

**Telecommunications for the Deaf and Hard of Hearing, Inc.  
National Association of the Deaf  
California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc.  
American Association of Deaf-Blind  
Association of Late-Deafened Adults, Inc.  
Hearing Loss Association of America  
Deaf and Hard of Hearing Consumer Advocacy Network  
American Association of People with Disabilities**

September 11, 2009

Chairman Julius Genachowski  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals  
with Hearing and Speech Disabilities  
Purple Communications, Inc. Petition for Rulemaking to Clarify Relay Rules, August 12,  
2009  
CG Docket No. 03-123

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Dear Chairman Genachowski:

On behalf of the organizations listed above (the “Consumer Groups”) representing millions of people across America who are deaf, hard of hearing, or speech-impaired and who rely on the availability of reliable telecommunications relay services, we feel compelled to share comments on the above-referenced recent filing by Purple Communications, Inc (“Purple”).

We support the Commission for its efforts to examine the industry to eliminate instances of waste, fraud and abuse. Abuse in the form of manufactured minutes of any kind contributes to the severe shortage of interpreters in the community and damages the reputation and respect for telecommunication relay services that consumers have fought so hard to achieve. We believe these steps are important to the long term health of the industry and ensuring consumers have continued access to these important services.

We applaud Purple for its filing that raises legitimate questions regarding the rights and rules regarding TRS and support its request that the Commission further clarify the rules set forth in its filing. Since consumers will benefit from these clarifications, we request that the Commission place the filing on public notice as early as possible.

In follow up to Purple’s petition, on September 1, 2009 CSDVRS filed a Request for Expedited Clarification on Marketing Practices. We acknowledge CSDVRS for its filing that also addresses the issues raised by Purple.

Consumer groups cannot stay silent on the fact that VRS companies perform a very important function - education and outreach, to encourage businesses and service entities to accept VRS calls from clients and consumers who are deaf or hard of hearing. Employees of VRS companies also rely on VRS for conference calls, phone meetings, and the like -- just like hearing persons who use telephones for the same purposes. This is functional equivalence, or rather, full and equal access to the telecommunications infrastructure. It is therefore imperative that the Commission takes steps to distinguish such legitimate activities from those that are aimed purely at driving up minutes.

Outreach. Purple notes that outreach is mandated under the ADA and comments that the current rules and regulations need further clarification regarding what constitutes appropriate and reasonable outreach. We agree that providers as well as the Commission must conduct outreach, and support Purple's request for greater clarity of the rules as to what is permissible, appropriate and reasonable. In order to have a healthy industry that can serve consumers well, there must be clear and consistent rules for the providers. Clear and consistent rules also provide the Commission with the legal foundation that it needs to rigorously enforce those rules against those who violate them.

VRS in the Workplace. We support Purple's request that the Commission tackle the difficult issues related to the rights afforded people who are deaf, late-deafened, deaf-blind, hard of hearing or speech impaired to use the telephone system in a manner that is functionally equivalent to hearing counterparts. We do not have specific solutions to offer at this time, but we support Purple's view that people in these communities should have equivalent tools that hearing persons have in the workplace, including the use of conference calls. We also agree with the recommendation to bring this issue into the public forum so we can collectively resolve these complicated civil rights issues and bring clarity to providers who employ many within the communities of people who are deaf, late-deafened, deaf-blind, hard of hearing or speech impaired across America. With clearer rules established and published, rigorous enforcement can better follow.

Free/Discounted Equipment. We support Purple's request that the Commission clarify the rules on providing free or discounted equipment to customers. It has been long understood that video equipment has been freely given away or subsidized by providers, which is vital to VRS users. The Consumer Groups have consistently supported availability of video equipment, most recently in its June 26, 2009 comments in response to the Notice of Proposed Rulemaking regarding VRS rates. We encourage the Commission to clarify that the current practice of offering free or subsidized video equipment is a permitted practice by providers. Although the issue of reimbursement from the Interstate TRS Fund for equipment costs should be addressed in the upcoming VRS rate proceeding, we think it important for the Commission to affirm the general principle that equipment may be subsidized or given away for free by iTRS providers at this time.

For all of the above reasons, we respectfully request that the Purple filing be placed on public notice as early as possible. The Consumer Groups support the right of any person to make or receive any calls, with or without the use of any relay service of the person's choice. As such, the Consumer Groups' formal comments in response to Purple's petition may be directed to assisting the Commission to look at the VRS providers' business ethics and conduct through

specific examples of policies they should have in place, and to determine the scope of activities within the ordinary course of business, including outreach and other activities, of VRS providers.

Very truly yours,

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cc: Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker