Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

September 14, 1998

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

REPLY COMMENTS OF DAVID J. NELSON

I would like to comment on the FCC's NRPM. I am shocked and very disappointed in that. I see few "improvements" in the NPRM for the TRS. At first, I wasn't sure that I understood the NPRM. Then, at a meeting, I shared my thoughts and found that I wasn't alone and many in the meeting couldn't believe what they read. There are many other improvements or actions that absolutely need to be addressed. The feeling among my collegues and many grassroots people is that they are very disappointed and wondering if we will end up with the same ole TRS (there were many disappointed faces among them). I strongly urge the FCC to reconsider and rewrite their NRPM. Because there are many, if not millions of real TRS users and this is important to every TRS users of this country. I am submitting comments on matters for you to further review:

Speech to Speech Relay Service:

I applaud the FCC recognizing the importance of Speech to Speech (STS) services for people with speech disabilities. However, the 2 year time period giving the TRS vendors time to

develop the STS centers, may be a bit too long. There is at least one vendor ready to provide the STS services and the FCC should mandate that any vendors who have the STS capability to start providing the STS services within 6 months. If the TRS vendor does not have STS capability, whoever is in charge of the TRS should make arrangements to contract with another vendor to provide the STS. This should be done immediately. It is not necessary for the STS to be under the same TRS vendor when the vendor can't provide it or does not want to operate it. The FCC should give the option of using the same or a different vendor.

Video Relay Interpreting:

I'm disappointed the FCC feels that Video Relay Interpreting (VRI) should not be mandated at this time but only done on a voluntary basis. There are at least 5 million Deaf people in this country and many of them would benefit from using the VRI over the TTY relay. This 5 million is twice the number of people with speech disabilities. There are deaf people who still feel uncomfortable using the TRS via TTY because they trust using the interpreters via VRI. Using the VRI is live direct relay calling.

The FCC should mandate states to provide VRI within two years from selection of fixed sites throughout the state and require the FCC to revisit whether the VRI should be expanded from sites such as homes and businesses where deaf people work. This revisiting is reasonable because technology is changing everyday and it will become more feasible to do from more fixed sites.

When VRI is established, qualified interpreters as explained in Titles II and III of the ADA should be applied.

Multilingual Relay Services:

With respect to Multilingual Relay Services (MRS), the FCC should allow recovery cost

from intrastate and interstate TRS Funds.

Access to Emergency Services:

The FCC should mandate that TRS vendors pass the ANI to the emergency services operator with permission to recover cost to install and develop the system allowing the TRS vendors to pass the ANI.

Access to Advance Services:

The FCC tentatively concludes that Congress did not give the FCC jurisdiction under ADA in dealing with voice menu-driven systems. The FCC also proposes that the CA may alert TRS users as to the presence of recording and may inquire as to whether the CA can summarize the message or listen for specific information. This is already being done by some state TRS, however, I must point out that Congress did indeed allow the FCC to set new requirements if technology is available (see Congressional Record (House of Representatives) dated May 17, 1990 on page H2423). It showed, at the time of the ADA passage, technology wasn't available. Now, it is my understanding, some states require their TRS providers to "record" the voice menu for the CA to play back and complete the message. I suggest the possibility that the CA alert the TRS user and asked if they would like the CA to play back the recording and complete the message.

This has been a number one complaint for years and we should resolve this. A colleague recently told me he blamed the TRS for reaching the voice menu and he didn't understand what it was. It took a while for me to explain that it was not the TRS, but the companies or others who provide the services and it is very difficult for the CA to follow the fast pace recording and type the message. I'm not sure if I was successful making him understand what it was.

As the Congressional Record shows, the Congress said when any new technology is

available, then it should be part of any advance services. There are numerous services which can be incorporated into TRS.

Mandatory Minimum Standards:

a. Speed-of-Answer

I am pleased the FCC has revised the rules requiring TRS vendors to answer 85% of all calls within 10 seconds by a CA prepared to place the TRS call at that time. I was hoping the 85% would be increase to 95%. However, I do hope the FCC will revisit this issue within 2 years and see if this will reduce complaints by the TRS users.

b. Communications Assistant Quality and Training:

I'm very disappointed the FCC choose not to get involved with enhancing the CA's quality and training. For instance, I still believe the minimum typing speed for CAs should be 65 wpm (for the CA using TTY) and using "real time relay" such as using the CART should be useful for TTY with enhanced code/ASCII calls. Thus this will reduce the pause of conversation between the callers and fewer hang ups by non-TTY callers.

I do think the TRS vendors need to "re-think" how they hire CA's. I think it's time for the TRS vendors to seek out better qualified people who can provide much higher professionalism and typing speed when working as a CA. They, of course, should be appropriately compensated for their higher skills. I believe it's time for vendors to stop hiring people with little skills and hoping they will increase their skills over long periods of time. Higher skills at the time of hiring, higher quality relay services and greater professionalism should be our mutual goal. The TRS users should not be the "guinea pig" just because of the quality of the TRS and/or CAs. We should be treated with respect and dignity.

I'm somewhat surprised at the statement in the NPRM that FCC declines to adopt any

more requirements, explaining that "TRS is still a relatively new service". This is far from true. The TRS came into being at least 7 years ago, however, there were some TRS, run by a few states, much longer (at least 10 years). This is not a "relatively new service" to many of the TRS users (there have been many other “volunteer relay” services years before the states created or FCC mandated a professional relay service). Because there are large volumes of relay calls (my estimate is at least million calls per year), how can we just wait for the FCC to figure out how to improve the TRS.

c. In-Call Replacement of CAs:

I applaud the FCC amending the rule to require that a CA must stay on a TRS call for at least 10 minutes before an in-call CA transfer should take place. I am asking you to re-consider this and require 15 minutes instead of 10. Just in the last few months, I have noticed an increase of CA replacements at the beginning of calls or less than 5 minutes into the call. This is annoying for anyone!

Competition Issues:

I am very disappointed the FCC declined at this time to require intrastate TRS Multivendoring. I believe the Telecommunications Act of 1996 gave the option to do that. I am positive that during the passage of the ADA, Multivendoring wasn't on the table because no one thought about it and it put the responsiblity to the local phone companies. Again, this was before the Telecommunications Act of 1996. Now with the passage of Telecommunications Act of 1996, Congress wants Americans to have the option to select their own local telephone company service (allowing local and long distance companies to enter each others markets). This Act doesn't restrict the state to select only one TRS vendor to provide the relay service and I believe the FCC has the authority to permit it. If the Telecommunication Act of 1996 was passed before

the ADA, I'm pretty sure Congress would not have restricted the local phone companies (or state) to select one TRS vendor.

The feeling is still growing in the deaf community that they don't want to be stuck with one TRS vendor for intrastate relay calls. A friend of mine from another state was telling me how his state had changed the TRS vendor last year and it took this vendor over a year to get to the level of relay service standard they had with a previous TRS vendor. He said it was very frustrating and didn't think it was fair for him to wait and be patience (the vendor's outreach manager told him that it takes time for them to get everything in order). I know that deaf communities in two states are still very unhappy with their TRS vendor when it was changed a few years ago and they want to get back to their previous TRS vendor or be allowed to choose their own TRS vendor to make intrastate calls.

In order to have Multivendoring in each state, I suggest that the State's Advisory Board or state’s PSC send out a checklist of their features or standards to any TRS vendors who are interested in providing intrastate relay services. If the propective vendor meets the checklist or standards, the State's Advisory Board or State’s PSC should certify them for 3 years to provide the intrastate relay service. If the vendor doesn't meet the checklist or standards, then they should not be certified and not allowed to provide TRS intrastate relay calling services. This is similar to the method used in the Telecommunications Act of 1996 for allowing local/long distance companies to enter other markets. This is fair to all parties and will provide for much more competition and encourage adding new features. I suggest that the interstate TRS fund administrator set the recovery price for the State's to reimburse the cost on any new advance features or functions.

Other matters:

In my comment papers I filed with the FCC (see CC Docket No. 90-571 dated March 17, 1997 and April 21, 1997), many matters have not been addressed or the FCC choose not to act on them. I strongly urge you to review them because most of the comments I filed reflected the majority opinion of the deaf community. In my comments I filed, I still feel that FCC should act on:

- Call Release;
- Caller ID;
- Automatic Call Forwarding (just last week, a repairman tried to call directly to my home TTY and he didn't know he had to call the Relay Service. If he had my "voice number", he would have been connected to the Relay Service and the relay center would have automatically routed the call to my TTY);
- 3 digits (411, 611, 911);
- State TRS Advisory Board;
- Nationwide Relay Advisory Council;
- State Equipment Distribution Program.

The FCC seriously needs to resolve them instead of waiting for the next comment period. I believe that having the Nationwide Relay Advisory Council (or a National Relay Commission) under the FCC's jurisdiction, they can address and resolve the issues (the council or commission must have the authority). Because FCC handles various telecommunication issues and they may be overwhelmed, have limited time, and priorities may be in different place, this council (or commission) can be of great assistance to the FCC.

And lastly, the FCC should be doing NOI on TRS every 3 years.

In closing, I urge the FCC to re-consider the NRPM and review all the comments that were filed in 1997 and this year. Review the comments that were filed by true TRS users because they know and have experienced what the TRS is all about and what the TRS should be. Congress made it very clear that we need to be on the top of everything and not wait until " a later time". We all want to be equal citizens of this country and not "on the back burner." Simply put, the current TRS and the FCC NPRM is inferior! It is the FCC responsibility to see this doesn't continue to happen.

Thank you.

Respectful Submitted,

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