



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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TELECOMMUNICATIONS RELAY SERVICES AND THE AMERICANS WITH DISABILITIES ACT OF 1990

COIN SENT-PAID TRS CALL FROM PAYPHONES

Title IV of the Americans with Disabilities Act, which is codified at section 225 of the Communications Act of 1934, as amended (the Act), mandates that the Federal Communications Commission (Commission) ensure that interstate and intrastate telecommunications relay services (TRS) are available, to the extent possible and in the most efficient manner, to individuals in the United States with hearing and speech disabilities.¹ Title IV aims to further the Act's goal of universal service by providing to individuals with hearing or speech disabilities telephone services that are functionally equivalent to those available to individuals without such disabilities. Since TRS became available on a nationwide basis in 1993, the Commission has taken numerous steps to increase the availability of TRS, and to ensure that TRS users have access to the same services available to all telephone service users. One of these services is access to public payphones.

This *Public Notice* responds to an annual report required by the October 25, 2002 *Fifth CSP Report & Order*,² which adopted measures to ensure the availability of payphone services for TRS users that are functionally equivalent to traditional payphone services available for non-TRS users.³ In the *Fifth CSP Report & Order* the Commission noted that it had construed our requirement that TRS providers offer "any type of call"⁴ to include coin sent-paid calls, which

¹ 47 U.S.C. § 225(b)(1).

² *Telecommunication Relay Services and the Americans with Disabilities Act of 1990*, Fifth Report and Order, CC Docket No. 90-571, FCC 02-269, 17 FCC Rcd 21233 (Oct. 25, 2002) (*Fifth CSP Report & Order*). "CSP" refers to coin sent-paid calls, as described above.

³ See *id.* at ¶ 17; see also *id.* at ¶¶ 23-27.

⁴ See 47 C.F.R. § 64.604(a)(3).

are calls made by depositing coins in a coin-operated public payphone.⁵ At the same time, we noted long-standing concerns about the technical difficulties associated with providing coin sent-paid calls through TRS facilities.⁶ We therefore addressed whether a solution had been developed for processing coin sent-paid TRS calls, as well as whether other means had been developed by which individuals with hearing and speech disabilities could make TRS calls from payphones without using coins but instead using calling cards, prepaid cards, or collect or third-party billing.

In the October 2002 *Fifth CSP Report & Order*, the Commission acknowledged that no current technological solution exists to allow TTY users to use public telephones and make calls through TRS facilities in the same manner as voice users using public telephones, *i.e.*, by inserting coins to pay for the call. As a result, the Commission eliminated the requirement that TTY users be able to use public telephones using the coin sent-paid payment method.⁷ Instead, the Commission largely adopted the pay telephone industry's Alternative Plan.⁸ Under the Alternative Plan, TRS users could make local TRS calls from pay telephones free of charge, and may make long-distance toll calls by using calling cards or prepaid telephone debit cards. The Alternative Plan also called for the pay telephone industry to develop programs to educate TRS users about alternate payment methods, and to make calling cards available to TRS users.⁹

Specifically, the Commission identified six specific outreach and educational steps that it encouraged the pay telephone industry to take:

- a) Draft a consumer education letter, in consultation with deaf and hard-of-hearing advocacy groups, for dissemination to TRS users.¹⁰
- b) Attend local, regional, and national consumer conferences of organizations that represent people who are deaf and hard of hearing, and distribute information.¹¹

⁵ See *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, Report and Order and Request for Comments, CC Docket No. 90-571, FCC 91-213, 6 FCC Rcd 4657 at ¶ 18 n.18 (July 26, 1991).

⁶ See *Fifth CSP Report & Order* at ¶¶ 2, 4; see generally *id.* at ¶¶ 1-15 for the background and history of our various coin sent-paid orders. As we have noted, handling TRS calls made with coins from payphones is technically difficult because a relay call is really two separate calls – one from the customer to the relay facility, and a second call from the relay facility to the called party. TRS facilities are not equipped to handle the necessary call processing functions (*e.g.*, assessing the proper charge, and handling coin collection and return functions) for the second leg of the call. *Id.* at ¶ 22 n.69.

⁷ *Id.* at ¶ 2.

⁸ The Commission first adopted the industry's Alternative Plan on August 25, 1995. See *Telecommunications Relay Services and the Americans with Disabilities Act of 1990*, Memorandum Opinion and Order, CC Docket No. 90-571, DA 95-1874, 10 FCC Rcd 10927 at ¶ 16 (Aug. 25, 1995).

⁹ *Fifth CSP Report & Order* at ¶ 6.

¹⁰ *Id.* at ¶ 30.

¹¹ *Id.* at ¶ 31.

- c) Post TRS instructions on or near pay telephones, to the extent possible.¹²
- d) Make information available for TRS websites.¹³
- e) Provide coin sent-paid TRS information in telephone directories.¹⁴
- f) Consult with representatives of the deaf and hard-of-hearing communities to improve outreach and education methods for use of payphones.¹⁵

The Commission also required that the CSP Industry Team submit a report to the Commission twelve months after publication of the *Fifth CSP Report and Order* in the Federal Register.¹⁶ The report was to address the implementation and effectiveness of the consumer education program, coordination with the TRS user community, and the identification of any problem areas and corrective action taken.¹⁷

On March 9, 2004, the CSP Industry Team filed its required report on outreach activities, detailing its response to each of the Commission's recommendations. The CSP Industry Team reports that:

- a) *Consumer Information Letter*.¹⁸ The CSP Industry Team drafted an informational letter explaining the FCC's decisions in the *Fifth CSP Report & Order*. The CSP Industry Team received input on this letter from Telecommunications for the Deaf, Inc. (TDI) and Self Help for Hard of Hearing People (SHHH), and gave the informational letter to TDI and SHHH for circulation to their members. TDI and SHHH requested that the CSP Industry Team write an article on the same subject for a user group newsletter, with which request the CSP Industry Team complied.¹⁹ The CSP Industry Team also prepared a wallet-sized card containing information and instructions for users for distribution to the deaf and hard-of-hearing communities.²⁰

¹² *Id.* at ¶ 33.

¹³ *Id.* at ¶¶ 34-35.

¹⁴ *Id.* at ¶ 37.

¹⁵ *Id.* at ¶ 38.

¹⁶ The *Fifth CSP Report & Order* was published in the Federal Register on March 10, 2003. *See* 68 Fed. Reg. 6352-01 (March 10, 2003).

¹⁷ *Fifth CSP Report & Order* at ¶ 40.

¹⁸ *See id.* at ¶ 30.

¹⁹ *See* CSP Industry Team Report at 2, Atchs. A & B.

²⁰ *See id.* at 2, Atch. C.

- b) *Information Booths at Conferences.*²¹ The CSP Industry Team, carriers, and TRS providers have provided educational activities in various fora, including deaf/hard of hearing organizations, businesses, colleges/universities/schools, city and state governments, hospitals, independent living/senior facilities, health care facilities, and retirement groups, and at local regional, and national conferences widely attended by the TRS community. The total number of such events in 2003 was nearly 750, and the CSP Industry Team estimates that it directly reached approximately 440,000 people.²²
- c) *TRS Instructions On or Near TTY Payphones.*²³ The CSP Industry Team found that, in many instances, it was possible to have TRS instruction cards laminated and placed at the sites of TTY payphones.²⁴
- d) *TRS Web Site.*²⁵ The CSP Industry Team developed website updates for its members' websites, explaining the CSP rules and procedures for accessing TRS through pay telephones.²⁶
- e) *TRS Information in Telephone Directories.*²⁷ The CSP Industry Team coordinated with carriers to put TRS information, including CSP information, in telephone directories and telephone bill messages/inserts.²⁸
- f) *Consultation with the Disability Community.*²⁹ In addition to meeting with national TRS user groups after the adoption of the *Fifth CSP Report & Order*, identification of action items, and the provision of deliverables, the CSP Industry team and TRS user groups agreed to reconvene to discuss any problems or developments in CSP. The Consumer Advisory Committee of the FCC, a Federal Advisory Committee, which includes members from the CSP Industry team and members from TRS user groups, meets three times a year to discuss, *inter alia*, TRS issues. Any problems or developments which arise can be dealt with in this framework, or by reconvening the CSP Industry Team/TRS user group consultation process.³⁰

²¹ See *Fifth CSP Report and Order* at ¶ 31.

²² See CSP Industry Team Report at 2-3, Atchs. D-F.

²³ See *Fifth CSP Report and Order* at ¶¶ 32-33.

²⁴ See CSP Industry Team Report at 3, Atch. G.

²⁵ See *Fifth CSP Report and Order* at ¶¶ 34-35.

²⁶ See CSP Industry Team Report at 3-4, Atch. H.

²⁷ See *Fifth CSP Report and Order* at ¶¶ 36-37.

²⁸ See CSP Industry Team Report at 4, Atchs. I & J.

²⁹ See *Fifth CSP Report and Order* at ¶ 38.

³⁰ See CSP Industry Group Report at 4.

The CSP Industry Team reported only one problem in its education and outreach program. TRS user groups were unhappy that the Commission had decided to let prepaid phone card rates be set by the market, without oversight by the Commission.³¹

On November 25, 2002 – before the CSP Industry Team filed its required outreach report – Telecommunications for the Deaf, Inc. (TDI), The Consumer Action Network, The National Association of the Deaf, and Self-Help for Hard of Hearing People (Joint CSP Petitioners) filed a joint petition for reconsideration of the *Fifth CSP Report & Order*, raising two central issues. First, they requested that the Commission restore the interim requirement for TRS payphone calls that carriers charge the lower of the coin sent-paid rate, or the rate for calling cards and/or prepaid calling cards. Joint CSP Petitioners asserted that implementation issues should not preclude the requirement of cost parity. Second, the Joint CSP Petitioners asserted that the Commission should have implemented a national outreach program under the purview of an entity such as the TRS Fund Administrator, rather than leave outreach to the voluntary efforts of the carriers.

In an order released on June 30, 2004, the Commission denied the Joint CSP Petitioners' Petition for Reconsideration of the *Fifth CSP Report & Order*.³² First, the Commission declined to impose additional regulation on TRS calls made from payphones, including the notion of "cost parity." Second, the Commission declined to mandate a nationwide uniform outreach campaign.

With respect to the outreach, the order addressed more broadly TRS outreach and suggested that the Consumer Advisory Committee (CAC) develop voluntary Best Practice Guidelines for state TRS programs, TRS providers, and common carriers. The Commission committed that it would work with the CAC to ensure that the results of that effort, and other relevant materials, are available on the FCC website (www.fcc.gov) so that common carriers, TRS providers, state programs, and advocates will have the opportunity to share their outreach ideas and approaches. The Commission also directed the Consumer & Governmental Affairs Bureau to take concrete steps through educational and outreach efforts to further enhance public awareness of TRS. In addition to making factsheets and other informational materials available for dissemination through the Commission's web site and national consumer call centers, the Commission committed to launch a comprehensive outreach campaign that will include participating in conferences and other events that provide opportunities for Commission staff to further educate not only users of TRS, but also the general public, about TRS. Finally, the Commission committed to provide media outlets likely to reach individuals who use TRS, as well as those of general distribution, with information about the availability of, and further developments in, the provision of TRS.³³

Because all outstanding coin sent-paid issues have now been resolved, the Commission will not request public comment on the CSP Industry Team's report. The Commission notes, however,

³¹ *Id.* at 6.

³² See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, FCC 04-137, __ FCC Rcd __ at ¶¶ 201-208 (June 30, 2004).

³³ See *id.* at ¶ 98.

that persons having concerns about coin sent-paid or other TRS issues may file informal complaints with the Commission, send letters to the Commission's Disability Rights Office, or file petitions for clarification or for the promulgation of new rules. The CSP Industry Team's report is available through the Electronic Comment Filing System on the Commission's website, http://gullfoss2.fcc.gov/prod/ecfs/comsrch_v2.cgi.

To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/cgb.dro>.

For further information, please contact Cheryl King, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2284 (voice), (202) 418-0416 (TTY), or e-mail at Cheryl.King@fcc.gov.

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