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FEDERAL COMMUNICATIONS COMMISSION
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TELECOMMUNICATIONS DIVISION
WASHINGTON, D.C. 20554

Telecommunications Relay Services)
and Speech-to-Speech Services for)
Individuals with Hearing and Speech)
Disabilities)

CC Docket No. 98-67

**COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY,
PACIFIC BELL AND NEVADA BELL**

SOUTHWESTERN BELL TELEPHONE COMPANY
PACIFIC BELL
NEVADA BELL

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SUMMARY

Southwestern Bell Telephone Company ("Southwestern Bell"), Pacific Bell and Nevada Bell (collectively referenced as "SBC") commend the Commission in its continuing efforts to provide telecommunications services to individuals with speech and hearing disabilities. SBC is also proud of its own activities in this regard. Southwestern Bell, under contract with the Kansas Relay Services, Inc., operates a state-of-the-art Kansas Relay Center ("Center"). Overall customer satisfaction ratings concerning the services provided by the Center in recent years have been in the 98-99% range, evidencing SBC's commitment to providing quality service to individuals with hearing and speech disabilities.

While SBC generally endorses the Commission's proposal to expand the current parameters of telecommunications relay service ("TRS"), it would caution the Commission to take into consideration the realities of providing these new services. The same indiscriminate functional requirements, guidelines and operational procedures should not be imposed for new TRS utilizing different technologies.

Moreover, in light of the difficulties inherent in obtaining qualified Communications Assistants ("CAs"), the Commission should not categorize speech to speech relay service as a mandatory TRS. Should it chose to do so, the effective date should be no earlier than five years following the final order in this proceeding in order to allow for the establishment of state certified training for this service. In addition, the Commission should relax its current service requirements in recognition of carriers' staffing restrictions.

SBC agrees with the Commission's conclusions concerning video relay interpreting service and multilingual relay service. It does not believe that any modification is necessary with regard to the Commission's regulations on the handling of emergency calls. SBC supports the Commission's proposed clarification of its speed-of-answer rules, but requests the Commission adopt a standard that reflects the information obtained through the use of Automatic Call Distributors. SBC would further encourage the Commission to not adopt a mandatory minimum typing speed requirement since it would adversely effect the ability to obtain qualified CAs. It also recommends that any issues relating to in-call replacement of CAs be resolved by the state and the vendor.

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Southwestern Bell Telephone Company ("Southwestern Bell"), Pacific Bell and Nevada Bell (collectively referred to as "SBC") submit these Comments in response to the Notice of Proposed Rulemaking released May 20, 1998, in the above-captioned docket (Notice). SBC commends the Commission in its continuing efforts to provide telecommunications services to individuals with speech and hearing disabilities.

SBC also is very proud of its achievements in this area. Southwestern Bell currently operates a Telecommunications Relay Service Center for the state of Kansas. Its Kansas Relay Center, with input from representatives of individuals with hearing and speech disabilities, has striven to not only meet current standards, but to exceed these standards by providing exemplary service.

While in general SBC concurs with the Commission's proposed regulations, in certain key respects it requests the Commission recognize the realities of carriers' inability to provide the broad relief which the Commission would impose. The reasonable modifications SBC urges the Commission to adopt will not hinder the Commission's overall

objective to improve the accessibility of telecommunications services to people with hearing and speech disabilities, but will make this objective more readily achievable.

I. BACKGROUND

Title IV, Section 255 (a)(3) of the Americans with Disabilities Act (Act) defines “telecommunications relay services” to mean:

. . . telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a TDD or other **nonvoice** terminal device and an individual who does not use such a device.¹

Under the Act, the Commission is charged with "ensur[ing] that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States."²

In 1990, Southwestern Bell established its centralized, state-of-the-art, Kansas Relay Center (“Center”) upon winning a bid from the Kansas Relay Services, Inc. This initial commitment was subsequently extended for the 1995-2000 time frame. The Center is staffed by Communications Assistants (“CAs”), providing assistance to people with hearing and speech disabilities, twenty-four hours a day, seven days a week. By simply dialing an 800 number, a caller is directly connected with the Center’s specially trained staff. At that

¹ 47 USC § 225 (a)(3).

² 47 USC § 225 (b)(1).

point, if the Center assists the caller with a local call, that call is free. On the other hand, if the Center assists the caller with a long distance call, that call is billed at a special discount rate.

The Center has maintained an active relationship with the Kansas Relay Services, Inc. Advisory Council since its inception. The Advisory Council conducts quarterly meetings at which Southwestern Bell receives input from individuals with hearing and speech disabilities. The Center also publishes a quarterly newsletter for our customers covering such topics as new features being offered through the Center, tips for using the relay services and Advisory Council updates.

An annual customer survey is distributed to monitor the quality of the service we are providing and to seek further information as to how we can best serve these customers. We have traditionally received a very high return rate. Moreover, our overall customer satisfaction rate in recent years has been between 98 % and 99 % . These measurements demonstrate the commitment of SBC to serving individuals with hearing and speech disabilities to the fullest of our abilities, beyond that required by law.

II. THE CATEGORY OF "TELECOMMUNICATIONS RELAY SERVICE" SHOULD INCLUDE NEW TECHNOLOGIES TO THE EXTENT THAT SUCH TECHNOLOGIES ARE POSSIBLE FOR CARRIERS TO PROVIDE IN AN EFFICIENT MANNER AND COSTS ARE RECOVERABLE UNDER THE ACT'S COST RECOVERY MECHANISM.

The Commission in its Notice proposes to expand the definition of "telecommunications relay service" to include new technologies developed in order to

provide telecommunications services to people with hearing and speech disabilities.³ While SBC acknowledges the Commission's authority to interpret the Act in this fashion, it is puzzled by the Commission's stance that only "improved" services now may fall within this category. Neither the Act nor the regulations promulgated by the Commission support the position that two variations were intended by the definition: standard TRS defined prior to this proceeding and "improved" TRS identified in accordance with this proceeding. Nor is there any authority granted to the Commission to deny reimbursement for TRS on the basis that such a service is not an "improvement" over existing technologies. Either a service meets the criteria established by the Act under the broad interpretation proposed by the Commission or it does not. If it does, then reimbursement is appropriate. An overlying test, i.e. whether the service is an "improved" TRS, is insupportable and inconsistent with the language and intent of the Act.

Moreover, while the Commission is empowered to establish functional requirements, guidelines, and operations procedures for mandatory TRS, the same indiscriminate requirements will not be appropriate for all of the technologies which may fall within the Commission's proposed interpretation. Current TRS technologies, such as standard TRS, voice carryover, and hearing carryover, involve the use of a text telephone. Text telephones provide a uniform means of communication. The nature and severity of the caller's disability are irrelevant. Any trained CA is capable of placing a call utilizing this technology.

³ As discussed in Southwestern Bell Telephone Company's Comments filed *In The Matter of Telecommunications Relay Services, the Americans with Disabilities Act of 1990 and the Telecommunications Act of 1996*, CC Docket No. 90-571, the Commission previously held that TTY-to-TTY service is not a telecommunications relay service. Comments, pp 2-4. However, the Commission is not foreclosed in this proceeding from modifying its previous interpretation of the Act.

However, with the expansion of the TRS definition to other technologies, current rules cannot be applied as a matter of course. For example, speech-to-speech relay service ("STS") employs a drastically different means of communication. Specially trained CAs relay "voices" for speech-impaired individuals. The callers being served may have slight to very severe speech impairments. The service is directly impacted by the severity of the caller's speech disability and it is unlikely that every CA will be capable of providing assistance to the most severe of these cases. Moreover, furnishing specialized training which might enable every CA to handle the most extreme of these cases could be economically unfeasible. As a result, a carrier may be unable to provide twenty-four hour, STS service for speech impaired persons within the strict guidelines required for existing TRS. The Commission must make allowances for these differences should it decide to broaden the scope of TRS as proposed.

a. SPEECH-TO-SPEECH RELAY SERVICE (STS)

The Commission proposes to require that all carriers, on a nationwide basis, make STS available within two years of the adoption of the final order in this proceeding. While recognizing that there is an insufficient number of CAs qualified to perform this service, the Commission states that two years should be sufficient time to train the number of CAs necessary. This stance oversimplifies the burden being placed upon carriers by such a mandate.

Of overarching concern is the possible inability of a provider to obtain the requisite number of instructors capable of performing this training and the scheduling and completion of this training within the two-year period. If the Commission's proposal is adopted, every

TRS Center in the country will be attempting to secure a limited number of instructors for this effort.

Whether or not a carrier can hire or train a sufficient number of qualified CAs to meet the Commission's ubiquitous call handling requirements is highly problematic. As has been noted, currently there is a lack of CAs qualified to perform existing TRS related functions. Yet, the handling of STS calls involves further training and may exceed the capabilities of all of these CAs. It is not simply a matter of these CAs being sent to company-sponsored course. A far greater level of education is necessary for a CA to be able to understand an individual with a severe speech disability.

While it is Southwestern Bell's intent in Kansas to offer some form of STS as soon as possible, SBC believes that the Commission should not mandate this service. If it does chose to do so, the effective date should be a minimum of five years following the final order to allow for the establishment of a state certified training class in this particular area. Moreover, for the reasons stated above, the Commission should relax its current service requirements in recognition of the carriers' staffing restrictions.

b. VIDEO RELAY INTERPRETING SERVICE (VRI)

SBC agrees with the Commission's assessment that VRI should not be a mandated TRS at this time. In addition to the problems identified in the Notice, SBC is concerned with the inherent issues posed by VRI. For example, if the Department of Justice definition for "qualified interpreter" is adopted as proposed, there will be a lack of qualified CAs who can perform this function. A "qualified interpreter" is defined as "an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively using any necessary specialized vocabulary." Again, a CA capable of performing this form and

level of translation must have received a higher level of education, far beyond that which can furnished through company-provided training.

VRI by its very nature involves interpretation, not simply the relaying of a communication, as envisioned by the definition of TRS. If the CA is not an interpreter of substantial skill, there is a significant possibility that the communication conveyed may be altered. Even the employment of such a skilled individual does not ensure that misunderstandings will not occur. For these reasons, and the reasons discussed in the Notice, the Commission should refrain from categorizing VRI as a mandatory TRS.

c. MULTILINGUAL RELAY SERVICES (MLS)

SBC agrees that whether to implement MLS is a matter best left to state programs. Each state entails unique demographics with varying language needs. For these reasons, the state is in the best position to assess what is required to service its disabled communities. SBC also agrees that language translation services are beyond the perimeters of the Act's TRS requirements.

d. ACCESS TO EMERGENCY SERVICES

Current FCC regulations require emergency calls be handled in the same manner as any other call. In its Kansas Relay Center, Southwestern Bell has encountered no difficulties associated with its compliance with this regulation. Calls of this nature are primarily local in nature, and there is no indication that emergency calls have not been handled in an expeditious and efficient fashion. The mere fact that states differ in their approach does not appear to be sufficient grounds for extensive federal regulation. For these reasons, SBC does not believe modification of the Commission's current rules is warranted.

Moreover, there is no need to define an "emergency call". However, if the Commission were to adopt such a definition, the assessment as to whether there is an emergency should be the caller's own. The CA should not be placed in the untenable position of making this determination. Should a carrier be required to pass through a caller's ANI information, this information should be conveyed to the emergency district by the CA orally. To require a reconfiguration of the carrier's network would be extremely costly with no discernable corresponding benefit.⁴

e. ACCESS TO ENHANCED SERVICES

SBC agrees that the Commission does not have the authority to require TRS providers to offer access to enhanced services, such as voice menu driven services and pay-per-call services. Regardless of this fact, voice menu services do not allow enough time for a CA to access the menu, understand the options, inform the caller of the options, receive a response from the caller and, finally, respond to the menu.

III. WITH MINOR MODIFICATION, SOUTHWESTERN BELL SUPPORTS THE COMMISSION'S PROPOSALS TO STRENGTHEN ITS MANDATORY MINIMUM STANDARDS.

a. SPEED-OF-ANSWER REQUIREMENTS

SBC endorses the Commission's objective to clarify its current speed-of-answer rules. A TRS caller should not be placed on hold prior to the placement of his call. Simply answering a call within the required time period without being prepared to place the call is a distortion of the Commission's goal in adopting speed-of-answer requirements. An efficient provider schedules the number of CAs needed to meet a projected number of calls at a

⁴ Given the complexity of network issues and the relation of TRS to SS7 deployment, the Commission should address any requirement of network reconfiguration in a separate proceeding.

predetermined speed-of-answer, regardless of the call demand. Therefore, while in some cases an unforeseeable event may prevent the speed-of-answer requirements from being met on a daily basis, the Commission's adoption of a more stringent rule is appropriate.

Moreover, it is appropriate to commence the speed-of-answer period when the call arrives at the TRS provider's network. If a TRS provider does not have the technical ability to track CA response time, then it cannot adequately assess the quality of service it is providing.

However, we would encourage the adoption of a standard that better reflects current practices for calculating the time it takes to answer a call. In the days of cordboards, each trunk was wired to two registers; one which operated on each call and the other which operated only when a call was not answered within 10 seconds. The calculation of the percentage of calls not answered within the 10 second period involved simple arithmetic. Most call centers currently utilize Automatic Call Distributors (ACDs) which track the actual waiting time in a queue and then divide this total number by the number of calls. This calculation provides the average waiting time per call in seconds. The Kansas TRS program anticipates an average waiting time of three (3) seconds per call. For Southwestern Bell to determine the percentage of calls answered in less than 10 seconds requires an estimate based upon available data; the technology which would increase the accuracy of this calculation is no longer in use. For this reason, we would encourage the Commission to adopt a standard, at least in the alternative, which would reflect the information obtained through the use of ACDs.

As to the Commission's tentative conclusion to exclude redialed or abandoned calls in speed-of-answer reports, modem ACDs track the waiting time for all calls placed in queue. The speed-of-answer can then be calculated based on the number of calls in the queue or the number of calls answered by a CA. The Commission's intent to not penalize the TRS provider

for calls abandoned at the callers' choice would appear to argue in favor of the adoption of the second calculation formula.

b. CA QUALITY AND TRAINING

SBC agrees that a federal rule setting a minimum typing speed for CAs should not be imposed. Not only would this requirement act to shrink an already limited pool of otherwise qualified CAs, it could act to increase the TRS providers' labor costs. In addition, SBC also concurs that "clear and articulate voice communication" is an essential skill for a CA. However, it is unclear what measurable, objective standard, if any, could be imposed to ascertain if this standard is being met.

c. IN-CALL REPLACEMENT OF CAS

The Commission's proposal to amend its rules to require that a CA answering and placing a TRS call must stay with that call for at least ten (10) minutes before an in-call transfer can take place would impose a significant burden on TRS providers. The effect would be to require a CA to log off from the system 10 minutes before the CA's scheduled breaks and end of tour. A CA at our center receives two breaks, and a lunch or dinner period prior to the end of a tour which would result in 40 minutes of unproductive time per employee per shift. In order to meet speed-of-answer objectives, the TRS provider also will be required to cover this lost time.

The Center has worked with the Kansas Advisory Council to develop methods that minimize the disruption to the TTY caller arising from a CA transfer. As a result of this new policy and procedure, complaints about CA transfers during calls now are almost non-existent. To the extent that a problem of this nature exists, the issue should be left to the state and the vendor to resolve.

d. COMPETITION ISSUES - MULTIVENDORING

SBC agrees with the Commission's analysis that the Commission's authority to require the multivendoring of TRS service at the state level is very restricted. Moreover, there is no correlation between a single vendor environment and quality problems. Many states utilize a single vendor with exemplary results. As noted above, in Kansas, Southwestern Bell's own customer satisfaction rating is in the 98% to 99% range. If there is a problem related to quality, it rests with the vendor selected, not the concept of the single vendor environment.

IV. CONCLUSION

SBC commends the Commission for its continuing efforts to address issues related to the provisioning of telecommunications services for individuals with speech disabilities and/or hearing disabilities. We would encourage the Commission to adopt the recommendations discussed above in relation to this objective.

Respectfully Submitted,

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July 20, 1998

Certificate of Service

I, Mary Ann Morris, hereby certify that the foregoing, "Comments of Southwestern Bell Telephone Company, Pacific Bell and Nevada Bell," in CC Docket No. 98-67 have been served on July 20, 1998, to the Parties of Record.



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July 20, 1998

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