

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN
APPROVING IN PART, DISSENTING IN PART**

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket Nos. 90-571 and 98-67, CG Docket No. 03-123.

Congress directed this Commission in section 225 of the Act to ensure that telecommunications services are available to hearing-impaired and speech-impaired Americans. To implement this directive, the FCC established the Telecommunications Relay Service (TRS) program, which requires telephone companies to provide relay services throughout the area in which they offer service so that persons with disabilities will have access to telecommunications services. Without federal and state TRS services, millions of Americans would be left out of the communications revolution that is reshaping our economy and society.

This Order makes two promises of future action that are particularly notable. First, the Order commits our Consumer and Governmental Affairs Bureau to launch a “comprehensive outreach plan” to make the availability of TRS services more widely known, not only to Americans with disabilities but to the public-at-large. Outside parties have repeatedly told us, and our own Consumer Advisory Council has concurred, that we must improve our efforts to inform and educate the public about the availability of TRS. Our commitment to take on this challenge is an important promise that we must live up to.

In this Order, we also commit to sponsor the applications of TRS service providers that seek priority status for restoration in emergency situations. Obtaining that status would be an important step towards ensuring that Americans with disabilities have access to communications services in times of crisis.

I cannot support this Order, however, to the extent that it declares all non-shared language TRS services to be “value-added” and ineligible for funding, particularly in the case of Video Relay Services (VRS). Our country is growing increasingly multi-ethnic and multi-cultural. A study by the Pew Hispanic Center reports that 40% of the 40 million Latinos in this country – or 15.5 million people – speak and understand “just a little” or “no” English. I believe the FCC and communications policy has got to keep up with this change and be more responsive to these communities.

I also must dissent in part with respect to our treatment of cost recovery issues for VRS. VRS is an increasingly important tool for those portions of the deaf community who rely on American Sign Language (ASL). This includes individuals who cannot type on a TTY phone easily, such as children and senior citizens, and those who do not speak English. VRS allows ASL and hearing individuals to have real time conversations that more closely mirror the speed and natural flow of voice-to-voice conversations.

In June 2003, the Consumer and Governmental Affairs Bureau reduced our TRS Administrator’s proposed VRS compensation rate by almost fifty-percent. That action left many VRS providers with no choice but to cut service or employees, elicited an outcry from many members of the deaf and heard of hearing community, and raised legitimate questions of substance and process. This Order falls short in addressing these concerns and issues.

It is absolutely critical that the Commission provide oversight to ensure that our VRS compensation rate is limited to “reasonable costs,” the standard articulated in our rules. We also have an obligation, however, to ensure that providers have adequate notice of how we will apply this standard, so that they can plan their operations accordingly.

I am pleased that the Further Notice attached to this Order seeks comment on how we can improve our rules and process for setting the VRS compensation rate. That is movement in the right

direction. More broadly, the Further Notice also opens an important dialogue about whether VRS and Internet Protocol (IP) Relay Services should now qualify as mandatory services. The rapid increase in usage of VRS demonstrates the value of this service and hastens the day when this Commission will need to address technical issues about emergency call handling and the speed of answer for VRS calls.

I look forward to working with my colleagues, members of the TRS Advisory Committee, and the many members of the disabilities community on these issues as we move forward.