

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
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. 90-57 & 98-67, CG Docket No. 03-123)*

Fourteen years ago, when Congress passed the Americans with Disabilities Act, it directed the Commission to do everything we could to ensure that those with disabilities have access to functionally equivalent services. That concept—functional equivalency—may sound inelegant, but it translates into equal opportunity, equal rights and a fuller participation in our society. It translates into 54 million Americans having more of the tools they need to be fully productive citizens.

In most ways, today's Order and Notice embraces this mandate of functional equivalency. It updates our rules, resolves open questions and clarifies the obligations of TRS providers. We also seek comment on how to address thorny jurisdictional questions that accompany new Internet services. And we ask if the time is right for VRS to become a mandatory service. These are good and positive steps. But in a few ways, today's Order falls short of the spirit and purpose of the Americans with Disabilities Act. For this reason, I support this Order, but not in two key respects.

I am disappointed with the position the Order takes affirming the Bureau's abrupt decision last year to slash in half the VRS compensation rate with less than twenty-four hours notice. As a general principle, people intuitively endorse lower rates, but here the providers of VRS were left wondering what costs were allowed and what costs were disallowed by a methodology that was employed with too little in the way of rules, standards or prior guidance from the Commission. More importantly, VRS consumers were stuck with the consequences. Service hours were cut without warning and long waits for communications assistants became common. As a result, the service missed the functional equivalency mark by a too wide margin. There are also issues of authority and notice that we do not straighten out and settle in this item. This is unfortunate. It leaves in legal limbo the "know-it-when-I-see-it" VRS cost standard used one year ago. I am pleased we ask questions about adopting guidelines and standards for reasonable costs in the Notice. This is the right thing to do. It will enhance our oversight and ensure the program functions with the integrity it must have. Nonetheless, I believe that what was done last year was without precedent and not right. On this issue, I respectfully dissent.

I also find troubling the conclusion that some forms of non-shared language TRS are not eligible for reimbursement. Latinos are now the largest minority group in the United States. There are thousands of deaf children from Spanish-speaking homes in this country. In fact, they are the fastest growing minority group in the deaf school age population in the United States. For this population to communicate in a functionally equivalent manner with their Spanish-speaking parents, we should be authorizing non-shared language VRS reimbursement. On this issue, I also dissent.

Finally, though I will support the position this decision takes on outreach, I remain concerned that we really need to do more to explain this service. Callers using relay service experience an unacceptably large number of hang-ups because people receiving TRS calls are not familiar with the service. Employment opportunities are not extended to individuals with hearing disabilities because some employers are uncomfortable using TRS for business transactions. This is unacceptable. In this Order, we expressly task the Consumer and Governmental Affairs Bureau to take concrete steps to improve public awareness. I believe that the Bureau is working to do a good job of outreach based on the resources available to it. Nevertheless, we task the Bureau very specifically here and I look to Chief Snowden and his team to do a banner job reaching out to familiarize the population at large with TRS. If these efforts fail to produce the kind of wide-spread understanding we must have to ensure true functional equivalency, I will push hard for us to revisit this issue and consider using the fund itself to support whatever outreach is needed.

Thank you to the Consumer and Governmental Affairs Bureau for your hard work on this item. I look forward to working with the staff of the Disabilities Rights Office on the TRS issues we have teed-up in this Notice and other outstanding issues concerning handset hearing aid compatibility, digital captioning and IP services.