

**Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Consumer and Governmental Affairs Bureau)	CG Docket No. 03-123
Seeks Comment on Request for Freeze of IP CTS)	
Compensation Level)	CG Docket No. 13-24
)	
)	

REPLY COMMENTS OF THE CLEAR2CONNECT COALITION

The Clear2Connect Coalition (the “Coalition”) is comprised of a range of disability advocacy and veterans service organizations committed to protecting the rights of Americans with hearing loss to have access to high-quality, innovative communication technology.¹ Our members represent the 48 million Americans who experience hearing loss, including members of the Baby Boom Generation aging into hearing loss, along with a wide range of American veterans of all ages whose hearing has been impaired as a result of their military service. Our goal is to serve as a strong, unified voice dedicated to preserving and advancing the right of individuals with hearing and speech disabilities to access functionally equivalent communications services—as required by the Americans with

¹ See clear2connect.org. Coalition members include the Air Force Sergeants Association, American Association of People with Disabilities, American Network of Community Options and Resources, American Speech-Language-Hearing Association, America’s Warrior Partnership, American Veterans (AMVETS), Association of University Centers on Disabilities, Blinded Veterans Association, Code of Support Foundation, Council of State Administrators of Vocational Rehabilitation, Dixon Center, Global Alliance of Speech-to-Text Captioning, Home Care Association of America, National Association of Councils on Developmental Disabilities, National Coalition for Homeless Veterans, National Council on Independent Living, National Disability Rights Network, National Military Family Association, National Minority Quality Forum, Modern Military Association of America, Paralyzed Veterans of America, RespectAbility, SemperK9 Assistance Dogs, The Enlisted Association, United Spinal Association, VetsFirst, Vietnam Veterans of America, The Viscardi Center, World Institute on Disability, and Wounded Warrior Project.

Disabilities Act (“ADA”)² and the Twenty-First Century Communications and Video Accessibility Act.³

The Coalition strongly agrees with Acting Chairwoman Rosenworcel's observation: “We have work to do to ensure that our functional equivalency policies live up to our responsibilities under the Americans with Disabilities Act.”⁴ And, the Coalition is pleased that the Commission has opened a proceeding to update its CVAA rules.⁵ We have elected to submit reply comments in the instant proceeding⁶ to share our concern that the Commission has not taken an approach to Internet Protocol Captioned Telephone Service (“IP CTS”) that has functional equivalency as its primary focus.

The Commission initiated the CVAA Proceeding to fulfill its obligation to ensure that Americans with disabilities have access to and may benefit from functionally-equivalent, technologically-advanced innovations on an evolving basis. On the other hand, the Commission has also elected to reduce the IP CTS reimbursement rate without establishing the IP CTS service quality metrics necessary to evaluate functional equivalency. In light of these contrasting approaches, the Coalition respectfully asks the Commission to restore the IP CTS rates in effect on June 30, 2021 until the Commission has established service quality metrics for assessing IP CTS functional equivalence, and the COVID-19 pandemic has ended.

² Specifically, Title IV of the ADA added section 225 of the Communications Act of 1934, as amended (“the Communications Act”), the Commission must ensure that Telecommunications Relay Services—telephone service for individuals who are deaf, hard of hearing, or deafblind, or who have speech disabilities that is “functionally equivalent” to voice service is made available to eligible users “to the extent possible and in the most efficient manner.” 47 USC § 225(b)(1).

³ See Pub. L. No. 111-260, 124 Stat. 2751 (2010); Pub. L. No. 111-265 (technical amendments) (“CVAA”).

⁴ Acting Chairwoman Rosenworcel Remarks to FCC Staff (Jan. 25, 2021).

⁵ *Consumer and Governmental Affairs, Media, and Wireless Telecommunications Bureau Seek Update on Commission's Fulfillment of the Twenty-First Century Communications and Video Accessibility Act*, GN Docket No. 21-140, *Public Notice*, DA 21-405 (rel. Apr. 7, 2021) (“CVAA Proceeding”).

⁶ *Consumer and Governmental Affairs Bureau Announces Dates for Filing Comments on Request for Freeze of IP CTS Compensation Level*, CG Docket Nos. 03-123 and 13-24, *Public Notice*, DA 21-850 (rel. 16, 2021).

The Coalition strongly suggests that granting the request to freeze the IP CTS compensation rate would be in the public interest, both for the sake of convenience and necessity. First, the Commission cannot logically move forward to cut the IP CTS compensation rate before completing its work to implement quality service standards. Moreover, the market for IP CTS services has been and remains skewed because of the high volumes resulting from pandemic-related communication. Instead of moving ahead to cut the IP CTS compensation rates, a determination made almost a year ago, the Commission ought to work through the important preliminary tasks in a logical order, as discussed below.

The Commission should not move forward to cut IP CTS rates without first completing its work to implement quality service standards. The Coalition has previously explained that IP CTS service is critical to allowing many Americans with hearing loss to stay in touch with family and friends; employers and colleagues; and doctors and other emergency responders. Required under both the ADA and the Communications Act, functional equivalence is an evolving metric intended to ensure that, in this case, developers and manufacturers, for instance, are ever-mindful of their legal obligation to ensure that hearing-impaired individuals also have access to the latest updates and innovations. At its core, functional equivalence is an ongoing challenge intended to ensure the constant improvement of products and services for individuals with hearing loss.⁷

The Coalition believes that, by adopting quality standards and measurement and testing procedures based on record evidence and grounded in consensus efforts among advocacy groups, the Commission and industry will at last have the tools in place to assess the functional equivalence of

⁷ See 47 CFR § 64.604(a)(3)(ii).

IP CTS. New service-quality standards must be technology neutral and address a diverse range of call subjects, issues, and voices.

Just as important, we urge the Commission to develop and establish standards only after completing research to understand and determine how to design the measurements, what such measurements should capture and reflect, and how they will benefit consumers. Standards must meaningfully assess whether service providers are delivering at least the minimum of needed functionalities, while continuing to advance towards functional equivalence, and avoid unintentionally establishing ineffectual incentives. In addition, such standards may affect the outcome of IP CTS providers' costs and should therefore be taken into account before new rates are established.

Likewise, continuing to move forward with reduced IP CTS compensation rates is imprudent given the market uncertainties created by the pandemic. Consumer demand for IP CTS has been and continues to be skewed due to the pandemic. The public interest warrants that the Commission keep the previous rates in place until the time that the IP CTS demand become more predictable. Taking a pause to gather additional data would yield more precise results. In this case, a delay would lead to a more accurate assessment, greater confidence in determining an appropriate compensation rate, and would best ensure that the program is on sound footing long into the future.

Conclusion. The Coalition is hopeful that the Commission will move ahead in a logical fashion. We strongly support the Commission's effort to ensure that its policies and rules live up to the promise of the ADA and the CVAA. For this reason, we believe that the public interest requires the Commission to not move ahead to reduce the IP CTS compensation rate, but rather to first work through and complete its service quality standards and accurately assess service demand post-pandemic.

Respectfully submitted,

/s/

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Air Force Sergeants Association
American Association of People with Disabilities
American Network of Community Options and Resources
American Speech-Language-Hearing Association
Association of University Centers on Disabilities
Blinded Veterans Association
Code of Support Foundation
Council of State Administrators of Vocational Rehabilitation
Dixon Center
Global Alliance of Speech-to-Text Captioning
Modern Military Association of America
National Association of Councils on Developmental Disabilities
National Coalition for Homeless Veterans
National Council on Independent Living
National Disability Rights Network
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