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

In the Matter of		
Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CC Docket No. 98-67 and CG Docket No. 03-123
Petition for Declaratory Ruling on Video Relay Service Interoperability		

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The Rehabilitation Engineering Research Center on Telecommunications Access (RERC-TA) is a project of the Trace Center, University of Wisconsin, Madison and the Technology Access Program of Gallaudet University. The primary mission of the RERC-TA is to find ways to make standard systems directly usable by people with all types and degrees of disability, and to work with industry and government to put access

strategies into place. One area of work of the center is international harmonization of video, audio, and text over Internet to ensure accessibility of new communication networks to people with disabilities. The opinions expressed here are those of the RERC faculty and not those of our sponsoring organizations.

Title IV of the Americans with Disabilities Act (ADA) is unique in public policy on accessibility, in that it has created a standard of functional equivalency along with a financing mechanism to achieve the goal of providing functionally equivalent telecommunications for people with disabilities. Since passage of the ADA in 1990, companies have responded with many innovations and choices of communication mode for people with a range of communication needs and preferences. The structure has provided a public-private system that encourages innovation and should continue to do so. For deaf people who use American Sign Language (ASL) in particular, video relay service (VRS) has given a significant boost to functional equivalency in terms of naturalness of communication and speed of conversation.

Both standardized and proprietary technologies have played important roles in this progress. Proprietary technologies should remain permissible as long as industry standard protocols are supported as well, and as long as the consumer's free choice of provider is not blocked. Companies that innovate should be permitted to use their proprietary technology for communicating

with and serving their customers; they should not be forced to share their technology with other companies. For example, a specialized software client or protocol may be used by a particular provider. This practice will continue to foster innovation.

However, the FCC does need to require all VRS providers to also support a minimum set of specified industry standards for video coding and connection, audio and text. Equipment that these providers distribute for use with their services must be able to interoperate with other VRS providers using these standards. Standards for ensuring compatibility have been set by the FCC in other areas of disability access, including traditional TRS (Baudot and ASCII), hearing aid compatibility, and television closed caption decoders.

As VRS and video technology mature, there needs to be sufficient oversight to ensure interoperability, and required standards will need to be periodically upgraded as technology improves. Doing so will not burden the industry, which already supports industry standards for video communication. However, the widespread use of standards could deteriorate unless the FCC clearly states its expectations for interoperability.

For example, the current practice of blocking relay calls, with or without a written consent form from the deaf user, is counter to the intentions of Title IV and degrades functionally equivalent interoperability --

that is, it imposes a barrier between relay providers and consumers. The FCC should act to end the practice.

Competition among providers should be on the basis of the quality of their technology, services offered, and outreach/marketing to consumers. Blocking of calls in either direction decreases competition on quality variables and skews the marketplace. Unless the FCC acts, it could also lead to the eventual use of proprietary-only technology in equipment, creating islands of service in the industry over time.

Blocking also causes those deaf VRS users who are aware of the limitations of their service to acquire more than one device if they want a choice of VRS provider. Then they are able to receive only a fraction of their incoming calls because the network for them is fragmented -- they must choose one of these devices for incoming calls. FCC policies should not foster such interoperability problems because Title IV was expressly set up to ensure functional equivalency to the hearing person's experience with telephony.

Blocking is hazardous in times of urgency. FCC policies encouraging broadband use have led a growing number of deaf people to abandon landline service. These consumers cannot currently call 9-1-1. Therefore considerations of urgency are especially important in this proceeding. Calls from hearing people to deaf people are important in times of urgency. For example, if a government agency is trying to phone a deaf person who no

longer has landline telephone service, it will need call through a relay service. The agency may choose a service that cannot reach a videophone provided by its competitor. The government caller is thus denied completion of the call, counter to all other FCC policies on interoperability and emergency access, and is unlikely to know how to fix the situation. Relay services should never be permitted to deny completion of a call due to a company policy; it "breaks" the telephone network.

In conclusion we recommend that the Commission set standards for video, audio, and text in relay services; permit the use of proprietary technologies as long as standard ones are also supported; require access to competing relay providers using established standards; and end the practice of blocking.

Respectfully Submitted,

/s/

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