FCC Rcd at 5148-51, ¶¶ 14-20.

<sup>13</sup> *Id.* at 5148, ¶ 14; 47 C.F.R. § 64.601(a)(30).

<sup>14</sup> See *2004 TRS Report and Order*, 19 FCC Rcd at 12482-83, ¶¶ 7-8; 47 C.F.R. § 64.604(c)(5). See also 47 U.S.C. § 225(d)(3). The Act does not prescribe a specific funding method for state programs to compensate their intrastate TRS providers, but states generally recover the costs of intrastate TRS either through rate adjustments or surcharges assessed on all intrastate end users, and reimburse TRS providers directly for their intrastate TRS costs.

<sup>15</sup> Bob Segalman and Rebecca Ladew, *Petition for Amendment to TRS Rule on Speech-to-Speech Relay Service*, CG Docket No. 03-123, at 1 (filed June 26, 2006) (*2006 STS Petition*).

<sup>16</sup> 47 C.F.R. § 64.605(a)(1)(v). A CA might transfer a call, for example, if he or she is getting ready to end a work shift.

<sup>17</sup> *2000 TRS Report and Order*, 15 FCC Rcd at 5169-70, ¶¶ 68-70; 47 C.F.R. § 64.604(a)(1)(v).

<sup>18</sup> *2000 TRS Report and Order*, 15 FCC Rcd at 5170, ¶ 70.

<sup>19</sup> *Id.*

functionally equivalent telephone service.”<sup>20</sup> They explain that it generally takes a few minutes for a CA to begin to maximize his or her understanding of the speech patterns of a particular person with a speech disability, especially when people’s names and unusual technical words are used during a conversation.<sup>21</sup> Petitioners assert that reducing the frequency of CA changes will result in calls being processed more efficiently, and that if the Commission makes the proposed rule change the cost of STS will be reduced.<sup>22</sup>

7. Petitioners also request that the Commission specify that the 20 minute period begins when “effective” communication begins between the STS user and the CA.<sup>23</sup> Specifically, petitioners request that the Commission mandate that a call may not be transferred to a new CA until at least 20 minutes have passed after the caller establishes effective communication with the CA. Petitioners define effective communication to be “when the CA is able to relay the communications between the parties accurately and impartially, and interpret for the [person with a speech disability] both receptively and expressively, using any necessary specialized vocabulary.”<sup>24</sup>

**C. 2007 Request for Clarification that IP STS is a Form of TRS Eligible for Compensation from the Interstate TRS Fund**

8. On December 21, 2007, Hawk Relay filed a Request for Clarification that IP STS is a form of TRS eligible for compensation from the Fund.<sup>25</sup> The *IP STS Request* describes IP STS as a type of STS that uses the Internet to connect the consumer to the relay provider.<sup>26</sup> Instead of using a standard telephone to make the relay call, an IP STS user can use a computer or mobile device<sup>27</sup> and, with the installation of softphone application software, make a voice call via the Internet to the relay provider.<sup>28</sup> According to the *IP STS Request*, an IP STS call is initiated by the relay user clicking an icon on his or her computer or device. The user is connected to a CA over the Internet and tells the CA the number to be dialed; the CA then connects the IP STS user with the called party and relays the call between the two parties.<sup>29</sup> The *IP STS Request* asserts that IP STS offers several benefits over PSTN-based (or

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<sup>20</sup> 2006 STS Petition at 3.

<sup>21</sup> *Id.* at 2.

<sup>22</sup> *Id.* at 3.

<sup>23</sup> *Id.* The current rule simply states that the CA “answering and placing an STS call must stay with the call for a minimum of fifteen minutes” without specifying when this period should begin. 47 C.F.R. § 64.604(a)(1)(v).

<sup>24</sup> 2006 STS Petition at 3.

<sup>25</sup> Hawk Relay, *Request for Expedited Clarification for the Provision and Cost Recovery of Internet Protocol Speech-to-Speech Relay Service*, CG Docket No. 08-15 (filed Dec. 21, 2007) (*IP STS Request*). The *IP STS Request* was moved from CG Docket No. 03-123 to a newly created docket for IP STS related issues, CG Docket No. 08-15. Hawk Relay no longer holds eligibility certification for the provision of relay services as its 5-year certification period expired on September 21, 2012. See *Notice of Certification of Hawk Relay, LLC as a Provider of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, CG Docket No. 03-123, Public Notice, 22 FCC Rcd 17020 (2007) (granting a 5-year certification period). However, various other parties, including the Interstate TRS Council and various consumer groups have expressed their strong support for an IP version of STS.

<sup>26</sup> *Id.* at 3 (IP STS is “no different than traditional STS except ... that the user connects to a relay provider through the Internet”).

<sup>27</sup> The *IP STS Request* indicated that individuals could use personal digital assistants, or PDAs, to make STS calls. *Id.* at 2-3. We refer more broadly to mobile devices in this Order.

<sup>28</sup> *Id.* at 2-3.

<sup>29</sup> *Id.* at 3.

“traditional”) STS, including portability (the user’s electronic device is not tied to a specific location) and ease of use, particularly for persons with limited dexterity (the user does not have to dial a number, but can just click on one icon, to initiate a call).<sup>30</sup>

9. The *IP STS Request* further asserts that, as “an extension of traditional STS,” IP STS falls within the scope of TRS under Title IV of the ADA because it allows persons with speech disabilities to access the telephone system to communicate by wire or radio.<sup>31</sup> The *IP STS Request* also notes that Congress requested the Commission to adopt TRS regulations that do “not discourage or impair the development of improved technology.”<sup>32</sup> Consistent with this mandate, the *IP STS Request* explains, the Commission has previously recognized new forms of TRS, including other Internet-based forms of TRS (VRS, IP Relay and IP CTS), and so IP STS calls should also be eligible for compensation from the Fund.<sup>33</sup> Finally, the *IP STS Request* asks that certain TRS mandatory minimum standards be waived for IP STS either because they have been waived for STS or are not applicable to an Internet-based service.<sup>34</sup>

#### D. 2008 STS NPRM

10. On June 24, 2008, the Commission released the *2008 STS NPRM* in response to the *2006 STS Petition* and the *IP STS Request*.<sup>35</sup> The Commission sought comment on whether to amend the TRS rules to require STS CAs to stay with a call for a minimum of 20 minutes (rather than 15 minutes), and whether the Commission should more specifically define the point at which the minimum period of time begins to run.<sup>36</sup> The Commission also sought comment on two other STS issues related to service quality. First, the Commission sought comment on whether to amend the TRS rules to require that STS providers offer the STS user the option of having his or her voice muted so that the other party to the call will hear only the STS CA re-voicing the call, and not the voice of the STS user as well.<sup>37</sup> Second, the Commission sought comment on whether there are ways to ensure that STS users calling 711, the nationwide dialing access code for TRS, will promptly reach an STS CA to handle their calls.<sup>38</sup> The latter inquiry followed a prior Commission inquiry, initiated in 2003, into whether access to STS could be improved by using a dialing menu, *e.g.*, an interactive voice response (IVR) system that would allow STS

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<sup>30</sup> *Id.* at 3-5.

<sup>31</sup> *Id.* at 5, *citing* 47 U.S.C. § 225(a)(3).

<sup>32</sup> *Id.* at 5, *citing* 47 U.S.C. § 225(d)(2).

<sup>33</sup> *Id.* at 5. The *IP STS Request* did not, however, address whether *all* IP STS calls should be compensated from the Fund (*i.e.*, both interstate and intrastate), and did not suggest what the appropriate IP STS compensation rate should be, or whether it should be different than the interstate STS rate.

<sup>34</sup> *Id.* at 6-7. *See generally* 47 C.F.R. § 64.604. On February 4, 2008, the Consumer and Governmental Affairs Bureau sought comment on the *IP STS Request* in a Public Notice. *Consumer & Governmental Affairs Bureau Seeks Comment on Request for Clarification that Internet Protocol Speech to Speech Service is a Form of Telecommunications Relay Service Compensable from the Interstate TRS Fund*, CG Docket No. 08-15, Public Notice, 23 FCC Rcd 1649 (2008). *See* Appendix B for list of commenters to this Notice.

<sup>35</sup> *See 2008 STS NPRM*.

<sup>36</sup> *Id.* at 10668, ¶¶ 14-15.

<sup>37</sup> *Id.* at 10668-69, ¶ 16.

<sup>38</sup> *Id.* at 10669, ¶ 17. In 2000, the Commission adopted nationwide 711 dialing access to allow both persons with hearing and speech disabilities and persons without such disabilities to initiate a TRS call from any telephone, anywhere in the United States, and be connected to the TRS facility serving that calling area. *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Report and Order, 15 FCC Rcd 15188 (2000) (*711 TRS Dialing Order*). 711 dialing access for TRS became effective on October 1, 2001. *Id.* at 15204, ¶ 32.

users to choose STS as the first option in a voice dialing menu.<sup>39</sup> Although the Commission declined to adopt such a requirement at that time, the Commission stated that it would continue to monitor the implementation of 711 dialing access for TRS calls (including STS calls) and encouraged TRS providers to be innovative in finding ways to facilitate access to their services.<sup>40</sup>

11. With respect to IP STS, the *2008 STS NPRM* sought comment on its tentative conclusions that IP STS is a form of TRS compensable from the Fund, that it should be compensated at the same rate as STS, and that an entity desiring to offer IP STS could become eligible to do so by being accepted into a certified state TRS program, subcontracting with an entity that is part of a certified state program, or by seeking Commission certification.<sup>41</sup> The Commission also tentatively concluded that “present eligibility to receive compensation from the Fund for the provision of other forms of TRS (including STS) would not confer eligibility with regard to the provision of IP STS.”<sup>42</sup> Further, the Commission sought comment on the extent to which certain TRS mandatory minimum standards should be temporarily waived or permanently made not applicable to IP STS.<sup>43</sup> In addition, the Commission sought comment on whether the requirements for emergency call handling and ten-digit numbering in the *2008 Interim Emergency Call Handling Order*<sup>44</sup> and the *2008 TRS Numbering Order*<sup>45</sup> should apply to IP STS.<sup>46</sup>

12. In the *2008 STS NPRM*, the Commission also sought comment on specific outreach efforts that could extend the reach of STS (and possibly IP STS) to new users, and asked whether the

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<sup>39</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379, 12410-11, ¶¶ 50-52 (2003) (*2003 TRS Order*).

<sup>40</sup> *Id.* at 12411-12, ¶ 53. In the *2003 TRS Order*, the Commission also declined to adopt a separate three digit access number specifically for STS, concluding that the ability to use the general 711 TRS dialing code provided an adequate means for STS consumers to reach an STS CA. *See also 2000 TRS Report and Order*, 15 FCC Rcd at 5192, ¶ 126 (seeking comment on a separate nationwide access number for STS relay). The Commission explained that in any 711 call, the CA has to route and set up the call according to the type of TRS call (e.g., STS) requested. To the extent STS calls are not reaching STS CAs in an appropriate fashion, the Commission added, the TRS provider may need to provide additional CA training, deploy advanced technologies, or offer multiple dialing options. *2003 TRS Order*, 18 FCC Rcd at 12410-11, ¶ 51.

<sup>41</sup> *2008 STS NPRM*, 23 FCC Rcd at 10669-71, ¶¶ 18-23.

<sup>42</sup> *Id.* at 10671, ¶ 23. The Commission first established federal certification procedures for common carriers desiring to offer VRS and IP Relay service in 2005. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration, 20 FCC Rcd 20577 (2005) (*Provider Certification Order*). More recently, the Commission adopted new rules amending its processes for certifying all Internet-based TRS providers seeking eligibility for payment from the Fund. *See Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order, 26 FCC Rcd 10898 (2011) (*iTRS Certification Order*).

<sup>43</sup> *2008 STS NPRM*, 23 FCC Rcd at 10671-72, ¶ 24.

<sup>44</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order, 23 FCC Rcd 5255 (2008) (*2008 Interim Emergency Call Handling Order*). Specifically, the Commission required Internet-based TRS providers to, in part: (1) accept emergency calls and deliver them to an appropriate public safety answering point that corresponds to the caller’s location; (2) request, at the beginning of an emergency call, the caller’s location; and (3) implement a system so that incoming emergency calls are given priority handling if there is a queue. *Id.* at 5265, ¶ 16.

<sup>45</sup> *See 2008 TRS Numbering Order*.

<sup>46</sup> *2008 STS NPRM*, 23 FCC Rcd at 10672, ¶ 25.

Commission should mandate such efforts for both intrastate and interstate providers.<sup>47</sup> In addition, the Commission requested public feedback on whether it has the authority to require individual states to increase the compensation rates paid for intrastate STS, and ways to ensure that compensation for providers is adequate for the level of outreach necessary to reach potential STS users.<sup>48</sup> Finally, the Commission sought comment on a suggestion to have a single, nationwide provider offer both interstate and intrastate STS and IP STS.<sup>49</sup>

#### **E. 2010 Interstate TRS Advisory Council Proposal/2010 STS Petition**

13. On October 20, 2010, the Interstate TRS Advisory Council<sup>50</sup> voted, at its semi-annual meeting, to propose that the Commission: (1) establish one nationwide outreach program for STS rather than having each state TRS program conduct individual outreach efforts; (2) initiate a rulemaking proceeding on the feasibility of establishing one nationwide STS provider; and (3) approve IP STS as a compensable form of TRS.<sup>51</sup> On November 12, 2010, Petitioners submitted a second petition recommending adoption of the first two of the Advisory Council's proposals, and proposing other matters for the Commission's consideration.<sup>52</sup> Specifically, the petition requested first that the Commission utilize a single entity to deliver an effective, nationwide outreach program.<sup>53</sup> In this regard, the petition alleged that although six different STS providers had received more than \$394,000 in outreach funding from March 2008 through July 2010, during that same period, STS call volumes had decreased. Next, Petitioners requested that the Commission initiate a proceeding to administer STS through a single provider, both because of the small volume associated with this service, and "to avoid the many problems that have resulted from VRS being administered by a large number of [providers]."<sup>54</sup>

<sup>47</sup> *Id.* at 10672-73, ¶¶ 26-27.

<sup>48</sup> *Id.* at 10673, ¶ 27.

<sup>49</sup> *Id.* at 10673, ¶ 28, *citing* SCT Comments at 6. In response to the *2008 STS NPRM*, the Commission received ten comments and five reply comments. See Appendix B for list of commenters to this and related notices in this proceeding.

<sup>50</sup> The Interstate TRS Advisory Council monitors matters concerning TRS cost recovery for the Commission. Pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(H), the TRS Fund Administrator established the council as "a non-paid voluntary advisory committee of persons from the hearing and speech disability community, TRS users (voice and text telephone), interstate service providers, state representatives, and TRS providers, which [meets] at reasonable intervals (at least semi-annually) in order to monitor TRS cost recovery matters." See also *Telecommunications Relay Services and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Third Report and Order, 8 FCC Rcd 5300 (1993) (discussing the need for and creation of this council).

<sup>51</sup> See National Exchange Carrier Association, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-123 and 10-51, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, Exhibit F (Apr. 29, 2011) (*2011 Annual TRS Rate Filing*) (filed with the accompanying TRS Advisory Council Meeting Minutes of October 20, 2011).

<sup>52</sup> Bob Segalman and Rebecca Ladew, *Petition for Rulemaking*, CG Docket No. 03-123 (filed Nov. 12, 2010) (*2010 STS Petition*). Bob Segalman has served on the Interstate TRS Advisory Council.

<sup>53</sup> *2010 STS Petition* at 2.

<sup>54</sup> *Id.* at 2-3. The petition also requested approval of "remote interpreting" to allow speech and language pathologists to work from home as STS CAs, to the extent such remote interpreting is approved for VRS. *Id.* at 3-4. Insofar as the practice of handling VRS from home is currently prohibited, we reject this request at this time. See 47 C.F.R. § 64.604(b)(4)(iii); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5556-5558, ¶¶ 16-20 (2011) (*VRS Structure and Practices Order*). To the extent that we revise this VRS rule, we will consider re-visiting this matter as well for STS CAs.

## F. 2011 Petition for Rulemaking for Video Assisted STS

14. On October 20, 2011, SCT, together with eight other national disability organizations, filed a petition requesting the Commission to open a proceeding on modernizing STS to allow people with speech disabilities to benefit from modern IP technologies through the use of video-assisted STS, or VA-STS (*2011 VA-STS Petition*).<sup>55</sup> VA-STS connects the caller and the CA via a broadband video link, which allows the CA to see STS users as they are speaking. Petitioners claim that giving the CA the ability to see the STS caller's mouth movements, facial expressions, and gestures, and possibly even cue cards, can enable the CA to better understand and re-voice for the caller.<sup>56</sup> In this manner, Petitioners assert, VA-STS provides functional equivalence to many individuals with speech disabilities who are not able to utilize traditional STS successfully.<sup>57</sup> Petitioners point to the fact that there are many face and body indicators, including the "location, orientation and movement of body, body parts and head, facial expression and other non-manual indicators" that can add meaning to the speech of a speech impaired individual, and without which cues the individual may not be understood.<sup>58</sup>

## III. REPORT AND ORDER

### A. Amendments to STS Mandatory Minimum Standards

15. We amend our rules to require for each STS call lasting for 20 minutes or longer, that an STS CA stay with the call for a minimum of 20 minutes before transferring the call to another CA.<sup>59</sup> We also specifically define the point at which this time period starts. We further require STS providers to provide consumers the option to have their voice muted, and to provide a means by which STS users dialing 711 may promptly reach an STS CA.<sup>60</sup> We decline to require state TRS programs to increase their outreach funding for intrastate STS calls,<sup>61</sup> but in the accompanying *Notice*, consider a proposal for STS to be offered through a single nationwide provider, as well as the merits of coordinating a national

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<sup>55</sup> Speech Communications Assistance by Telephone (SCT), *Petition for Rulemaking for Video Assisted STS (VID-STS) to Facilitate Phone Communication for People with Severe Speech Disabilities*, CG Docket No. 03-123 (filed Oct. 20, 2011) (*2011 VA-STS Petition*). SCT was joined in this petition by the American Association of People with Disabilities, Telecommunication for the Deaf and Hard of Hearing, Inc. (TDI), the Disability Rights and Education Defense Fund, the National Association of the Deaf, the Washington State Communications Access Project, the SSB BART Group, TecAccess, and the Autistic Self-Advocacy Network. Also attached to the Petitioners' submission is a consumer petition signed by over 80 individuals and organizations in support of VA-STS. The *2011 VA-STS Petition* refers to video-assisted STS as VID-STS. However, since some states now providing this service refer to it as VA-STS, for the purposes of this proceeding, the Commission has adopted the VA-STS acronym. *See e.g.*, California (VA-STS) <http://ddtp.cpuc.ca.gov/default1.aspx?id=2974>.

<sup>56</sup> *2011 VA-STS Petition* at 2.

<sup>57</sup> *Id.* (positing that one reason that the current form of STS may be underutilized is that many people with speech disabilities can only be understood if they can be seen by the person with whom they are communicating when making phone calls and that, without these additional cues, the CA has insufficient information to facilitate a conversation).

<sup>58</sup> *Id.* Petitioners also argue that the addition of VA-STS as a form of STS that can be made available to users would enhance the employability of individuals with speech disabilities, and improve their access to emergency services. *Id.* at 3. They further claim that such a regulatory change would comport with the intent of the CVAA, because this law "recognizes how new technologies are converging and can be used to support the phone conversations of people with hearing and speech disabilities." *Id.* at 4.

<sup>59</sup> For calls of less than 20 minutes, the same CA must remain on the call for the duration of the call. We thus grant in part the relief sought in the *2006 STS Petition*.

<sup>60</sup> These issues were raised in the *2008 STS NPRM*, 23 FCC Rcd at 10668-69, ¶¶ 16-17.

<sup>61</sup> *See 2008 STS NPRM*, 23 FCC Rcd at 10672-73, ¶ 26.



outreach program for STS through a single entity.<sup>62</sup> In addition, in the *Notice*, we seek input on whether to adopt other measures that may have the potential to improve the STS program.

16. *Minimum Time Period a CA Must Stay with a Call.* As we have recognized in the past, given the nature of the interaction between an STS user and an STS CA, requiring a longer minimum period of time that an STS CA must stay with a call than is required for other forms of TRS furthers section 225's functional equivalency objective. Based upon the record concerning past experience with the preexisting 15 minute period of time that an STS CA must stay with a call, we now conclude that an incremental increase to 20 minutes would better ensure functional equivalency, and we amend our rule accordingly.<sup>63</sup> In particular, although the Commission's rules currently require STS CAs to stay with a call for 15 minutes, Petitioners claim that allowing for the currently required extra 5 minutes beyond the 10 minute stay time required for traditional TRS is still not sufficient for STS users. Specifically, as noted above, Petitioners assert that "changing CAs on . . . calls prior to 20 minutes can seriously disrupt their flow and impair functionally equivalent telephone service."<sup>64</sup> Although some providers contend that a 20 minute stay time is too burdensome,<sup>65</sup> other commenters to this proceeding agree on the importance of extending the CA stay time to at least 20 minutes – and potentially even longer – noting that it generally takes a substantial period of time (up to ten minutes or more) for an STS CA to adjust to, and develop effective communication with, an STS user, given STS users' unique speech patterns.<sup>66</sup> The record also confirms that transferring an ongoing call to a new CA is often disruptive because the new STS CA must adjust to the speech patterns of the STS user.<sup>67</sup> Further, as the *2006 STS Petition* notes, persons with speech disabilities often require a greater amount of time and concentration to perform the tasks of listening to the other party, thinking, forming a response, and then speaking.<sup>68</sup> STS users also require greater time to spell out more unusual names and words that the CA may have difficulty understanding.<sup>69</sup> Moreover, we believe that an incremental increase of 5 minutes in the minimum stay time for STS CAs strikes the appropriate balance between concerns regarding the burdens on CAs and the record evidence regarding the needs of STS users.<sup>70</sup> For these various reasons, we revise our rules to

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<sup>62</sup> See *2010 STS Petition* at 2-3.

<sup>63</sup> See Appendix A (amending 47 C.F.R. § 64.604(a)(1)(v)).

<sup>64</sup> *2006 STS Petition* at 3.

<sup>65</sup> GoAmerica (predecessor to Purple Communications) does not support extending the minimum time to 20 minutes. It asserts that in many cases, given the long call set up time, the CA could be required to stay on a call for a long period of time without a break. GoAmerica Comments at 7. Sprint, although not specifically objecting to extending the minimum time to 20 minutes, suggests that no minimum time should be mandated and that providers should simply be required to offer and ensure quality service throughout a call. Sprint Comments at 2.

<sup>66</sup> See AAPD Comments at 4 (filed June 12, 2008); AT&T Comments at 2 (filed Sept. 12, 2008); TDI Coalition Comments at 2 (filed Sept. 12, 2008); Ching Comments at 1-2 (filed July 28, 2008); Cohen Reply Comments at 1 (filed Sept. 29, 2008); Gaston Reply at 1 (filed Sept. 15, 2008); Letter from Claude L. Stout, TDI, *et al.*, to Hon. Julius Genachowski, Chairman, FCC, *et al.*, CG Docket Nos. 03-123, 08-15, at 2 (filed June 19, 2012) (TDI *et al.* June 19, 2012 *Ex Parte* Letter); Letter from Tricia K. Buckles Shepherd, President, California Speech-Language-Hearing Association, to Hon. Julius Genachowski, Chairman, FCC, *et al.*, CG Docket Nos. 03-123 and 08-15, at 1 (filed Sept. 25, 2012) (CSHA Sept. 25, 2012 *Ex Parte* Letter).

<sup>67</sup> *2006 STS Petition* at 2; AAPD Comments at 4; TDI Coalition Comments at 2-3.

<sup>68</sup> *2006 STS Petition* at 2.

<sup>69</sup> *Id.*

<sup>70</sup> As discussed above, some commenters argued that a minimum stay time of even longer than 20 minutes might be needed, while some providers express concern about the burden a 20 minute stay time could pose for CAs. With respect to the latter issue, we note that AT&T stated that "The Commission [initially] limited the 'stay' period for STS CAs to 15 minutes due to concerns about fatigue of the CAs. . . . AT&T's experience has been that most CAs

(continued....)

require that STS CAs stay on a call for a minimum of 20 minutes to ensure that such calls are not unduly disrupted and that STS users have meaningful access to the telephone system, consistent with section 225's goal of functional equivalency.<sup>71</sup>

17. Commenters are divided on when this 20 minute period should begin to run. A few commenters suggest that the 20 minute period should begin when the CA can adequately understand the speech of the STS user, so that the CA can effectively voice what the STS user says to the other party to the call.<sup>72</sup> Some of these parties further suggest that the STS user be the one who determines when such "effective communication" has been established.<sup>73</sup> However, other commenters, such as AT&T, advocate for use of a more objective standard to signal the start of this 20 minute period, such as when the CA reaches the called party.<sup>74</sup>

18. We conclude that the 20 minute time period should begin when the CA reaches the called party, and amend our rules accordingly.<sup>75</sup> Although we recognize the importance of ensuring that the STS user and the CA are able to understand one another, so that the CA accurately conveys the utterances of the person with a speech disability, we are concerned that Petitioners' request to base this starting time on what they define as "effective communication" – *i.e.*, "when a CA is able to relay the communication between the parties accurately and impartially, and interpret for the [person with a speech disability] both receptively and expressively, using any necessary specialized vocabulary"<sup>76</sup> – is too subjective to allow for any meaningful enforcement of the 20 minute rule. Therefore, we adopt an objective standard to define when the 20 minute period begins to run: when the CA reaches the called party and begins relaying the call. However, we emphasize that, for calls initiated by persons with speech disabilities, the CA should initiate an outbound call to the voice telephone user only when he or she is effectively communicating with the STS user. Moreover, especially for STS calls initiated by persons without a speech disability, we conclude that if, once the called party has been reached, the STS user and the CA are at any point unable to communicate effectively, the STS provider may switch the call to a different CA before the 20 minute period has expired without violating the 20 minute in-call replacement rule. Such result is consistent with our ruling in the VRS context, that "if the party using sign language or the VRS CA find that they are not communicating effectively given the nature of the call, the VRS provider may have another CA handle the call without violating the 10-minute in-call replacement rule."<sup>77</sup> The

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stay on a STS call for much longer than 15 minutes and that adding five more minutes to the mandatory stay period will have minimal impact on the CAs' fatigue level." AT&T Comments at 3, n.3.

<sup>71</sup> The 15 minute CA stay time was adopted in the *2000 TRS Report and Order* when the Commission concluded that STS falls within the scope of the TRS definition and requires that common carriers offer STS by March 2001. See *2000 TRS Report and Order*, 15 FCC Rcd at 5171, ¶ 70. The Petitioners now reasonably request a longer stay time based on a number of years of experience with the 15 minute stay rule.

<sup>72</sup> See *e.g.*, AAPD Comments at 3-4; TDI Coalition Comments at 2-3; Ching Reply Comments at 2; Cohen Reply Comments at 2; TDI Coalition Reply Comments at 4-5.

<sup>73</sup> See *e.g.*, Ching Reply Comments at 2.

<sup>74</sup> See AT&T Comments at 3.

<sup>75</sup> See Appendix A (amending 47 C.F.R. § 64.604(a)(1)(v)). We note that this is the same starting point for measuring billable conversation minutes.

<sup>76</sup> See *2006 STS Petition* at 3.

<sup>77</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 21 FCC Rcd 6733, 6736, ¶ 9 (2006) (*VRS In-Call Replacement Order*). As we stated in the context of VRS, the exception to the STS 20 minute in-call replacement rule does not permit STS providers or CAs to switch CAs for other reasons unrelated to the ability to effectively communicate. *Id.* at 6736, ¶ 9 n.30.

Commission adopted this exception because the in-call replacement rule “is principally intended for the benefit of the TRS user,” and when the user and the CA are not effectively communicating, the in-call replacement rule should not act as a barrier to ensuring that the relay provider can appropriately handle the call.<sup>78</sup> We believe the same exception should apply to STS, for the same reasons.

19. *Option for STS User to Have Voice Muted.* We conclude that STS providers must offer STS users the option to have their voices muted so that the other party to the call will hear only the CA, not the user’s voice, and we amend our rules accordingly.<sup>79</sup> Commenters supported this requirement,<sup>80</sup> and the record reflects that some TRS providers already offer this option.<sup>81</sup> We agree with commenters that this option will likely give more persons with speech disabilities the confidence to use STS because many such individuals are hesitant to allow the called party to hear their speech.<sup>82</sup> For STS users who want this option, we believe it will help to minimize disruption to the conversational flow of a call, thereby increasing the STS user’s ability to carry on a phone conversation that is functionally equivalent to a voice-to-voice call. Accordingly, we amend our rules to require that all STS providers offer each STS user the option to have his or her voice muted so that the other party to the call will only hear the CA, not the user’s voice.

20. *STS Calls Initiated by Dialing 711.* In 2000, the Commission adopted nationwide 711 dialing access to allow both persons with disabilities and voice telephone users to initiate a TRS call from any telephone, anywhere in the United States, and be connected to the TRS facility serving that calling area.<sup>83</sup> The Commission found that by eliminating the difficulties that individuals had with finding or remembering various relay numbers as they traveled from state to state, and by reducing the number of digits needed for accessing relay services, nationwide implementation of 711 access to TRS made relay access convenient, fast, and uncomplicated, resulting in greater functional equivalence for TRS use.<sup>84</sup>

21. As noted above, in 2008, we sought comment on a number of 711 issues specific to STS users.<sup>85</sup> We noted that the Commission was in receipt of complaints from STS users who reported being disconnected upon dialing 711 during the transfer to an STS CA, indicating perhaps a lack of proper training on the part of some CAs, or the lack of proper equipment to receive and transfer STS calls to an STS CA.<sup>86</sup> We asked whether there are means by which we could ensure that STS users can reach an STS CA promptly and without disconnection after dialing 711, for example through the use of a prompt or menu.<sup>87</sup> In response, several commenters propose that when an STS user dials 711, the call should automatically reach an interactive voice response (IVR) system menu with STS as an option at the first

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<sup>78</sup> *Id.*

<sup>79</sup> See Appendix A (adding 47 C.F.R. § 64.604(a)(1)(viii)).

<sup>80</sup> See e.g., AAPD Comments at 4; AT&T Comments at 3; TDI Coalition Comments at 3; Hamilton Comments at 2; Cohen Reply Comments at 2; TDI *et al.* June 19, 2012 *Ex Parte* Letter at 2; CSHA Sept. 25, 2012 *Ex Parte* Letter at 1.

<sup>81</sup> See, e.g., GoAmerica Comments at 7; Hamilton Relay Comments at 2.

<sup>82</sup> See, e.g., AAPD Comments at 4; TDI Coalition Comments at 3.

<sup>83</sup> *711 TRS Dialing Order*. 711 dialing access for TRS became effective on October 1, 2001. *Id.* at 15204, ¶ 32.

<sup>84</sup> *711 TRS Dialing Order*, 15 FCC Rcd at 15196-97, ¶ 14.

<sup>85</sup> *2008 STS NPRM*, 23 FCC Rcd at 10669, ¶ 17.

<sup>86</sup> *2008 STS NPRM*, 23 FCC Rcd at 10666, ¶ 9.

<sup>87</sup> *Id.* at 10669, ¶ 17. The Commission had declined to adopt this type of dialing menu requirement for 711 in its *2003 TRS Order*, but stated therein that it would monitor the implementation of 711 dialing access, as 711 dialing access was relatively new at that time. *2003 TRS Order*, 18 FCC Rcd at 12411-12, ¶¶ 52-53.

level of menu prompts, such as “Press 1 for Speech-to-Speech service.”<sup>88</sup> Sprint offers such functionality in Texas and New York.<sup>89</sup>

22. Rather than mandating any particular technical solution,<sup>90</sup> we conclude that STS providers must, at a minimum, employ the same means of enabling their STS users to connect to a CA when dialing 711 that they use for all other forms of TRS. For example, where a provider requires its CAs to directly answer incoming 711 calls (*i.e.*, they do not use an IVR menu system for incoming TRS calls), it must ensure that its CAs are trained to discern the specific needs of STS users and promptly transfer these incoming calls to STS CAs, so that these callers have the same timely access to communications that other TRS callers have.<sup>91</sup> Additionally, the provider may not require that the caller hang up and dial a different number (*e.g.*, a toll free number) to reach an STS CA because this, too, would defeat the purpose of requiring easy dialing access as established in the *711 TRS Dialing Order*,<sup>92</sup> and impose a particular hardship on STS users, many of whom have limitations in their motor dexterity due to stroke, cerebral palsy or other muscular limitations that have caused their speech disabilities.<sup>93</sup> Moreover, ensuring that an STS user does not have to dial twice to reach an STS CA appropriately implements section 225’s requirement that TRS be provided in a manner that is functionally equivalent to traditional telephone service.<sup>94</sup>

23. To the extent that a provider uses an IVR menu system that allows a direct connection to a CA for TTY-based and other forms of TRS on the first level of menu prompts, it must allow STS users to connect directly to an STS CA from that first level of prompts.<sup>95</sup> Ensuring that STS users are not required to navigate through extra dialing menus will enable such users to communicate by telephone in a manner that is functionally equivalent to the ability of an individual who does not have a speech disability.<sup>96</sup> In addition, having such direct access should be especially helpful to STS users, who, as noted above, may have dexterity limitations.

24. We note, however, that the mandate for 711 dialing does not preclude STS providers from offering a single nationwide toll free number as a supplement to 711 dialing access. Indeed, the *711*

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<sup>88</sup> See *e.g.*, AAPD Comments at 5; Sprint Comments at 3; TDI Coalition Comments at 5; Cohen Reply at 3; TDI *et al.* June 19, 2012 *Ex Parte* Letter at 3.

<sup>89</sup> See Sprint Comments at 3 (supporting the dialing prompt requirement for STS).

<sup>90</sup> See AT&T Comments at 4 (opposes the mandate of any specific technical solution to allow providers to develop solutions that enable STS users to reach an STA CA with least amount of effort); GoAmerica Comments at 8 (asserting that requiring a first level IVR prompt would unduly burden the 99 percent of 711 calls that are not STS calls). Because we do not mandate any specific technical solution at this time, we conclude that our approach does not implicate AT&T’s and GoAmerica’s concerns.

<sup>91</sup> See Hamilton Comments at 3 (explaining that Hamilton trains its employees to discern the specific needs of STS users and does not use an IVR with its 711 system).

<sup>92</sup> See AAPD Comments at 4-5 (noting that STS users are sometimes instructed to hang up and dial a toll free STS number or that their phone calls are directed to a traditional TRS CA, not one trained in STS); TDI Coalition Reply Comments at 6-7.

<sup>93</sup> See *e.g.*, AAPD Comments at 5; TDI Coalition Comments at 5. See also ¶ 31 *infra*, describing various medical conditions and illnesses that can result in developing a speech disability.

<sup>94</sup> See 47 U.S.C. § 225(a)(3).

<sup>95</sup> Specifically, when an STS user dials 711 and connects to an IVR system, if the user receives a list of options, such as “Press one for TTY relay, press two for voice carryover relay,” one of these options must allow him or her to press a number to reach an STS CA (*e.g.*, “press three for speech-to-speech relay”).

<sup>96</sup> See 47 U.S.C. § 225(a)(3).

*TRS Dialing Order* encouraged the use of alternate, direct access numbers to reach specific relay services and made clear that such numbers, as well as caller profiles, which can speed call processing by enabling TRS centers to respond to STS callers using their preferred mode of communication, “could provide a means of handling relay calls in a manner that is consistent with our mandatory minimum standards.”<sup>97</sup> However, contrary to the suggestions of some commenters, a dedicated toll-free number for STS calls cannot take the place of 711 STS dialing access, as this would be inconsistent with the intent of the *711 TRS Dialing Order*, which was to ensure that easy dialing access be available to all persons with hearing and speech disabilities seeking to use TRS across the country, as well as to voice telephone users seeking to call such persons.<sup>98</sup> The same considerations underlying that prior decision continue to persuade us that this approach best implements section 225.

## B. IP and VA-STS

25. In the *2008 STS R&O and NPRM*, the Commission tentatively concluded that IP STS meets the definition of TRS under section 225(a)(3) of the Act, and thus may be eligible for compensation from the Fund.<sup>99</sup> We explained that IP STS allows persons with speech disabilities to use a computer or PDA connected to the Internet, rather than a standard telephone connected to the PSTN, to initiate a call and speak to a CA.<sup>100</sup> In this regard, we noted that IP STS borrows from both the STS and IP Relay services that the Commission has previously recognized as forms of TRS. We also noted that using the federal TRS Fund to compensate providers for both interstate and intrastate calls (rather than interstate calls only) would be “consistent with the present treatment of the other Internet-based forms of TRS – VRS, IP Relay, and IP CTS – and the fact that because one link of the call is made via the Internet it is generally not possible to determine if a particular call is interstate or intrastate.”<sup>101</sup>

26. We now conclude, however, that we need additional information in order to determine whether an additional form of STS that utilizes Internet-based transmissions is necessary to achieve functional equivalence for Americans with speech disabilities, and, if so, to establish the parameters for such form of STS. To begin with, given the growth and development of interconnected VoIP services since 2006, it appears that STS users already can obtain the claimed advantages of IP STS, such as the ability to make calls on a mobile or Internet-enabled device, by simply using an interconnected VoIP service to access a state STS relay center.<sup>102</sup> Additionally, as noted above, since adopting the *2008 STS*

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<sup>97</sup> *711 TRS Dialing Order* at 15202, ¶ 28.

<sup>98</sup> *Id.* at 15196-97, ¶ 14 (noting that “711 access to TRS supports the goals of the Americans with Disabilities Act by increasing the integration of people with disabilities into society, and is in the public interest,” *citing* 42 U.S.C. § 12101 *et seq.*). *Contra*, GoAmerica Comments at 8 (recommending the adoption of a single nationwide toll-free number per STS provider). The Commission previously rejected adopting a nationwide STS number that was different than 711 in 2003 because the *711 TRS Dialing Order* already required that carriers implement 711 dialing in a way that gives users access to all mandated relay services. *See 2003 TRS Order*, 18 FCC Rcd at 12379, 12410-11, ¶¶ 50-51.

<sup>99</sup> *2008 STS NPRM* at 20669-70, ¶¶ 18-19. The Commission also tentatively concluded that entities desiring to provide IP STS may seek certification from the Commission under the certification rules that existed at the time. *Id.* at 10671, ¶ 23.

<sup>100</sup> *Id.* at 20669, ¶ 18.

<sup>101</sup> *Id.* at 20669-70, ¶ 19.

<sup>102</sup> Such access is required by our rules and orders. *See IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of The Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, WC Docket No. 04-36,

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*R&O and NPRM*, the Commission received the *2011 VA-STS Petition*, requesting the Commission to open a proceeding on VA-STS, which employs IP video technologies to enhance relayed communication by people with speech disabilities.<sup>103</sup> Petitioners claim that allowing the CA the ability to see and get cues from, “the user’s face and any available seen body parts or indicators,” such as facial expressions and the orientation and movement of the body, enables the CA to more effectively re-voice what a person with a speech disability says during a call.<sup>104</sup>

27. We are committed to fulfilling our statutory mandate to encourage the technological advancement of TRS services.<sup>105</sup> We also note that some of the actions taken in the recent *VRS Structural Reform Order*, including the creation of a neutral video communications service platform, user registration database and access technology reference platform, could help make VA-STS widely available in an efficient manner.<sup>106</sup> Accordingly, in the coming months, we will open a proceeding to seek comment on whether an additional form of STS that utilizes Internet-based transmissions is necessary to achieve functional equivalence for Americans with speech disabilities, and, if so, how such service should be structured and provided under the Commission’s TRS program.<sup>107</sup>

### C. Other Matters Pertaining to STS

28. Some commenters propose other initiatives to further enhance the use and quality of STS. For example, the TDI Coalition asserts that STS providers should be required to inform STS users of the TRS confidentiality rules so that prospective STS users would be reassured that their privacy is being preserved.<sup>108</sup> While we agree on the need for STS users (who are otherwise not familiar with relay services) to understand their right to conversational privacy, we decline to adopt this proposal because we

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WT Docket No. 96-198, CG Docket No. 03-123, CC Docket No. 92-105, Report and Order, 22 FCC Rcd 11275, 11296-97, ¶¶ 42-43 (2007).

<sup>103</sup> See ¶ 14, *supra*.

<sup>104</sup> *2011 VA-STS Petition* at 2.

<sup>105</sup> See 47 U.S.C. §§ 225(b)(1), (d)(2). It appears that VA-STS already is being offered in California, Louisiana, and Virginia. Minnesota has also announced its intention to begin providing this service.

<sup>106</sup> See *Structure and Practices of the Video Relay Service Program; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8656-60, ¶¶ 87-102 (2013) (*VRS Structural Reform Order*). See also 47 U.S.C. §§ 225(b)(1) (directing the Commission to “ensure that . . . telecommunications relay services are available, to the extent possible and in the most efficient manner . . .”), 225(d)(1) (directing the Commission to “prescribe regulations to implement this section”).

<sup>107</sup> Some parties propose that STS, as well as Internet-based STS, be provided through a single provider that is selected and overseen at the federal level, claiming that the small user base would make provision of this service by one provider more efficient, as well as more effective for consumers. See, e.g., STS Petition at 2-3; AAPD Comments at 5; SCT Comments at 6; *2010 STS Petition* at 2-3; National Exchange Carrier Association, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51, Exhibit F (filed Apr. 29, 2011) (TRS Advisory Council urges the Commission to initiate a rulemaking proceeding to assess the feasibility of establishing one nationwide provider for all forms of STS). But see Hamilton Comments at 4-5, Sprint Comments at 5, and GoAmerica Comments at 10-11, claiming that the provision of this service by one provider would eliminate the competition needed to improve service and foster innovation. Because we believe that the Commission’s decisions regarding the structure of STS should take into consideration all forms of this service, including forms of STS that utilize Internet-based transmissions, we will defer consideration of this issue until we address the larger structural issues attendant with providing all forms of STS in the next rulemaking referenced above.

<sup>108</sup> TDI Coalition Comments at 3 (stating that this confidentiality notification is important because of the concerns that many prospective STS users have about preserving the privacy and confidentiality of their communications).

are concerned that adding this requirement to the start of every STS call may be unduly burdensome for both the CA and other users, many of whom may already be familiar with this mandatory minimum standard. Instead, we believe that informing potential users of their right to TRS confidentiality is best incorporated into any outreach efforts that are required by our current or future rules. A second recommendation, made by AAPD, is to require STS users' profiles to be immediately available to the STS CA each time an STS user places an STS call so that providers can provide a better and more "consistent STS relay experience" for users.<sup>109</sup> We believe that this proposal deserves consideration, but defer its resolution until after we seek and obtain further input on its merits in response to the *Notice* accompanying this *Order*. In addition, AAPD and the TDI Coalition recommend that when an STS user is silent and does not say "good-bye," the CA should not terminate the call until at least 60 seconds has passed; in this way, the call would not be disconnected prematurely.<sup>110</sup> The *Notice* also seeks comment on this, as well as the suggestion of several commenters for the FCC to establish an STS Advisory Council for the purpose of formulating an STS outreach plan.<sup>111</sup> We therefore will consider these matters after receiving public feedback on their merits as well.

#### IV. FURTHER NOTICE OF PROPOSED RULEMAKING

##### A. STS Outreach

29. Although the Commission approved STS as a compensable relay service in 2000, according to the TRS Administrator's annual rate filings, demand for this service has remained relatively modest, and its growth has been slow compared with other forms of TRS.<sup>112</sup> The *2010 STS Petition* alleges that outreach efforts over the last decade have only resulted in the use of STS by an estimated one percent of prospective users.<sup>113</sup> Several commenters to this proceeding also raise concerns about the under-utilization of STS.<sup>114</sup>

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<sup>109</sup> AAPD Comments at 4.

<sup>110</sup> AAPD Comments at 4; TDI Coalition Comments at 4.

<sup>111</sup> See TDI Coalition Comments at 8; AT&T Reply Comments at 7-8; GoAmerica Comments at 9; Hamilton Comments at 3.

<sup>112</sup> Rolka Loube Saltzer Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51, at 12 (filed May 1, 2013) (*2013 TRS Rate Filing*); Rolka Loube Saltzer Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51, at 11 (filed Apr. 30, 2012) (*2012 TRS Rate Filing*); *2011 TRS Rate Filing* at 11; National Exchange Carrier Association, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51, at 11 (filed Apr. 30, 2010) (*2010 TRS Rate Filing*); National Exchange Carrier Association, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51, at 10 (filed May 1, 2009) (*2009 TRS Rate Filing*).

<sup>113</sup> *2010 STS Petition* at 3. See also ¶ 13, *supra*, suggesting that despite the distribution of \$394,000 in outreach funding to six different STS providers from 2008-2010, STS call volume during that period decreased.

<sup>114</sup> See, e.g., SCT Reply Comments in response to the *2011 TRS Rate Filing* (filed May 23, 2011) (stating that despite additional funding for outreach, the efforts have been ineffective and proposing a nationwide outreach program to be conducted by a third party entity). Previously, in response to the *2008 Rate Order*, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 23 FCC Rcd 9976 (2008) (*2008 Rate Order*), several parties expressed the need to improve STS outreach. See Hamilton Comments at 2-3; TDI Coalition Comments at 8; GoAmerica Comments at 10 (suggesting additional outreach funds for IP STS if approved as a new form of compensable TRS).

30. According to the National Institute on Deafness and Other Communication Disorders (NIDCD), there is a sizeable population of people in the United States who have speech disabilities.<sup>115</sup> This population includes individuals who have spasmodic dysphonia,<sup>116</sup> cleft palates,<sup>117</sup> cerebral palsy,<sup>118</sup> Parkinson's disease,<sup>119</sup> Amyotrophic Lateral Sclerosis (ALS or Lou Gehrig's),<sup>120</sup> aphasia,<sup>121</sup> Huntington's disease,<sup>122</sup> and speech disabilities such as stuttering or stammering.<sup>123</sup> As our nation continues to age, the incidence of older Americans likely to acquire conditions that cause speech disabilities is likely to rise.<sup>124</sup> Moreover, traumatic brain injury (TBI) is recognized as the signature wound of the wars in Iraq and

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<sup>115</sup> National Institutes on Health, "Statistics on Voice, Speech, and Language." NIH National Institute on Deafness and Other Communication Disorders, June 7, 2010, <https://www.nidcd.nih.gov/health/statistics/pages/vsl.aspx> (retrieved May 28, 2013). See also, 2011 VA-STS Petition at 2-3 (providing various statistics on the number of people who can benefit from STS).

<sup>116</sup> Spasmodic dysphonia is a voice disorder that is caused by involuntary movements of the muscles of the larynx. National Institute on Deafness and Other Communication Disorders, "Statistics on Voice, Speech, and Language" (June 7, 2010), <https://www.nidcd.nih.gov/health/statistics/pages/vsl.aspx> (retrieved May 28, 2013).

<sup>117</sup> *Id.*

<sup>118</sup> See National Institute of Neurological Disorders and Stroke, "Cerebral Palsy: Hope through Research" (Aug. 23, 2012), [http://www.ninds.nih.gov/disorders/cerebral\\_palsy/detail\\_cerebral\\_palsy.htm#154443104](http://www.ninds.nih.gov/disorders/cerebral_palsy/detail_cerebral_palsy.htm#154443104) (retrieved May 28, 2013). The United Cerebral Palsy (UCP) Foundation estimates that nearly 800,000 children and adults in the United States are living with one or more of the symptoms of cerebral palsy. According to the federal government's Centers for Disease Control and Prevention, each year about 10,000 babies born in the United States will develop cerebral palsy. *Id.*

<sup>119</sup> See National Institute of Neurological Disorders and Stroke, "Parkinson Disease Backgrounder" (Oct. 18, 2004), [http://www.ninds.nih.gov/disorders/parkinsons\\_disease/parkinsons\\_disease\\_backgrounder.htm](http://www.ninds.nih.gov/disorders/parkinsons_disease/parkinsons_disease_backgrounder.htm) (retrieved May 28, 2013). In the United States, at least 500,000 people are believed to have from Parkinson's disease, and about 50,000 new cases are reported annually. *Id.*

<sup>120</sup> See ALS Association, "Who Gets ALS?" (Feb. 2011), <http://www.alsa.org/about-als/who-gets-als.html> (retrieved May 28, 2013). It is estimated that as many as 30,000 Americans have ALS disease at any given time. *Id.*

<sup>121</sup> See National Aphasia Association, "Aphasia Frequently Asked Questions," [http://www.aphasia.org/Aphasia%20Facts/aphasia\\_faq.html](http://www.aphasia.org/Aphasia%20Facts/aphasia_faq.html) (retrieved May 28, 2013). Aphasia affects about one million Americans, or 1 in 250 people, and is more common than Parkinson's disease, cerebral palsy or muscular dystrophy. More than 100,000 Americans acquire the disorder each year. *Id.*

<sup>122</sup> See National Institute of Neurological Disorders and Stroke, "Huntington's Disease: Hope through Research" (Apr. 24 2013), [http://www.ninds.nih.gov/disorders/huntington/detail\\_huntington.htm#160493137](http://www.ninds.nih.gov/disorders/huntington/detail_huntington.htm#160493137) (retrieved May 28, 2013). More than 15,000 Americans have Huntington's disease. At least 150,000 others have a 50 percent risk of developing the disease and thousands more of their relatives live with the possibility that they, too, might develop Huntington's disease. *Id.*

<sup>123</sup> Gordon, Neil, "Stuttering Incidence and Causes," Wiley Online Library (Feb. 13, 2007), <http://onlinelibrary.wiley.com/doi/10.1111/j.1469-8749.2002.tb00806.x/abstract> (retrieved May 28, 2013). Although about 80% of an estimated 1% of Americans who stutter will outgrow their disability, there remain thousands of Americans who stutter. *Id.*

<sup>124</sup> As people age, their speech is often impacted by changes in language, memory, and swallowing, as well as by their increased chances of having a stroke or developing dementia or Parkinson's disease, and thus experiencing the concomitant communication disorders related to these diseases. See, e.g., <http://www.asha.org/slp/clinical/aging/> (retrieved May 28, 2013). For example according to the National Institute of Neurological Disorders and Stroke, the number of people with Parkinson's disease is "expected to increase as the average age of the population increases." National Institute of Neurological Disorders and Stroke, "Parkinson Disease Backgrounder" (Oct. 18, 2004), [http://www.ninds.nih.gov/disorders/parkinsons\\_disease/parkinsons\\_disease\\_backgrounder.htm](http://www.ninds.nih.gov/disorders/parkinsons_disease/parkinsons_disease_backgrounder.htm) (retrieved May 28, 2013).



Afghanistan, and between 15 percent and 23 percent of the 2 million who have served in wars in Iraq and Afghanistan, or 300,000 to 460,000 returning veterans, have experienced a TBI.<sup>125</sup> One of the most critical consequences of TBI can be its severe impact upon an individual's communication and speech skills.<sup>126</sup>

31. To ensure that individuals with speech disabilities who need STS become aware of its availability and how to access these services, the Commission has been supplementing the STS interstate per minute rate to include additional funds for STS outreach activities for the past six years.<sup>127</sup> However, this supplemental funding has not increased the number of interstate STS minutes of use by any significant amount over the past several years. Moreover, since 2009, the TRS Fund administrator has suggested in each of its annual rate filings that the Commission may wish to revisit this additional funding to determine whether there is a more effective way to inform consumers with speech disabilities about the availability of this service.<sup>128</sup>

32. The Commission would like to learn more about the reasons that STS has not been more widely utilized. For example, are people with speech disabilities not connected to an organized or culturally identified disability community that could provide them with information and resources about assistive technologies and services that can be of use to them? Are there other reasons why this service is not more widely utilized? We seek comment on the number of individuals with speech disabilities who are potential users of this service and what steps can be taken to ensure that individuals who could benefit from STS can use this service. We specifically ask whether it would be more efficient and effective to utilize a single entity to conduct nationwide STS outreach, instead of continuing the current system of

<sup>125</sup> See e.g., Congressional Budget Office, "The Veterans Health Administration's Treatment of PTSD and Traumatic Brain Injury Among Recent Combat Veterans" Feb. 2012, <http://www.cbo.gov/sites/default/files/cbofiles/attachments/02-09-PTSD.pdf> (retrieved May 28, 2013); Davis, Marc, "Soldiers' brain trauma cases disputed," The Atlanta Journal Constitution, Apr. 22, 2012, <http://www.ajc.com/news/news/local/soldiers-brain-trauma-cases-disputed/nQTD6/> (retrieved May 2, 2013).

<sup>126</sup> See, e.g., Wallace, Glorjaean, "Blast Injury Basics: A Primer for the Medical Speech-Language Pathologist," Brainline.org, [http://www.brainline.org/content/2008/08/blast-injury-basics-primer-medical-speech-language-pathologist\\_pageall.html](http://www.brainline.org/content/2008/08/blast-injury-basics-primer-medical-speech-language-pathologist_pageall.html) (retrieved May 28, 2013); Zoroya, Gregg, "Troops With Traumatic Brain Injury Face Long Road to Recovery," ABC News/USA Today, July 31, 2010, <http://abcnews.go.com/Politics/iraq-afghanistan-troops-traumatic-brain-injury-face-long/story?id=11287674> (retrieved May 28, 2013).

<sup>127</sup> At present, the STS rate is \$2.9921, which includes \$1.131 as compensation for outreach activities. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 13-1483 ¶ 7 n.10 (rel. July 1, 2013) (2013 TRS Rate Order); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 27 FCC Rcd at 7151, ¶ 2 n.6 (2012 TRS Rate Order); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 26 FCC Rcd 9972, 9979, ¶17 (2011) (2011 TRS Rate Order); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 25 FCC Rcd 8689, 8699, ¶¶ 22-23 (2010) (2010 TRS Rate Order); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 24 FCC Rcd 8628, 8631, 8634, ¶¶ 8, 15 (2009) (2009 TRS Rate Order); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 23 FCC Rcd 9976, 9978-79, 9981, ¶¶ 6, 13 (2008) (2008 TRS Rate Order); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20171, ¶ 61 (2007 TRS Cost Recovery Order) (first authorizing this supplemental amount).

<sup>128</sup> See n.129, *supra*.

providing outreach funds to each of the individual interstate STS providers through the STS compensation formula. The *2010 STS Petition* recommends contracting with a single entity for the delivery of an effective, nationwide STS outreach program in lieu of the current outreach subsidy.<sup>129</sup> It notes that this campaign could educate potential users about the service's availability because the low volume of STS minutes has resulted in "extremely little outreach in most states" and "almost no communication between states about effective techniques of providing . . . STS outreach."<sup>130</sup>

33. We tentatively agree that centralizing STS outreach efforts supported by the Fund in a single, coordinated entity can result in more effectively reaching and educating a greater portion of the population of Americans who could benefit from this service, and seek comment on this tentative conclusion. The Commission previously has noted the importance of outreach to ensure that the general public and people with disabilities acquire sufficient familiarity with TRS to meet Congress's goal of making available, to the extent possible and in the most efficient manner, a nationwide relay service that is functionally equivalent to conventional voice telephone services.<sup>131</sup> Moreover, the Commission recently concluded, with respect to VRS and IP Relay, that a national outreach effort that does not rely on the efforts of individual providers is necessary and appropriate to achieve these section 225 objectives.<sup>132</sup> The Commission explained that outreach conducted by individual VRS and IP Relay providers has not been effective in educating the general public about the purpose and functions of these services. Additionally, the Commission noted that it has been difficult to determine the extent to which outreach expenditures by these TRS providers have overlapped with each other, and therefore the extent to which funds devoted to this purpose have been reasonable or excessive. To remedy this, the Commission set up a two-year pilot program, the iTRS National Outreach Program (iTRS-NOP), to provide VRS and IP Relay outreach on a national basis through an independent third party outreach coordinator.<sup>133</sup>

34. We believe that the section 225 directive for the Commission to prescribe regulations that ensure relay services are "available . . . in the most efficient manner"<sup>134</sup> makes it appropriate to take new steps to better educate the public about the purpose and functions of STS and provides us with sufficient

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<sup>129</sup> *2010 STS Petition* at 2.

<sup>130</sup> *Id.* at 3.

<sup>131</sup> See, e.g., *Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act*, CC Docket No. 90-571, Report and Order and Request for Comments, 6 FCC Rcd 4657, 4663, ¶ 28 (1991) (*TRS I*) (adopting the outreach requirement); *711 TRS Dialing Order*, 15 FCC Rcd at 15189, ¶ 1; *VRS Structural Reform Order*, 28 FCC Rcd at 8632, ¶ 27.

<sup>132</sup> See *id.* at 8634, ¶ 31. This is similar to the Commission's action to set aside \$500,000 for national outreach during each TRS Fund year of the National Deaf Blind Equipment Distribution (pilot) Program (NDBEDP) – a program established to distribute communications equipment to people who are deaf-blind under the Twenty-First Century Communications and Video Accessibility Act. *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, 26 FCC Rcd 5640, 5675-76, ¶ 80 (2011) (*NDBEDP Pilot Program Order*). In 2012, the Commission selected a single entity to coordinate this outreach effort. *Perkins School for the Blind to Conduct National Outreach for the National Deaf-Blind Equipment Distribution Program*, CG Docket No. 10-210, Public Notice, 27 FCC Rcd 6143 (2012).

<sup>133</sup> *VRS Structural Reform Order*, 28 FCC Rcd at 8637, ¶ 34. In that Order, we directed "the Managing Director, in consultation with the Chief of CGB, to (i) select one or more iTRS Outreach Coordinators to conduct and coordinate IP Relay and VRS outreach nationwide and be compensated through the Fund or (ii) contract with the TRS Fund administrator to enter into such arrangements under objectives and factors determined by the Managing Director in consultation with the Chief of CGB." *Id.*

<sup>134</sup> See 47 U.S.C. §§ 225(b)(1) (directing the Commission to "ensure that . . . telecommunications relay services are available, to the extent possible and in the most efficient manner . . ."), 225(d)(1) (directing the Commission to "prescribe regulations to implement this section").

authority to direct that a national STS outreach effort be funded for this purpose from TRS contributions as a necessary cost caused by TRS.<sup>135</sup> We ask commenters whether they agree with this assessment. We further ask commenters whether, given that the Commission has resolved to establish the iTRS-NOP for IP Relay and VRS, we should bundle national STS outreach efforts into this national outreach program. What are the costs and benefits of combining these efforts? For example, are there efficiencies to be gained in contracting with a single entity or a group of single entities for all types of TRS outreach? Or are there characteristics of STS or the population served by this service that necessitate a separate outreach effort? If the latter, we ask commenters to describe these characteristics, as well as any criteria needed for the selection of a national STS outreach coordinator that should be different from the criteria used to select a national coordinator of VRS and IP Relay outreach. Additionally, if the Commission or the Interstate TRS Fund administrator contracts with a single entity for the handling of STS calls, and we decide on a national outreach effort that is separate from the iTRS-NOP, we seek comment on whether the entity selected to provide STS also should be eligible to become the national STS outreach coordinator, or whether the outreach coordinator should be independent of any provider of STS.

35. We also seek comment on the criteria that should be used to select a nationwide outreach program coordinator, as well as the outreach activities for which such coordinator should be responsible. With respect to the latter, we seek feedback on whether the coordinator should be required to engage in the following activities, as well as any other activities not identified below:

- *Consulting with consumer groups, STS providers, the TRS Fund administrator, and other STS stakeholders;*
- *Establishing clear and concise messaging about the purposes, functions, and benefits of STS;*
- *Contacting and providing direct outreach and education to relevant medical, disability and senior citizen organizations, associations and medical professionals whose constituencies, members, and patients are likely to benefit from STS;*<sup>136</sup>
- *Determining media outlets and other appropriate avenues for providing information about STS to identified medical, disability and senior citizen organizations, associations, and professionals, the general public and potential new-to-category subscribers;*
- *Preparing for and arranging for publication, press releases, announcements, digital postcards, newsletters, and media spots about STS that are directed to identified medical, disability and senior citizen organizations, associations, and professionals, as well as retailers and other businesses, including trade associations;*
- *Creating electronic and media tool kits that include samples of the materials listed in the previous bullet, and which may also include templates, all of which will be for the purpose of facilitating the preparation and distribution of such materials by consumer and industry associations, governmental entities, and other STS stakeholders;*
- *Providing materials to local, state, and national governmental agencies on the purposes, functions, and benefits of STS; and,*
- *Exploring opportunities to partner and collaborate with other entities to disseminate information about STS.*

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<sup>135</sup> 2010 STS Petition at 2; VRS Structural Reform Order, 28 FCC Rcd at 8636, ¶ 32, n.93.

<sup>136</sup> Organizations that represent individuals with the types of medical conditions and disabilities listed in paragraph 31 above may have a particular interest in sharing information about STS with their constituencies and members. These would include, for example, organizations that represent or address the interests of individuals with cerebral palsy, Parkinson's disease, strokes, etc.

36. We propose that an entity selected by the Commission or the Interstate TRS Fund administrator to coordinate such outreach be required to work with and submit periodic reports to the Chief of the Consumer and Governmental Affairs Bureau and to the Managing Director, which report measure and describe the effectiveness of the entity's outreach efforts, and seek comment on these proposals. We also seek comment on whether there should be specified levels of outreach activities that the STS national outreach coordinator should be required to meet, and how and by whom these levels should be set and evaluated. If a national outreach program is established, we propose that the additional amount currently added to the STS per minute rate for outreach be discontinued from future rates, and seek comment on this proposal. If we choose not to continue reimbursing the cost of outreach activities on a per minute basis to providers, we seek feedback on whether a specified amount should be set aside from the Fund on an annual basis for nationwide outreach activities, what this amount should be, and how it should be determined. Finally, should the cost of providing STS as well as STS outreach be allocated between the Interstate TRS Fund and the state program funds, and, if so, how?

### **B. Consumer Eligibility, Registration and Verification**

37. In recent years, the Commission has undertaken significant efforts to ensure that its Internet-based TRS programs are structurally sound and are free from waste, fraud and abuse.<sup>137</sup> For example, the Commission has established registration requirements for IP Relay and VRS users,<sup>138</sup> adopted interim rules requiring that users of IP captioned telephone relay services document their eligibility to use that service,<sup>139</sup> and adopted sweeping reforms of the VRS program.<sup>140</sup> Of particular concern to the Commission is making sure that only those individuals who are truly eligible for different forms of TRS are allowed to use these services. Accordingly, we seek comment on how to establish rules to clearly define and oversee the eligibility, registration, and verification of STS users. As an initial matter, we note that in the *VRS Structural Reform Order*, the Commission recently directed the creation of a user registration database for VRS users.<sup>141</sup> Should STS providers be required to use this database to register all individuals seeking to use STS, whether STS is provided by a single provider or if it remains with the states? As part of the registration process, should users be permitted to provide self-certification that they have a speech disability? For example, is this readily identifiable to the CA when a call is made? Or should users be required to obtain a signed certification from a qualified independent third party that the user has a speech disability that necessitates the use of STS in order to be able to effectively communicate when using the telephone? Should any such user certification be required once, before the user begins using the service, or should it have to be renewed at specified intervals, and if the latter, what should these intervals be? Generally, we seek comment on the costs and benefits associated with a certification requirement, as well as whether such requirements will effectively fulfill Congress's directive to the Commission, in section 225 of the Communications Act, to ensure that TRS is available, "to the extent possible and in the most efficient manner," to persons with hearing and speech disabilities.<sup>142</sup> Finally, we propose that any certification ultimately required by our rules be made under penalty of perjury as an added layer of assurance that the individual's disability satisfies our eligibility

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<sup>137</sup> See *VRS Structure and Practices Order*, 26 FCC Rcd 5545; *iTRS Certification Order*, 26 FCC Rcd 10898.

<sup>138</sup> See *Second TRS Numbering Order*, 24 FCC Rcd at 808-811, ¶¶ 36-38.

<sup>139</sup> See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703,716-720, ¶¶ 19-26 (2013).

<sup>140</sup> See e.g. *VRS Structure and Practices Order*; *VRS Structural Reform Order*.

<sup>141</sup> *VRS Structural Reform Order*, 28 FCC Rcd at 8656, ¶¶ 62-86.

<sup>142</sup> 47 U.S.C. § 225(b)(1).

requirements and seek comment on this proposal.<sup>143</sup> We seek comment on the issue of certification of eligibility generally. Commenters who do not believe these certification proposals are appropriate should offer alternative requirements that can be used to ensure that only eligible individuals who are intended to benefit from this service (*i.e.*, who need STS to communicate in a manner that is functionally equivalent to communication by voice telephone users) are permitted to use it. We also ask commenters to weigh the potential benefits and potential costs of these proposals.

38. We further ask whether we should adopt a centralized process by which the identities of STS users are verified, as we have done in the *VRS Structural Reform Order*.<sup>144</sup> In that Order, we directed the Managing Director to ensure that a centralized user registration database has the capability of performing an identification verification check when a VRS provider or other party submits a query to the database about an existing or potential user.<sup>145</sup> We further directed that the criteria for identification verification (*e.g.*, information to be submitted, acceptable level of risk, etc.) shall be established by the Managing Director in consultation with the Commission's Chief Technology Officer and the Chief of the Office of Engineering and Technology. Finally, we required that VRS providers not be permitted to register individuals that do not pass the identification verification check conducted through the user registration database, and not seek compensation for calls placed by such individuals. We ask whether the same requirements should now apply to STS providers.

### C. Mandatory Minimum Standards for STS

39. In the *2008 STS NPRM*, the Commission tentatively concluded that IP STS providers would not need to meet the following TRS mandatory minimum standards to be eligible for compensation:<sup>146</sup> (1) CA competency in typing and spelling;<sup>147</sup> (2) ensuring that TTY calls over TRS can be transmitted in ASCII and Baudot formats;<sup>148</sup> (3) call release;<sup>149</sup> (4) hearing carry over (HCO) and voice carry over (VCO) services;<sup>150</sup> (5) equal access to interexchange carriers;<sup>151</sup> (6) pay-per-call (900)

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<sup>143</sup> See, *e.g.*, *Lifeline & Link Up Reform and Modernization*, WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6709-11, ¶¶ 111-14, 6712, ¶ 120 (2012) (amending 47 C.F.R. § 54.410 to require, among other measures to reduce fraud, abuse, and waste in the Lifeline program, that eligible telecommunications carriers obtain initial and annual self-certifications by consumers, under penalty of perjury, establishing their eligibility for Lifeline support). See also 47 C.F.R. § 54.416(a) (requiring eligible telecommunications carriers themselves to certify annually, under penalty of perjury, that they have policies and procedures in place to ensure that Lifeline subscribers are eligible and that they are in compliance with all federal Lifeline certification procedures).

<sup>144</sup> *VRS Structural Reform Order*, 28 FCC Rcd at 8656, ¶ 86.

<sup>145</sup> *Id.* (noting that the National Lifeline Accountability Database has the same functionality, and citing *Lifeline and Link Up Reform and Modernization Order*, 27 FCC Rcd at 6743, ¶ 201).

<sup>146</sup> *2008 STS NPRM*, 23 FCC Rcd at 10602, ¶ 24.

<sup>147</sup> This includes the requirement that CAs meet a typing speed of a minimum of 60 words per minute. 47 C.F.R. § 64.604(a)(ii), (iii).

<sup>148</sup> Providers of traditional TRS (*i.e.*, text-based TRS calls made using a TTY) must ensure that the TTY can communicate in either the ASCII or Baudot formats. 47 C.F.R. §§ 64.601(a)(5), (7), 64.604(b)(1).

<sup>149</sup> Call release is a TRS feature that allows the CA to drop from the call after the CA has set up a telephone call between two TTY users. 47 C.F.R. § 64.601(a)(8).

<sup>150</sup> HCO permits a person with a speech disability, but who is able to hear, to type text to the other party to the call (which is voiced by the CA), and listen in return to what the called party is saying. 47 C.F.R. § 64.601(a)(13). VCO permits a person with a hearing disability, but who is able to speak, to speak directly to the other party to the call (instead of typing text), and receive in return the called party's spoken words as text. 47 C.F.R. § 64.601(a)(42).

service;<sup>152</sup> and (7) outbound 711 dialing.<sup>153</sup> GoAmerica and Hamilton agree with this tentative conclusion, and note that certain mandatory minimum standards are either not applicable to IP STS given the nature of the service, or should be waived due to present technological infeasibility.<sup>154</sup>

40. Although we are no longer seeking comment on the provision of IP STS as originally conceived in the *IP STS Request*, we now propose to amend the Commission's rules to state that the following mandatory minimum standards not be applied to any form of STS because they are inapplicable to this service, and seek comment on this proposal:

- *CA competency in typing and spelling*. These skills pertain to typing, and a CA is not required to type messages during an STS call.
- Ensuring that TTY calls over TRS can be transmitted in ASCII and Baudot formats. TTYs are not used in STS calls.<sup>155</sup>
- *Call release*. This feature is designed to ensure the continuation of a phone call between two TTY users, and STS users do not make calls using TTYs.<sup>156</sup>
- *Voice Carry Over (VCO)*. VCO is designed to enable a person with a hearing disability, but who is able to speak, to speak directly to the other party to the call, and receive in return the called party's spoken words as text. An STS user can hear directly the responses of the other party to the call.

#### D. Other Matters

41. During the course of this proceeding, various commenters raised suggestions for improving STS that went beyond the scope of the *2008 STS NPRM*. For example, AAPD recommended that STS user profiles be immediately available to an STS CA each time an STS user places a call, to allow the provider to provide a better and more "consistent STS relay experience" for users.<sup>157</sup> In addition, AAPD and the TDI Coalition recommended that when an STS user is silent and does not say "good-bye," the CA should not terminate the call until at least 60 seconds has passed; in this way, the call would not be disconnected prematurely.<sup>158</sup> Another recommendation, made by several commenters, was for the FCC to establish an STS Advisory Council for the purpose of formulating an STS outreach plan. We seek comment on these recommendations, and any other matters that the Commission should address (Continued from previous page) \_\_\_\_\_

<sup>151</sup> Equal access to interexchange carriers requires providers to relay long distance calls through the consumer's choice of interexchange carrier. 47 C.F.R. § 64.604(b)(3).

<sup>152</sup> Pay-per-call (900) services are services for calls that include a charge billed to the calling party. 47 C.F.R. § 64.604(a)(3)(iv).

<sup>153</sup> Outbound 711 dialing permits TRS users to dial 711 to reach a relay provider. *711 Dialing Order*, 15 FCC Rcd at 15190-91, ¶ 3; 47 C.F.R. § 64.603.

<sup>154</sup> *IP STS Request* at 6-7; Hamilton Comments at 4; GoAmerica Comments at 5.

<sup>155</sup> Note that although the requirement that "TRS shall transmit conversations between TTY and voice callers in real time" is not, by its terms, applicable to STS, STS providers must relay calls between the parties in real time. See 47 C.F.R. § 64.604(a)(vii).

<sup>156</sup> Call release also is presently waived for IP Relay. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Order, 27 FCC Rcd 7113, 7120, ¶¶ 12-13 (2012) (*2012 TRS Waiver Order*).

<sup>157</sup> AAPD Comments at 4.

<sup>158</sup> *Id.* at 4; TDI Coalition Comments at 4.

to achieve the full utilization of STS. For example, should we establish a mandatory minimum standard for training of CAs who handle STS calls or any other mandatory minimum standards that are specific to STS?<sup>159</sup> Finally, we seek information about any technological advances in end user equipment since the submissions of the petitions in this proceeding that may bear on the provision of this service.

42. To what extent should providers be required to allow STS users to create caller profiles? Such profiles generally allow users to pre-submit their preferences for call handling, including their contact information (for emergencies), language preferences, and speed dial numbers,<sup>160</sup> which may speed up the time needed for STS call set-up. If providers should be required to offer caller profiles, what should users be allowed to include in these profiles? What are the costs and benefits of mandating the availability of profiles?

43. Finally, are there other enhancements to STS that the Commission should know about? For example, one provider recently implemented a national wireless short code to make it easier to place or receive STS calls.<sup>161</sup> We seek comment on the benefits of using such a code nationwide. We generally invite comment on other improvements that can be made to STS consistent with the functional equivalency mandate and section 225 more generally.

## V. PROCEDURAL MATTERS

### A. Comment Filing Procedures

44. Pursuant to sections 1.415 and 1.419 of the Commission's rules,<sup>162</sup> interested parties may file comments and reply comments regarding the *Notice* on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>163</sup>

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

<sup>159</sup> We note that for all types of TRS, our rules specify certain minimum standards for the CAs who handle these calls. See 47 C.F.R. § 64.604(a) (listing operational standards governing CAs in handling relay calls).

<sup>160</sup> See e.g., <http://sprintsts.com/myprofile.html>

<sup>161</sup> See <http://www.engadget.com/2012/05/18/sprint-my-wireless-sts-speech-to-speech-service/>.

<sup>162</sup> 47 C.F.R. §§ 1.415 and 1.419.

<sup>163</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

45. Documents in CG Docket Nos. 08-15 and 03-123 will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

#### **B. Ex Parte Presentations**

46. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>164</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).<sup>165</sup> In proceedings governed by rule 1.49(f)<sup>166</sup> or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

#### **C. Regulatory Flexibility Act**

47. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>167</sup> the Commission has prepared a Final Regulatory Flexibility Certification in which it concludes that, under the terms of RFA, there is no significant economic impact on small entities of the policies and rules addressed in this document. The Certification is set forth in Appendix C.

48. As required by the RFA, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules addressed in this item. The IRFA is set forth in Appendix D. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Notice* provided on or before the dates indicated on the first page of this *Order* and *Notice*. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for

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<sup>164</sup> 47 C.F.R. §§ 1.1200–1.1216.

<sup>165</sup> *Id.* § 1.1206(b).

<sup>166</sup> *Id.* § 1.49(f).

<sup>167</sup> 5 U.S.C. §§ 601 *et. seq.* The RFA has been amended by the Contract With America Advancement Act of 1996. Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).



Advocacy of the Small Business Administration.<sup>168</sup> In addition, the *Order* and *Notice* and IRFA (or summaries thereof) will be published in the Federal Register.<sup>169</sup>

#### **D. Paperwork Reduction Act Analysis**

49. *Paperwork Reduction Act of 1995 Analysis.* The *Order* does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).<sup>170</sup> In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.<sup>171</sup>

50. The *Notice* seeks comment on proposed new information collection requirements. If the Commission adopts any new information collection requirement, the Commission will publish another notice in the Federal Register inviting the public to comment on the requirements, as required by the PRA.<sup>172</sup> In addition, pursuant to the Small Business Paperwork Relief Act of 2002,<sup>173</sup> the Commission will seek specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

#### **E. Congressional Review Act**

51. The Commission will send a copy of this *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.<sup>174</sup>

#### **F. Materials in Accessible Formats**

52. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Report and Order and Further Notice of Proposed Rulemaking* can also be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro/trs.html>.

### **VI. ORDERING CLAUSES**

53. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i), (j), and (o), 225, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), (j), and (o), 225, and 403, this Report and Order and Further Notice of Proposed Rulemaking IS HEREBY ADOPTED.

54. IT IS FURTHER ORDERED that the *2006 STS Petition* IS GRANTED to the extent indicated herein.

55. IT IS FURTHER ORDERED that section 64.604 of the Commission's Rules, 47 C.F.R. § 64.604, IS AMENDED as specified in Appendix A, effective 60 days after publication of the Report and Order in the *Federal Register*.

56. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Report and Order and

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<sup>168</sup> See *id.* § 603(a).

<sup>169</sup> *Id.*

<sup>170</sup> Public Law 104-13.

<sup>171</sup> Public Law 107-198. See 44 U.S.C. § 3506(c)(4).

<sup>172</sup> Public Law 104-13. See 44 U.S.C. §§ 3501-3520.

<sup>173</sup> Public Law 107-198. See 44 U.S.C. § 3506(c)(4).

<sup>174</sup> 5 U.S.C. § 801(a)(1)(A).

Further Notice of Proposed Rulemaking, including the Final Regulatory Flexibility Certification and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

## APPENDIX A

## Final Rule Changes

The Commission amends 47 C.F.R. Part 64 as follows:

## PART 64 – MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 254(k); 403 (b)(2)(B), (c), Public Law 104-104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 228, 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, unless otherwise noted.

2. Amend section 64.604 by revising paragraph (a)(1)(v) and by adding paragraphs (a)(1)(viii) and (b)(7) to read as follows:

**§ 64.604 Mandatory minimum standards.**

(a) Operational standards

(1) \* \* \*

\* \* \* \* \*

(v) CAs answering and placing a TTY-based TRS or VRS call shall stay with the call for a minimum of ten minutes. CAs answering and placing an STS call shall stay with the call for a minimum of twenty minutes. The minimum time period shall begin to run when the CA reaches the called party. The obligation of the CA to stay with the call shall terminate upon the earlier of (1) the termination of the call by one of the parties to the call or (2) the completion of the minimum time period.

\* \* \* \* \*

(viii) STS providers shall offer STS users the option to have their voices muted so that the other party to the call will hear only the CA and will not hear the STS user's voice.

\* \* \* \* \*

(b) \* \* \*

(7) STS 711 Calls. An STS provider shall, at a minimum, employ the same means of enabling an STS user to connect to a CA when dialing 711 that the provider uses for all other forms of TRS. When a CA directly answers an incoming 711 call, the CA shall transfer the STS user to an STS CA without requiring the STS user to take any additional steps. When an interactive voice response (IVR) system answers an incoming 711 call, the IVR system shall allow for an STS user to connect directly to an STS CA using the same level of prompts as the IVR system uses for all other forms of TRS.

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**APPENDIX B****List of Commenters**

<b>COMMENTERS</b>	<b>COMMENT DATE</b>
<b>PN on Hawk IP STS Request</b>	
American Network, Inc.	May 22, 2008
Speech Communications Assistance by Telephone, Inc. (SCT)	May 8, 2008
<b>2008 STS Petition</b>	
American Association of People with Disabilities (AAPD)	September 12, 2008
Hamilton Relay, Inc.	September 12, 2008
GoAmerica, Inc.	September 12, 2008
Hawk Relay, LLC	September 12, 2008
Indianapolis Resource Center for Independent Living (IRCIL)	September 12, 2008
Services for Independent Living (SILC)	September 12, 2008
Sprint Nextel Corporation	September 12, 2008
Walton Options for Independent Living (WOIL)	September 12, 2008
<b>TDI Coalition consisting of:</b>	
Telecommunications for the Deaf and Hard of Hearing, Inc.	September 12, 2008
Speech Communications Assistance by Telephone, Inc.	September 12, 2008
Association of Late-Deafened Adults, Inc.	September 12, 2008
National Association of the Deaf	September 12, 2008
Deaf and Hard of Hearing Consumer Advocacy Network	September 12, 2008
California Coalition of Agencies Serving the Deaf and Hard of Hearing	September 12, 2008
Hearing Loss Association of America	September 12, 2008
Center for People with Disabilities (CPWD)	September 11, 2008
Winston Ching	July 28, 2008
<b>REPLY COMMENTS</b>	<b>REPLY COMMENT DATE</b>
AT&T	September 29, 2008
Hawk Relay	September 29, 2008
Law Offices of Jane Cohen, LLC	September 29, 2008
TDI Coalition	September 29, 2008
Winston Ching	September 29, 2008

## APPENDIX C

## Final Regulatory Flexibility Certification

1. The Regulatory Flexibility Act of 1980, as amended (RFA)<sup>1</sup> requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that “the rule will not have a significant economic impact on a substantial number of small entities.”<sup>2</sup> The RFA generally defines “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>3</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>4</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>5</sup>

2. Speech-to-speech (STS) relay service is a form of telecommunications relay service (TRS) that utilizes specially trained communications assistants (CAs) who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by such individuals to the other parties to a relayed call.<sup>6</sup> In the *Report and Order*, the Commission concludes that requiring an STS CA to stay with the call for a minimum of 20 minutes is best served to ensure the effective and efficient relaying of STS calls. The Commission also finds that requiring that STS providers offer the STS user the option of having her or his voice muted so that the other party to the call would hear only the STS CA re-voicing the call, and not the voice of the STS user as well, will give potential STS users the confidence necessary to use STS. In this *Report and Order*, the Commission further requires that STS providers must, at a minimum, employ the same means of enabling their STS users to connect to a CA when dialing 711 that they use for all other forms of TRS. For example, when a CA directly answers an incoming 711 call, the CA must transfer the STS user to an STS CA without requiring the STS user to take any additional steps. When an interactive voice response (IVR) system answers an incoming 711 call, the IVR system must allow for an STS user to connect directly to an STS CA using the same level of prompts as the IVR system uses for all other forms of PSTN-based TRS.

3. The Commission concludes that these new requirements are necessary to improve the effectiveness and quality of STS so that individuals with speech disabilities may receive functionally equivalent telephone service, as mandated by Title IV of the Americans with Disabilities Act. We believe that none of these requirements would impose a significant burden on providers, including small

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<sup>1</sup> 5 U.S.C. §§ 601 *et. seq.* The RFA has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> 5 U.S.C. § 605(b).

<sup>3</sup> 5 U.S.C. § 601(6).

<sup>4</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of “small business concern” in Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>5</sup> Small Business Act, § 15 U.S.C. § 632.

<sup>6</sup> 47 C.F.R. § 64.601(a)(30); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5148, ¶ 14 (2000) (“2000 TRS Report and Order”).

businesses. Specifically, each of the three new requirements entail only minor operational changes that can be accomplished at minimal cost to each provider of STS, including small businesses.

4. In analyzing whether a substantial number of small entities will be affected by the requirements adopted in the *Report and Order*, the Commission notes that the SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such firms having 1,500 or fewer employees.<sup>7</sup> Five providers currently receive compensation from the Interstate TRS Fund for providing STS: AT&T Corporation; Hamilton Relay, Inc.; Kansas Relay Service, Inc.; Purple Communications, Inc. and Sprint Nextel Corporation. The Commission notes that only one of these five providers is a small entity under the SBA's small business size standard. Because each of the three new requirements adopted in the *Report and Order* entail only minor operational changes that can be accomplished at *de minimis* cost to each provider of STS, the Commission concludes that there will be no significant economic impact on the small entities affected by the changes adopted in this *Report and Order*.

5. Therefore, for all of the reasons stated above, we certify that the requirements of this *Report and Order* will not have a significant economic impact on a substantial number of small entities.

6. The Commission will send a copy of the *Report and Order*, including a copy of this Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA.<sup>8</sup> This final certification will also be published in the Federal Register.<sup>9</sup>

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<sup>7</sup> 13 C.F.R. § 121.201, NAICS code 517110. According to Census Bureau data for 2007, there were 31,996 firms in the Wired Telecommunications Carrier category which operated for the entire year. U.S. Census Bureau, 2007 Economic Census, Sector 51: EC0751SSSZ2: Information: Subject Series - Estab & Firm Size: Employment Size of Establishments for the United States: 2007 (Release Date: 11/19/2010). [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-geo\\_id=&-fds\\_name=EC0700A1&-skip=700&-ds\\_name=EC0751SSSZ2&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-skip=700&-ds_name=EC0751SSSZ2&-lang=en). Of this total, 30,178 firms had employment of 99 or fewer employees, and an additional 1,818 firms had employment of 100 employees or more. Thus, under this size standard, the vast majority of firms can be considered small. (The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is "Firms with 100 employees or more"). *Id.*

<sup>8</sup> See 5 U.S.C. § 605(b).

<sup>9</sup> See *id.*

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**APPENDIX D****Initial Regulatory Flexibility Analysis**

1. As required by the Regulatory Flexibility Act (RFA),<sup>1</sup> the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rulemaking. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the Further Notice. The Commission will send a copy of this Further Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).<sup>2</sup> In addition, the Further Notice and IRFA (or summaries thereof) will be published in the Federal Register.<sup>3</sup>

**A. Need for, and Objectives of, the Proposed Rules**

2. Speech-to-speech (STS) relay service is a form of telecommunications relay service (TRS) that utilizes specially trained communications assistants (CAs) who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by such individuals to the other parties to a relayed call.<sup>4</sup> In the *Further Notice of Proposed Rulemaking (Notice)*, the Commission seeks comment on four main issues. First, the Commission seeks comment on ways to improve outreach to increase awareness and utilization for STS, and whether the Commission should contract with a single entity to educate potential users about the service's availability. Second, to ensure the integrity and long term sustainability of the service and prevent waste, fraud, and abuse, the Commission seeks comment on whether it should adopt consumer eligibility, registration and verification requirements to ensure that only individuals with speech disabilities who need the service can use it. Third, the Commission seeks comment on whether certain mandatory minimum standards, are inapplicable to STS, including CA competency in typing and spelling, transmission format of TTY calls, call release of a CA from a call with only two TTY users, and voice carry over (VCO), where a person with a hearing disability speaks to the other party to the call, but receives the other party's spoken words as text from the CA. Fourth, the Commission seeks comment on whether to adopt requirements for STS providers to facilitate the ability of STS users to create caller profiles. The Commission tentatively concludes that these proposed rule changes may be necessary to improve the efficiency of the STS program and to ensure effective, quality STS services so that users with speech disabilities may receive functionally equivalent telephone service, as mandated by Title IV of the Americans with Disabilities Act.

**B. Legal Basis**

3. The legal basis for any action that may be taken pursuant to the *Notice* is contained in sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended.<sup>5</sup>

**C. Description and Estimate of the Number of Small Entities to Which the Proposed**

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<sup>1</sup> 5 U.S.C. § 601 *et seq.* The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> See 5 U.S.C. § 603(a).

<sup>3</sup> See 5 U.S.C. § 603(a).

<sup>4</sup> 47 C.F.R. § 64.601(a)(30); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5148, ¶ 14 (2000) (“2000 TRS Report and Order”).

<sup>5</sup> 47 U.S.C. §§ 151, 152, 154(i), 154(j), and 225.

### Rules May Apply

4. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules.<sup>6</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>7</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>8</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>9</sup>

5. We believe that the entities that may be affected by the proposed rules are STS providers. Neither the Commission nor the SBA has developed a definition of “small entity” specifically directed toward STS providers. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers, which consists of all such firms having 1,500 or fewer employees.<sup>10</sup> Five providers currently receive compensation from the Interstate TRS Fund for providing STS: AT&T Corporation; Hamilton Relay, Inc.; Kansas Relay Service, Inc.; Purple Communications, Inc.; and Sprint Nextel Corporation. Therefore, we conclude that one of the five STS providers that would be affected by the proposed rules is deemed to be a small entity under the SBA’s small business size standard.

#### **D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements**

6. Certain rule changes, if adopted by the Commission, would modify rules or add requirements governing reporting, recordkeeping and other compliance obligations.

7. If the Commission were to contract with a single outreach coordinator to educate potential users about the availability of STS, STS providers, including small entities, would be relieved of the obligation to conduct outreach, but would still be permitted to engage in their own marketing activities. There would be no reporting or recordkeeping obligations associated with the proposed rule change.

8. If the Commission were to adopt consumer eligibility, registration and verification requirements to ensure that only individuals with speech disabilities who need the service can use it, STS providers, including small entities, would be required to collect, verify, and maintain certain information

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<sup>6</sup> 5 U.S.C. § 604(a)(3).

<sup>7</sup> 5 U.S.C. § 601(6).

<sup>8</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of “small business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>9</sup> 15 U.S.C. § 632.

<sup>10</sup> 13 C.F.R. § 121.201, NAICS code 517110. According to Census Bureau data for 2007, there were 31,996 firms in the Wired Telecommunications Carrier category which operated for the entire year. U.S. Census Bureau, 2007 Economic Census, Sector 51: EC0751SSSZ2: Information: Subject Series - Estab & Firm Size: Employment Size of Establishments for the United States: 2007 (Release Date: 11/19/2010). [http://factfinder.census.gov/servlet/IBQTable?\\_bm=y&-geo\\_id=&-fds\\_name=EC0700A1&-skip=700&-ds\\_name=EC0751SSSZ2&-lang=en](http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-skip=700&-ds_name=EC0751SSSZ2&-lang=en). Of this total, 30,178 firms had employment of 99 or fewer employees, and an additional 1,818 firms had employment of 100 employees or more. Thus, under this size standard, the vast majority of firms can be considered small. (The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is “Firms with 100 employees or more”). *Id.*



from consumers and to maintain such information. The Commission believes that such costs would be reasonable for STS providers, because it is the consumers who would be required to supply the information to the providers. In other words, the obligation of the providers, including small entities, would be to receive the information from the consumers, and to verify and maintain the information. The Commission believes that the recordkeeping cost to providers would be *de minimis* for receiving and maintaining the information, and that the cost of verifying the information would be reasonable, because the task of verification would likely be contracted out to a company that can do such verification at a reasonable price, as is typically done in the banking industry and other industries that require verification of consumer-supplied information. If the Commission assigns the task of verification to the manager of a common database, then the STS providers would transfer the information to the central database manager, and the TRS Fund would compensate the database manager. Under the latter scenario, TRS providers, including small entities, would not be responsible for the cost of verification.

9. If the Commission were to find certain mandatory minimum TRS standards to be inapplicable to STS, all STS providers, including small entities, would benefit because they would not need to comply with those mandatory minimum standards and would be relieved of recordkeeping and reporting obligations associated with such mandatory minimum standards.

10. If the Commission were to adopt requirements for STS providers to permit STS users to create caller profiles, STS providers, including small entities, would need to obtain and maintain information supplied by the users. However, the cost of creating and maintaining user profiles would be outweighed by the cost savings associated with reduced call set-up time, which is not compensable because providers may bill the Fund for conversation minutes only.

**E. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered**

11. The RFA requires an agency to describe any significant alternatives, specific to small entities, that it has considered in developing its approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”<sup>11</sup>

12. In general, alternatives to proposed rules are discussed only when those rules pose a significant adverse economic impact on small entities. In this context, however, two of the proposed rules would confer benefits as explained below.

13. If the Commission were to contract with a single outreach coordinator to educate potential users about the availability of STS, STS providers, including small entities, would benefit, because they would be relieved of the obligation to conduct outreach. STS providers would still be permitted to engage in their own marketing activities.

14. If the Commission were to adopt consumer eligibility, registration and verification requirements to ensure that only individuals with speech disabilities who need the service can use it, STS providers, including small entities, would be required to collect, verify, and maintain certain information from consumers. The Commission believes that such costs would be reasonable for STS providers, because it is the consumers who would be required to supply the information to the providers. In other words, the obligation of the providers, including small entities, would be to receive the information from the consumers, and to verify and maintain the information. The Commission believes that the recordkeeping cost to providers would be *de minimis* for receiving and maintaining the information, and

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<sup>11</sup> 5 U.S.C. § 603(c)(1)-(c)(4).

that the cost of verifying the information would be reasonable, because the task of verification would likely be contracted out to a company that can do such verification at a reasonable price, as is typically done in the banking industry and other industries that require verification of consumer-supplied information. One alternative to relieve STS providers, including small entities of the verification obligations would be to assign the task of verification to the manager of a common database. If this were done, STS providers would transfer the information to the central database manager, and the TRS Fund would compensate the database manager. Under the latter scenario, TRS providers, including small entities, would not be responsible for the cost of verification. The Commission is not proposing other alternatives for small entities because these requirements may be needed to limit waste, fraud and abuse, and an ineligible user can potentially defraud the TRS Fund by obtaining service from large and small entities alike. Therefore, if the Commission were to adopt registration, certification and verification procedures, the same requirements would need to apply to users of small entities as well as large entities.

15. If the Commission were to find certain mandatory minimum TRS standards to be inapplicable to STS, all STS providers, including small entities, would benefit because they would not need to comply with those mandatory minimum standards and would be relieved of recordkeeping and reporting obligations associated with such mandatory minimum standards.

16. If the Commission were to adopt requirements for STS providers to permit STS users to create caller profiles, STS providers, including small entities, would need to obtain and maintain information supplied by the users. However, STS providers, including small entities, would benefit from establishing user profiles because the cost of creating and maintaining user profiles would be outweighed by the cost savings associated with reduced call set-up time. Call set-up time is not compensable because providers may bill the Fund for conversation minutes only.

**F. Federal Rules that May Duplicate, Overlap, or Conflict with Proposed Rules**

17. None.

**STATEMENT OF  
ACTING CHAIRWOMAN MIGNON CLYBURN**

Re: *Speech-to-Speech (STS) and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 08-15 and 03-123

Today we mark the eve of the anniversary of the Americans with Disabilities Act in three distinct ways. First, as you have just heard, we are improving the service that allows people with speech disabilities to communicate through telephone networks. This is another step toward fulfilling the promise of Title IV of the ADA, which requires access by people with hearing or speech disabilities to our telephone system through telecommunications relay services. Second, our Consumer Bureau will release a Public Notice seeking comment on a request to update our hearing aid compatibility standards, which will allow people with hearing loss to have better volume control on wireline phones. Finally, later this morning, we will hear from our staff about the Commission's implementation of another landmark law, the Twenty-First Century Communications and Video Accessibility Act. The CVAA is already ensuring that all Americans with disabilities are able to use a host of the latest communications and video programming technologies currently available to the general public.

The Speech-to-Speech, or "STS" item before us highlights a unique service that allows those with speech disabilities to connect to others using the phone network and specially trained communications assistants. The Commission first mandated STS in 2000 as a means of fulfilling our charge under the ADA, to ensure that the nation's relay services make use of modern technologies.

In the years that followed, the Commission has received requests and proposals for improving this critical service, and today, we answer these requests by improving service standards for those using phone services.

By requiring communication assistants to stay with each STS call for a minimum of 20 minutes, we lessen the disruption that sometimes results when assistants are timed out from a call before it is concluded. It generally takes a few minutes for a communications assistant to gain a full understanding of the speech patterns of a person with a speech disability, especially if names and technical terms are used during a conversation. Reducing the number of times that these assistants must change during a call will result in greater functional equivalency for the user and will allow these calls to be processed more efficiently. Similarly, our requirement for STS providers to offer users the option of having their voices muted during a call will minimize disruption to the conversational flow of the call. Finally, by ensuring that consumers who access STS by dialing 711 are able to promptly reach a communication assistant, we will make it easier for them to use these services.

We also seek comment on other ways we can improve STS. We particularly remain concerned that despite considerable outreach funding that has been provided over the past several years, there are many potential STS users who could benefit from, but remain unaware of, this service. The proposal to centralize STS outreach efforts through a single, national outreach coordinator is another step in improving the Commission's stewardship of the TRS Fund. Our goal is to efficiently reach and educate a greater portion of the population of Americans who could benefit from this service. We also ask how best to register, certify and verify STS users, which builds on our recent actions on video relay services to curb waste, fraud, and abuse. There should be no doubt about our unwavering commitment to a sustainable Fund supporting these services.

Finally, we are aware that a new form of STS, which uses video technology over broadband to allow the communication assistant to see the STS user as he or she is speaking, is now being provided by certain state TRS programs. We understand from some of the petitioners in this proceeding, that having the ability to see the STS caller's facial expressions, gestures, and lip movements – as well as cue cards that the caller could hold up to show names and other difficult-to-pronounce words – can help the communications assistant to better understand, and re-voice, for the STS user. We will be opening a second STS proceeding in the coming months, to seek comment on this new form of STS, as well as other ways that Internet-based technologies can help improve this service.

I am so pleased to announce these new rules, which bring us closer to functional equivalence for Americans with speech disabilities. STS relay provides an invaluable service to these often overlooked members of our community, and enables them to participate more fully in American life. I wish to acknowledge the extraordinary work of Dr. Bob Segalman, founder of STS, whose ingenuity has enabled people with speech disabilities across the country to enjoy independence and privacy when using the telephone. Unfortunately, Bob could not be here with us today as he is based in California, but we hope that he is watching our live web feed. We know that he is with us in spirit. Additionally, I want to express appreciation to Rebecca Ladew, a local Speech-to-Speech advocate, who has served on some of our advisory committees. Bob and Rebecca, your commitment to these issues is unparalleled, and we thank you for the work that you have done to make it possible for people with speech disabilities to have seamless communication.

Of course, today and next week's ADA celebration are milestones, but by no means the end of the road. So much more remains to be done to ensure that people with disabilities are full participants in this communications revolution. I thank my fellow Commissioners for joining me as we move further toward this most important goal.

I want to thank the Consumer and Governmental Affairs Bureau for its outstanding work to ensure that individuals with speech disabilities have full access to our communications system, and for all your efforts to fulfill our obligations under the Americans with Disabilities Act.

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 08-15, 03-123

Under the Americans with Disabilities Act, functional equivalency has been the foundation of our telecommunications relay service policies. Functional equivalency may sound like the kind of regulatory lingo that only a lawyer could love. But for millions of Americans with hearing and speech impairments, it means that they have the right and ability to pick up the phone, reach out and connect, and participate more fully in the world.

Today, more than one million Americans, including an increasing number of veterans suffering from brain injuries, live with speech disabilities. These disabilities can make it difficult to communicate and hard to make even a simple phone call. But the Commission's speech-to-speech telecommunications relay service is designed to help. Our rules permit people with speech disabilities to speak with a trained communications assistant who then relays the words of the speech-to-speech user to the called party. It means that people with speech disabilities can do the things so many of us take for granted—pick up the phone and seek emergency help; secure a job; make a doctor's appointment; follow up with a child's teacher; and connect with family and friends.

But as good as this program is, there is room for improvement. So today we take steps to improve speech-to-speech services. Specifically, to limit disruption for users, we require communications assistants to stay on the line for at least 20 minutes before switching the caller to a new assistant. At the same time, we permit a speech-to-speech communications assistant to transfer a call to another assistant if he or she is unable to understand the speech-to-speech user. Speech-to-speech users also may now mute their voices on a call to reduce listener confusion. In addition, we seek comment on ways to increase awareness of the speech-to-speech program so it can help more people with speech disabilities communicate effectively. The net result should be more dignity for users, more clarity for communications assistants, and more effective calls.

Thank you to the Consumer and Governmental Affairs Bureau for your work today and for your continued commitment to functional equivalency.

**STATEMENT OF  
COMMISSIONER AJIT PAI**

Re: *Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services*, CG Docket No. 08-15; *Telecommunications Relay Services for Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123.

Seventy-nine years ago, Congress created the Commission “to make available, so far as possible, to all the people of the United States, without discrimination . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service.”<sup>1</sup> And Congress reiterated that message 23 years ago with the passage of the Americans with Disabilities Act. Today we reaffirm our commitment to this vital mission by strengthening the Telecommunications Relay Service (TRS) program used by so many Americans with disabilities.

The reforms we make to the Speech-to-Speech component of TRS may appear incremental for some, but they can be monumental for those in need. The muting requirement, for example, is a simple fix to ensure that the message of those with a speaking disability comes through clearly. Extending the minimum stay-time should allow fuller, longer discussions for users. And making Speech-to-Speech service easier to access is just as important; there’s no reason why 711 can’t offer the full range of TRS programs, including Speech-to-Speech service, from the same straightforward, interactive menu.

None of the reforms adopted today would be possible without the hard work of the Commission’s Disability Rights Office—Gregory Hlibok, Marilyn Abraham, Helen Chang, Rosaline Crawford, Jackie Ellington, Elaine Gardner, Eliot Greenwald, Solita Griffis, Christina Hebert, John Herzog, Roger Holberg, Sherita Kennedy, Cheryl King, Diane Mason, Judy Miller, Traci Randolph, ShaVonne Morris, Suzy Rosen Singleton, and Dana Wilson—along with their front-office support: Kris Monteith, Karen Peltz Strauss, and Robert Aldrich. Thank you for everything you’ve done not only with respect to today’s item but in your ongoing work to support Americans with disabilities.

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<sup>1</sup> 47 U.S.C. § 151.