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Before the

FEDERAL COMMUNICATIONS Commission
Washington, DC

In the Matter of)
)
Telecommunications Relay Services,)
And Speech-to-Speech services for)
Individuals with Hearing and Speech)
Disabilities)

CC Docket No. 98-67

NOTICE OF PROPOSED RULEMAKING

COMMENTS OF
Massachusetts Assistive Technology Partnership
1295 Boylston St., Suite 310
Boston, MA 02215

July 20, 1998

The Massachusetts Assistive Technology Partnership (MATP) Center submits these comments to the Federal Communications Commission on "Notice of Proposed Rulemaking," (NPRM) notice No. 98-87, in the above mentioned proceeding released May 20, 1998. MATP promotes increased access to assistive technology through consumer-responsive activities. MATP is a cross-disability project, funded under the National Institute on Disability and Rehabilitation Research, U.S. Department of Education. The Massachusetts Commission for the Deaf and Hard of Hearing is the administering agency for MATP.

Telecommunication Relay Services (TRS) provide access to the telephone for people with speech and hearing disabilities and, therefore, are considered a vital assistive technology service. We appreciate this opportunity to comment on the current state of TRS provision and to recommend ways in which to improve the TRS through promotion of technological advances and through regulated national standards of service provision, and to enhance, to the greatest extent possible, access by individuals with hearing and speech disabilities to functionally equivalent telecommunication services.

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(23) Speech-to-Speech Relay Services

We applaud the Commission's inclusion of language requiring Speech-to-Speech Relay Service. We strongly encourage the commission to propose rulemaking that assures that only highly skilled, well-trained transliterators will perform the function of transliterating the speech of the relay consumer accurately. We propose relaxing the "verbatim" language but building in assurances that the message will be relayed appropriately and within context. For example, the STS consumer should always be aware of what the transliterator is saying to the other party and be provided an opportunity to correct the transliterator if in error.

(24) We support the concept of regional or national sharing of trained operators and concur with the commission that adoption of Federal rules will assist the states in developing cost-effective regional or national centers where STS calls can be handled. In Massachusetts, where our state statute currently prohibits TRS from being handled out-of-state, we welcome federal relief for the cost-effectiveness of STS services.

(32) Video Relay Interpreting (VRI) Services

The MATP feels strongly that Video Relay Interpreting (VRI) Service is a basic civil right of individuals whose primary language is American Sign Language. We agree that VRI is a very young, refreshing, technological advancement to TRS and should not be strictly regulated by the Commission at this time. We disagree, however, that it should not be required as part and parcel to TRS services and included in the two-year plan that the Commission has proposed for **Speech-to-Speech** relay.

Certainly a valid issue expressed by many is a lack of qualified interpreters. It is common business knowledge that with increased demand comes increased supply and we feel that if interpreters and aspiring interpreters could foresee the field growing to include **VRI**, undoubtedly the ranks of that profession would grow to meet this need. Particularly appealing may be the fact that VRI interpreting can be achieved from remote locations thereby saving considerable travel time spent by many free-lance interpreters.

We also note that NAD, SHHH, and CAN brought forth the concept of an entire sub-population — children who are deaf and without English skills or not yet fluent enough in English to use a **TTY** — as being neglected. We cannot help but to concur with this view especially with the realization that telephone usage continues to accelerate leaving those who cannot access it behind and deprived of their right to functionally equivalent access to the telecommunications network.

Given the VRI trials and VRI service offerings underway in various states, we feel that the Commission should have the foresight to install preliminary requirements for a two year period (that would begin two years after the Order) and plan to formulate regulations immediately thereafter (at least four years into the future). It is the experience of TRS users in Massachusetts that providers in single-vendor states may not be likely to offer anything but the mandatory requirements. We encourage preliminary requirements for VRI without overzealous regulations to establish a firm footing for all providers to work from.

Finally we find it odd and contradictory that the Commission recognizes VRI as a "relay" service within the meaning of Title IV of the ADA yet does not include it as a service required in the provision of all TRS.

(41) Emergency Calls

The MATP agrees with commenters' suggestion that there is widespread inconsistency among TRS centers' handling of emergency response and public safety access. It is critical that the ANI be passed simultaneously to the emergency dispatch point for any emergency calls. In order to recognize what constitutes an emergency call, we suggest that public safety officials provide guidelines on how to recognize such a call and incorporate this as a part of all TRS operator mandatory awareness training. We feel that the common carriers in each state should be working with the public safety entity to heavily promote the accessible enhanced 911 (E911) services to all citizens including TRS users to ensure that such critical calls are handled within the shortest time possible.

In Massachusetts, TTY access is a built-in feature of the E911 consoles. In addition, the ability to signal need using the standard touch-tone telephone keypad assures those without means to speak and without a device (such a TTY) handy equal access. With enough publicity, there would be little if any need for TRS to handle emergency calls in Massachusetts. Regardless, we agree that a uniform protocol and procedure should be established for all TRS providers since there will always be an element of panic involved in emergencies and there will remain a need for properly handling TRS calls for emergency purposes.

(45) Access to Enhanced Services

The MATP Center strongly disagrees with the Commission's statement that the Americans with Disabilities Act does not give the Commission sufficient regulatory authority to mandate access to enhanced realy services, such as capturing audio-text or voice-driven menu systems. On the contrary, the Congressional record (#2434-1400) will show that Congress accepted the notion that future technology might be available beyond 1990 that will ensure access to enhances services. Today, interactive voice recording is available, and we strongly believe that TRS providers should be required to offer it.

The majority of state and federal agencies and large businesses throughout the nation now employ machines to greet callers and guide them to the appropriate department. Literally all TTY-users are denied outright access to any of these agencies, businesses, etc. due to these devices. Barring such radical moves as banning of such devices (in order to provide functionally equal access), the Commission should look to the key purpose of Title IV: effective communication. As an alternate, a requirement that all voice-driven menu systems provide a generic means to access a live operator assuring access in accordance with Title II and Title III of the ADA could be a stopgap measure but we doubt that it would be enforceable. We feel that the Commission should seriously consider the prevalent usage of these systems and the undue burden placed both upon the TRS user (time) and the TRS provider (money) and regulate accordingly. Assuring access to the telephone network without assuring effective communication potential through that network is a conflict of terms.

We feel that TRS operators should be able to capture such messages electronically and relay them through interactive voice recording. Simply informing the party of an answering machine or voice-driven menu system and asking if they wish to leave a message takes enough time to miss the initial prompts and seems pointless. If the Commission would allow the electronic capturing by the TRS operators of these messages to be retained for the duration of the call, some of the wasted time (both consumers' and provider's) would be saved. The operator could rewind the message to complete the relaying of the message or level that was accessed within the voice-driven system without numerous redials and thereby be available for more calls sooner rather than locked in to a lengthy multiple-dialed call.

In summary, we believe the Commission is not being entirely responsive to the consumers' complaints and concerns about lack of such access by offering an option (a "hot-key") that has been technically available for the past eight years. We feel that the Commission should be considering substantial solutions to this barrier to communication access rather than taking a patchwork approach. TRS consumers deserve no less.

(49) Speed-of-Answer Requirements

The MATP commends the Commission for proposing the added language "... by a CA prepares to place the TRS call.." We concur with others providing comments that the blockage rate is ripe for abuse by TRS providers. We feel that the majority of calls that are abandoned are done so because the caller cannot reach the TRS center. Busy, lengthy ring patterns, and inordinately long holds are — unfortunately — common to TRS users. We propose that any time on hold is inexcusable (barring network failure) and punishable with fines and penalties since it is not functionally equivalent to the telephone network access of non-TRS users. We commend the Commission for proposing daily-basis compliance with answer time requirements and encourage the Commission to address what point a call is considered "answered" to be as measured by the Automatic Call Distributor.

We feel strongly that noncompliance with the answering of 85% of all calls (including the majority of abandoned calls) in ten seconds merits penalties and wish the Commission to address monitoring and sanctions for noncompliance to this — or any — quality of service standard. We support the 100% of all calls answered within 30 seconds and are extremely disappointed in the lowering of this standard to as low as 97% in some states with in-state, single-vendor TRS.

(75) Complaint and Certification Process

We applaud the conclusion by the Commission that substantive changes are needed with respect to the certification and complaint process. In Massachusetts, we participated in a painful struggle with the Department of Telecommunications and Energy when trying to address and resolve our TRS complaints. A formal complaint was filed by four consumer agencies and with 230 consumers signatures on December 18, 1996. The DTE ignored the complaint until the Office of the Attorney General intervened on June 6, 1997. The DTE eventually held a public hearing on September 27, 1997, and a settlement agreement was finally achieved on March 24, 1998, more than 15 months after the original complaint filing! We believe that the substantive changes to the Commissions rules should include severe monetary penalties and sanctions against the certified agency with such monetary penalties reverting to the funding of the state TRS program.

We thank the commission for this opportunity to comment.

Sincerely,



Marilyn Howe, Director

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