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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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

AT&T COMMENTS

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AT&T Corp.

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TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| INTRODUCTION AND SUMMARY | 1 |
| I. THE COMMISSION SHOULD RESCIND THE PROPOSED MANDATORY PROVISION OF SPEECH-TO-SPEECH RELAY SERVICE | 3 |
| II. CERTAIN PROPOSED CHANGES TO TRS OPERATIONAL STANDARDS SHOULD BE RESCINDED ENTIRELY | 5 |
| Emergency Call Processing | 5 |
| Answer Performance Requirements | 9 |
| In-Call Replacement Of CAs | 11 |
| CONCLUSION | 14 |

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AT&T COMMENTS

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, AT&T Corp. ("AT&T") submits these comments on the Commission's NPRM in this proceeding proposing amendments to its rules governing telecommunications relay service ("TRS").¹

INTRODUCTION AND SUMMARY

This rulemaking is an outgrowth of the Notice of Inquiry ("NOI") initiated by the Commission last year to evaluate the effectiveness of the current TRS program established to implement Title IV of the Americans with Disabilities Act of 1990 ("ADA"), and to solicit information on potential improvements in TRS service levels and quality.² The Commission received comments and

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

² See Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommuni-

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proposals in the **NOI** from a broad range of parties, including **AT&T**.³

Based on the record developed in the **NOI**, the Commission in the **NPRM** has correctly recognized the need to permit marketplace forces to guide the future development of TRS offerings wherever possible. In particular, the Commission has tentatively concluded that it should not mandate the adoption of either video relay interpreting ("VRI") or multilingual relay service ("MRS"), but should instead continue to monitor the evolution of those services and the technology used in their provision. Similarly, the Commission has tentatively determined not to require TRS access to enhanced services, instead permitting TRS providers voluntarily to make enhanced services available to TRS users where they deem it technically and economically feasible to do so. And the Commission has tentatively concluded not to adopt certain changes in its mandatory minimum standards for communications assistants ("CAs"), such as an increase in typing speed, that would pose undue burdens on TRS providers and customers alike.

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communications Act of 1996, CC Docket No. 90-571, 12 FCC Rcd 1152 (1997) ("NOI").

³ See AT&T Comments in id., filed March 17, 1997 ("AT&T NO1 Comments"); AT&T Reply Comments in id., filed April 21, 1997 ("AT&T NO1 Reply Comments").

The NPRM instead proposes a number of amendments to current TRS rules to expand the availability of TRS services, and to revise minimum TRS standards. As AT&T shows below, the proposed expansion of mandatory TRS and certain of the service standard changes would needlessly burden TRS providers and disserve the interests of TRS customers, and should not be adopted.

I. THE COMMISSION SHOULD RESCIND THE PROPOSED MANDATORY PROVISION OF SPEECH TO SPEECH RELAY SERVICE.

In its NOI, the Commission sought comment on the feasibility of requiring TRS providers to offer speech-to-speech ("STS") relay services to persons with speech disabilities. As the NPRM (§ 21) recognizes, the requirement to offer this service was opposed by carriers, other TRS providers and even state relay administrators, who pointed out the limited apparent demand for this offering and other factors that strongly militated for continued evaluation of the feasibility of this offering.

Despite these comments, the NPRM (§ 23) tentatively concludes that mandatory nationwide provision of STS should be implemented within two years of a decision adopting that requirement. The sole stated basis for this determination is the Commission's finding that STS is a "telecommunications relay service" within the meaning of Title IV of the ADA. Id.

That justification, however, ignores the fact that demand for STS is still apparently too limited to justify the additional costs of personnel, specialized

AT&T Corp.

July 20, 1998

training and equipment that mandatory nationwide implementation of this service would entail.⁴ For example, in Georgia, where AT&T is the provider for that state's TRS program, STS service has been offered since April of this year. However, no STS calls (other than test calling by AT&T personnel) were placed during the months of April and June, or to date during July. Only five customer-initiated calls were processed during May (and of these, only two were successfully completed to the called parties).

Given this negligible demand for STS, mandating that service will impose unnecessary costs on TRS providers to develop the capability to process such calls.⁵ Additionally, the Commission will be required to expend scarce administrative resources to develop STS-specific service standards, because the NPRM (¶ 26) recognizes that STS' operational characteristics differ

⁴ Moreover, even standing alone the Commission's stated rationale is insufficient to justify mandating STS relay. For example, the NPRM (¶¶ 34, 38) concludes that both VRI and MRS are relay services within the meaning of Title IV of ADA, yet the Commission has not mandated provision of either of those services in light of that definitional finding.

⁵ For example, the NPRM (¶ 25) recognizes that "sufficient numbers of personnel trained to deliver STS services may not currently be available." Mandatory provision of STS will therefore impose additional training costs on TRS providers.

markedly from traditional TRS.⁶ Rather than undertake these uncalled-for efforts, the Commission should defer mandatory adoption of STS and continue to monitor the evolution of this offering in the marketplace in response to any demonstrated customer demand.

II. CERTAIN PROPOSED CHANGES TO TRS OPERATIONAL STANDARDS SHOULD BE RESCINDED ENTIRELY.

The **NPRM** (¶ 3) proposes changes in the mandatory minimum standards for TRS service "to improve the overall effectiveness of the TRS program." Specifically, the Commission tentatively concludes that TRS providers be required to pass automatic number identification ("ANI") to emergency service agencies; that speed of answer requirements be substantially increased; and that limitations be adopted on in-call replacement of **CAs**. As shown below, each of these proposed new requirements is ill-advised and should be rescinded.

Emergency Call Processing

The **NPRM** acknowledges (¶ 40) that the **NOI** did not address the sufficiency of current TRS processing of emergency calls, but notes that the asserted need for "further Commission guidance and minimum standards" was raised for the first time in certain commenters' reply filings there. The **NPRM** (¶ 41) therefore requests that

⁶ For example, carriers should be expressly authorized to limit their liability to STS callers for errors or omissions in relaying such calls. See AT&T NO1 Comments, p. 8.

TRS providers describe their current operating procedures for handling emergency calls. Additionally, the NPRM (id.) seeks comment on the feasibility of having TRS centers pass the calling party's automatic number identification ("ANI") digits to emergency services operators.⁷

AT&T has adopted methods and procedures to assure that requests for calls to emergency services will be promptly and efficiently handled.' AT&T's TRS service provides CAs immediate and direct access to a database listing emergency agency numbers. AT&T's TRS centers also receive the calling party's ANI through the local telephone network. Using these listings and the ANI data, CAs can promptly set up and complete a relay call to the appropriate emergency agency's telephone number, using just two key strokes to set up each call.

⁷ The NPRM (¶ 41) also requests comment on the appropriate definition of the term "emergency calls" for purposes of TRS processing. AT&T believes that such calls should be defined to include those which expressly request connection to a "911" operator, or which request assistance from a public agency of the type typically accessed via a 911 system by persons without hearing or speech impairments (e.g., police, fire, and ambulance or emergency squads). As the Commission notes (id.), Title II of the ADA requires governmental entities to make emergency services directly accessible via TTY; the definition of "emergency calls" for TRS under Title IV should, absent a showing to the contrary, be made coextensive with the entities that are subject to those Title II requirements.

⁸ Additionally, through outreach and other promotional efforts, AT&T makes relay customers aware of the

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Moreover, **AT&T's** procedures for TRS provide that an emergency call will be given the CA's undivided attention. Supervisory personnel are immediately assigned to assist the CA in every emergency call situation. The CA, in conjunction with the supervisor, takes all necessary action to ensure that emergency service is rendered to the calling party -- including, but not limited to, advising the emergency agency of the caller's originating ANI.

Such oral notification is required because it is not feasible with current technology automatically to pass the TRS caller's ANI to the emergency services operator system. This is because the TRS center is not an integral part of the telephone network which in a traditional voice call is capable of passing ANI from the originating telephone number through one or more intermediate switching systems to the terminating telephone number (such as a 911 operator system). Instead, the TRS center is itself a terminating call location accessed via 800/888 or another toll-free number which establishes a "virtual" calling path by placing an outbound call (typically through a PBX) to the terminating telephone number. TRS centers thus can receive ANI information on the calling customer's number through the telephone network (just as

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availability of TTY-accessible emergency or 911 services in their communities.

other 800/888 service customers), but the PBX cannot automatically pass the AN1 digits to an emergency center because it is not equipped with required network signaling protocol. For the same reason, TRS centers today cannot provide CLASS services such as Caller ID between an originating and terminating end office, because the centers' PBXs are not equipped with the Signaling System 7 ("SS7") protocol used to transmit the Calling Party Number ("CPN") information on which CLASS features are based.

Requiring TRS centers to automatically forward the caller's AN1 to an emergency center would impose substantial costs upon TRS providers to implement that change.⁹ However, there is no need for TRS centers to incur such costs, or for the interstate TRS Fund or the state programs (which would be responsible for most of these costs) to assume the obligation to defray them. As shown above, TRS centers can -- and, indeed, already do --- at little cost employ appropriate methods and procedures to assure that AN1 information captured by the

⁹ The activities associated with any such change would include the development of new feature-specific software and programmable equipment to provide digit collection and other functions. Additionally, new transmission equipment would need to be deployed between the TRS centers' CPE and the central offices serving those centers. Finally, new signaling equipment, and compatible software and hardware for communications between the TRS centers and central offices would have to be deployed.

centers' equipment will be reported by **CAs** to the emergency services operator system.

Answer Performance Requirements

In its 1991 **TRS I Order**,¹⁰ the Commission after careful study adopted Section 64.604(b)(2) of its rules (47 C.F.R. § 64.604(b)(2)) requiring TRS providers to answer 85 percent of calls within 10 seconds, and to commence dialing of a requested number within 30 seconds after receiving dialing information from the customer. The Commission found that this "speed of answer" requirement struck an appropriate balance between the performance expectations of TRS customers and the needs of TRS providers, who had argued for further relaxation of that standard in light of the operational burdens it posed. The Commission found there that this "85/10/30" speed of answer criterion "will best meet our goal of providing relay services which are functionally equivalent to voice telephone services."¹¹

Despite this finding, and the absence of any factual record in the **NOI** to support a change in the speed of answer parameter, the **NPRM** now tentatively proposes (¶ 50-51) to eliminate the 30 second interval for TRS providers to initiate dialing of the called number.

¹⁰ Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, 6 FCC Rcd 4657 (1991) ("TRS I Order").

¹¹ Id. at 4661 (¶ 21).

Instead, under the Commission's proposed rule revision providers must answer 85 percent of all calls within 10 seconds "by a CA prepared to place the TRS call at that time." **NPRM**, ¶ 50. Moreover, the Commission proposes that TRS providers' compliance with this new and far more stringent performance parameter be measured "on at least a daily basis" (instead of the monthly measurement that is now employed with the current standard). *Id.* (emphasis supplied).

This proposed material change in the speed of answer requirement is unjustified and should be rescinded. The proposed requirement would preclude providers' efforts to use automated processing at the "front end" of TRS calls to capture call setup information. Indeed, the **NPRM** (¶ 51) appears expressly intended to "eliminate . . . having calls answered by an automated system" The **NPRM** provides no reasoned basis for denying both TRS providers and customers the convenience and efficiency available through such front end automation.¹² Nor does the **NPRM** even attempt to quantify the resultant increased costs of providing TRS, much less to perform a reasoned

¹² The **NPRM** (¶ 51) expresses concern that TRS customers whose calls are answered by an automated system may be "placed in queue for long periods." If such a practice is deemed to present a problem, however, the appropriate remedy is to address those call processing delays, rather than to prohibit the use of automated "front end" call processing.

cost-benefit analysis for the new speed of answer standard.

The **NPRM's** proposal to measure compliance with the new speed of answer standard "on at least a daily basis" is likewise fatally flawed. Given the wide daily variations in TRS traffic loads, meaningful compliance measurements with speed of answer criteria can only be performed over a longer time frame, such as a month. Conducting the measurements over this longer period will not result in degradation of TRS service performance; because of the statistical methodology used to measure compliance, current answer performance criteria cannot be satisfied if an "85/10" answer time is not maintained for even a few days each month.

In view of the burdensomeness of the proposed new speed of answer requirement and the lack of any justification for adopting this stringent standard, the Commission should reconsider its tentative conclusion and retain the current speed of answer and measurement criteria.

In-Call Replacement Of CAS

In the **NOI (99 40-41)**, the Commission requested information on the frequency and reasons for any "call interruptions or suspensions" caused by the need to replace **CAS** during the course of a TRS call. AT&T and other commenters showed that such events occur only infrequently during relay calls, and that they reflect

necessary interruptions for activities such as work tour shift changes and rest periods.¹³

As the NPRM (¶¶ 61-62) implicitly acknowledges, no commenter in the NOI factually rebutted these showings concerning the rarity of in-call CA replacements. Moreover, no evidence was adduced there to support the characterizations that these replacements are either "arbitrary" or "unnecessary." See NOI, ¶ 40. Nevertheless, the NPRM tentatively proposes that CAs who begin processing a call should be required to continue handling that call for a minimum of ten minutes prior to any in-call replacement,

There is no support in the record or sound public policy for the Commission to impose such a requirement, which will seriously complicate TRS providers' ability to deploy their CA work forces so as to properly serve their customers' call volumes. The NPRM simply ignores the showings providers have already made that in-call CA replacement occurs in only a minute portion of TRS calls.¹⁴ Moreover, the Commission has

¹³ See AT&T NOI Comments, pp. 9-10 (showing that for November 1995 through February 1996 95 percent of all AT&T TRS calls required only one CA, and .3 percent required three CAs).

¹⁴ Confirming the data already adduced in the NOI, AT&T's analysis of all its TRS calls over the 27 month period from January 1996 through March 1998 shows that 93 percent of all calls employed only a single CA, and that only .6 percent of the calls employed more than two CAs. Moreover, these data include instances where

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pointed to no evidence that such in-call replacements result in any service disruptions to customers; indeed, in many cases AT&T's in-call replacements are implemented in response to customer requests (e.g., for a CA of a specific gender).

While there has been no showing of even an attenuated need to regulate in-call CA replacements, the Commission's proposed rule is all the more unwarranted in light of the serious disruption of TRS vendors' staffing decisions and call processing that this restriction would entail.¹⁵ The Commission should therefore rescind its proposed rule mandating minimum CA in-call handling times and allow TRS providers, subject to the scrutiny of the states' TRS programs, to set practices for in-call replacements that will efficiently manage traffic volumes without impairing service performance to TRS customers.

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a CA replacement was implemented following one part of a "sequence call" initiated by a TRS customer.

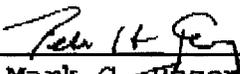
¹⁵ The **NPRM** (§ 62) invites commenters to submit collective bargaining agreements that would be in conflict with the Commission's proposed rule. Under separate cover, AT&T is submitting copies of these items, with a request that this confidential commercial information be withheld from public disclosure pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b) (4), and the Commission's implementing regulations.

CONCLUSION

For the reasons stated above, the Commission should adopt amendments to its TRS rules with the modifications described in AT&T's Comments.

Respectfully submitted,

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