

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

Re: Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking (adopted April 18, 2002).

The FCC must not allow regulatory artifacts to slow innovation by limiting support for TRS to older technologies. IP Relay – a service that has the ability to improve communication for all Americans that rely on TRS – is just the sort of development that should warrant the Commission’s prompt attention. My only regret is that we did not act sooner to provide flexibility for this service innovation. Thus I am very pleased that today we are classifying IP Relay as a part of TRS.

Congress provided funds to support “telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire and radio with a hearing individual.”¹ Certainly IP Relay falls under this classification.

Granting TRS providers technological flexibility will continue to lead to substantial innovation in the marketplace. Now users of TRS need not restrict their telephone communications to places equipped with TTYs or specialized software; all they need is a connection to the Internet. Moreover, when conversing over IP Relay, there are more activities available to people who are deaf or hard of hearing. They can participate in a conference call, or go online while holding a conversation. These added services come at a lower price to digital consumers – individuals who use IP Relay need only invest in a computer, instead of a computer and a TTY.

In light of these advantages, I would have granted IP relay providers more flexibility in meeting our emergency call information requirements. Our current rules require a TRS provider automatically to provide caller identification information; currently IP Relay providers do not have access to that information. It is unclear to me that such location information is critical given the user of IP relay would generally know both where they are and by definition must be capable of using a keyboard and therefore I am reluctant to drive up the costs of the service. Nor am I prepared to deny IP Relay service based on this factor alone. I believe the marginal increase in safety associated with automatic location information, when balanced with the broader public interest benefits of deployment of IP Relay, argues for a more flexible regulatory approach in the short term.

Nevertheless, I am pleased to support the Declaratory Ruling and Second Further Notice of Proposed Rulemaking in this docket. I hope we can learn from developments in IP Relay and continue to adapt our regulations to technological change to ensure our policies do not relegate some consumers to a technological backwater. I look forward to working with TRS users, relay providers, states, the staff, and my fellow Commissioners to ensure the continued vitality of our TRS policies.

¹ 47 U.S.C. § 225(a)(3).

