

**JOINT STATEMENT OF CHAIRMAN MICHAEL K. POWELL
AND
COMMISSIONER KATHLEEN Q. ABERNATHY**

Re: Telecommunications Relay Services and the Americans With Disabilities Act of 1990

We are pleased to support this Report and Order, which ensures that telecommunications relay services (TRS) will be fully accessible via payphones to individuals with hearing or speech disabilities. For years, the Commission and carriers have searched in vain for a technical means of allowing consumers with hearing or speech disabilities to place toll TRS calls by depositing coins into payphones. As the Report and Order explains in detail, these collaborative efforts have proved fruitless. The only available technology for handling such “coin sent-paid calls” would subject consumers to long delays before calls are completed, fail to accommodate certain TTY calls, and require a separate access number — all of which would undermine any claim of functional equivalence. We are pleased that carriers have agreed to make permanent the interim plan requiring them to carry local TRS calls from payphones free of charge (long distance TRS calls will be made via calling cards, prepaid cards, and the like). A key part of the permanent plan is the consumer outreach and education component.

The Report and Order recommends several measures that, taken together, should ensure that consumers are fully informed about completing TRS calls from payphones. We recognize that the Commission is making strong recommendations only — rather than adopting prescriptive rules — at this time. We are willing to support this approach because of the cooperative and productive efforts made by carriers to date. We have no reason to believe that any carrier will fail to implement our recommendations regarding outreach and education. However, if the reports that carriers must file a year from now indicate that these voluntary outreach measures have not succeeded in giving TRS users the information they need, we would then support the adoption of mandatory outreach requirements to effectuate the goals underlying section 225 of the Act.

The reports required by this Order will facilitate our efforts to ensure that TRS consumers have the information they need to complete TRS calls from payphones. These reports will be in narrative form and will advise us about the implementation and effectiveness of consumer education of calling cards and/or prepaid cards for toll calls; coordination with the TRS user community; and identification of any problem areas and corrective action taken. We will learn about consumer education letters, information booths at conferences for persons with disabilities and in shopping malls or sports arenas. We will learn about the success or failure of TRS instructions on or near TTY payphones and on carriers’ Internet web sites, and TRS information in telephone directories. We will also learn about industry efforts to consult with the various disability communities. If voluntary efforts by the industry are unsuccessful in their educational and outreach programs with the guidance provided in this Report and Order, then we stand ready to reevaluate our position and consider standards for education and outreach. We note that carriers continue to have an ongoing obligation under our rules to provide the public with information about the availability and use of TRS.