

Date sent:

Monday, January 28, 2013

Subject:

Interim Order and NPRM on IP Captioned Telephone Service

On January 25, 2013, the FCC released an interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of Internet Protocol Captioned Telephone Service (IP CTS).

This released item is a rulemaking proceeding in CG Docket Nos. 13-24 and 03-123.

IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device.

To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes the following requirements on a temporary basis (for 180 days after the date of the publication of the Order in the *Federal Register*):

1. IP CTS providers may not offer financial and other rewards to consumers, charitable organizations, and audiologists and other professionals for the referral and registration of new IP CTS customers.
2. New IP CTS users must self-certify to the provider that (1) they have a hearing loss requiring use of the service to effectively communicate over the phone, (2) they understand that the captioning service is provided by a live communications assistant (CA), and (3) they understand that the cost of IP CTS calls is paid by the federal TRS Fund. If the user spends \$75 or more for their IP CTS phone, he or she needs to only provide this self-certification. But if the user obtains IP CTS equipment for free or for less than \$75, she or he must also provide certification from a third party professional that the user needs IP CTS to communicate effectively over the phone.
3. IP CTS phones must have as a default setting with the captions are turned off, so that consumers need to turn on the captions for each call.

The NPRM seeks comment on:

1. Whether to adopt the above interim rules as permanent rules;
2. The likely reasons for the unusually rapid growth in the use of IP CTS;
3. Whether to prohibit all provider programs that give away or loan equipment to potential or existing IP CTS users for free or at a cost below some specified level;
4. Whether to require each IP CTS provider, as a condition of continuing to offer service to existing IP CTS users who have not yet registered for service, (a) to register each of their users and (b) as part of the registration process, to obtain from each user certification that the user has a hearing loss that requires IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users;
5. Whether to establish a specific (quantitative) hearing loss threshold for eligibility to use IP CTS;
6. Whether to amend the speed of answer requirement for IP CTS;

7. Whether to adopt any requirements for IP CTS equipment to have labels informing consumers that IP CTS may be used only by people with hearing loss; and
8. Whether to require applicants for IP CTS certification to describe how they ensure that they do not bill the TRS Fund for service to ineligible users.

Comments are due 21 days after the date of publication in the Federal Register.
Reply comments are due 35 days after the date of publication in the Federal Register.

For further information, please contact Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, (202) 418-2235 or by email: eliot.greenwald@fcc.gov.

For copies of the January 25, 2013 Order and NPRM, please go:

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