

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Telecommunications Relay Services)	CC Docket No. 98-67
and Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	
Disabilities)	

**COMMENTS OF THE PUERTO RICO
TELECOMMUNICATIONS
REGULATORY BOARD**

The Puerto Rico Telecommunications Regulatory Board ("Board"), by its attorneys, hereby submits its comments to the Notice of Proposed Rulemaking issued by the Commission in the above-captioned proceeding.¹

In the NPRM, the Commission proposes a number of rule amendments intended to enhance the quality of Telecommunications Relay Service ("TRS") and broaden the potential universe of TRS users.

First, the Commission proposes that common carriers providing voice transmission service ensure the availability of speech-to-speech relay services for users with speech disabilities.

Second, the Commission proposes a number of amendments to its current TRS minimum standards to improve the overall effectiveness of TRS programs. Specifically, the Commission

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, FCC 98-90, Notice of Proposed Rulemaking (released May 20, 1998) ("NPRM").

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proposes to amend its speed-of-answer rules to eliminate delay and make the placement of calls through a TRS center more functionally equivalent to the use of the voice telephone network. The Commission also proposes to amend its rules to reduce the disruption caused by in-call transfers between Communications Assistants.

Third, the Commission proposes to amend its TRS enforcement rules to increase oversight over certified state TRS programs. Currently, state TRS programs are certified for five years with no reporting requirements. The Commission proposes to require certified state TRS programs to notify the Commission of changes to their programs within 60 days of the change and to file documentation demonstrating continued compliance with the Commission's minimum standards. The Commission also proposes to require as a condition for certification states to demonstrate that their programs make available to TRS users informational materials on state and Commission complaint procedures sufficient for users to know the proper procedures for filing complaints. Finally, the Commission asks for comment on whether it should adopt specific guidelines that can be used to assess whether a state program provides adequate procedures and remedies for enforcing the program.

The Board applauds generally the Commission's efforts to improve the quality of TRS services and to increase the overall effectiveness of the TRS program. Like the Commission, the Board is committed to ensuring that individuals with disabilities are able to participate fully and meaningfully in mainstream life, particularly as it relates to access to telecommunications services. Accordingly, the Board concurs with the Commission regarding the vast majority of the Commission's proposed changes.

However, the Commission should not adopt the majority of its proposals relating to added state TRS certification oversight. Section 225 of the Communications Act, 47 U.S.C. §

225, establishes a federal/state partnership in the oversight of TRS programs. States that apply for certification are already required to demonstrate that the state TRS program meets or exceeds the Commission's minimum requirements and that the state has adequate procedures and remedies for ensuring that the program is enforced. States that receive certification are entitled to address any complaints in the first instance. 47 U.S.C. §§ 255 (f)(2) and (g)(1).

The clear intent of this law is to allow state regulatory agencies, such as the Board, to customize their TRS programs to meet the specific requirements of the state's citizens while still maintaining the minimum standards necessary to ensure that all disabled persons are properly served. This purpose is of paramount importance in Puerto Rico, where issues of language and cultural heritage may significantly impact the proper delivery of TRS services. Under the Commission's current rules, the Board is free to take steps necessary to customize Puerto Rico's TRS program, including competitively selecting alternative vendors that may provide services especially tailored to the needs of Puerto Rico's disabled citizens.

Section 225 also is intended to ensure proper and judicious allocation of regulatory resources. States interested in maintaining certified TRS programs are obligated to establish proper procedures for enforcing their TRS programs and are delegated the responsibility to address complaints. Other states may rely on the FCC to enforce TRS standards and address complaints. This paradigm properly allocates the burden of overseeing customized state programs to those states that choose to establish them and preserves the Commission's resources for oversight of non-certified states and state certification in general.

If the Commission adopts its proposed state oversight regulations, the federal/state partnership established by Section 225 will be adversely affected. States will be required to comply with burdensome filing requirements every time any substantive change to their TRS

programs are made. Moreover, state TRS programs would have to be tailored to fit narrowly within the Commission's new specific assessment guidelines in order to avoid further Commission scrutiny.

These regulatory hurdles would greatly affect states' ability and willingness to make changes in their TRS programs to address the specific needs of their citizens. The new regulations also would result in tremendous duplication of effort and waste of both state and Commission resources, particularly for those states that already diligently oversee their TRS programs to ensure that they comply with the Commission's minimum standards, however those standards may be changed.

Nevertheless, the Board recognizes that there may be instances in which it is appropriate for the FCC to take a closer look at a particular state's certified TRS program. However, such action is already contemplated by Section 225 and the Commission's existing rules.² If the Commission becomes aware that a particular state's TRS program no longer complies with its minimum standards, the Commission is free to institute an inquiry and, after notice and comment, suspend or revoke certification. No further Commission oversight of state programs is required.

²See 47 C.F.R. § 64.605(e).

The Board is in full agreement with the Commission that the TRS program minimum standards should be modified to enhance the quality of service and increase the universe of potential users. Greater oversight of state certified TRS programs will not further this goal.

Respectfully submitted,

PUERTO RICO TELECOMMUNICATIONS
REGULATORY BOARD

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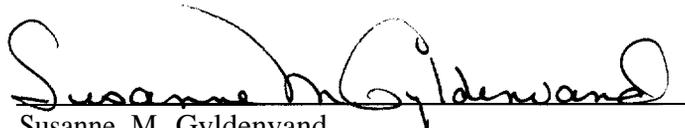
Dated: July 20, 1998

CERTIFICATE OF SERVICE

I, Susanne M. Gyldenvand, do hereby certify that a copy of the foregoing Comments of the Puerto Rico Telecommunications Regulatory Board was sent by first-class United States mail, postage prepaid, this 20th day of July, 1998 to:

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