

**Resolution on Telecommunications Services for  
Hearing-Impaired and Speech-Impaired Individuals**

**WHEREAS**, The Congress passed the Americans with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat. 327, 366-69 (1990); and

**WHEREAS**, The Federal Communications Commission (Commission) released a Notice of Proposed Rulemaking in the Matter of Telecommunications for Hearing-Impaired and Speech-Impaired Individuals, and the Americans with Disabilities Act of 1990, CC Docket No. 90-571 on November 16, 1990; and

**WHEREAS**, The ADA's purpose is to provide a clear and comprehensive National mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life; to provide enforceable standards addressing discrimination against individuals with disabilities, and to ensure that the Federal government plays a central role in enforcing these standards on behalf of individuals with disabilities; and

**WHEREAS**, The ADA, by way of creating Section 225 of the Communications Act of 1934, requires the Commission to establish minimum Federal standards to establish functional requirements, guidelines, and operations procedures for telecommunications relay services; and

**WHEREAS**, Section 225 requires the Commission to prescribe regulations governing the jurisdictional separation of costs for the services provided; and

**WHEREAS**, There is a need to have qualified, sufficiently trained operators to process the specialized communications needs of the hearing and speech impaired; and

**WHEREAS**, Section 225 states that the Commission's regulations shall generally provide that cost caused by interstate telecommunications relay services shall be recovered from all subscribers for every interstate service; and

**WHEREAS**, Section 225 provides that the FCC has the authority to certify interstate and intrastate telecommunications relay services; and

**WHEREAS**, There are at this time State authorized dual party relay systems providing service; and

**WHEREAS**, Section 225 provides that a State which has a program certified shall permit its commission to allow a common carrier to recover the costs incurred in providing intrastate telecommunications relay services by a method consistent with the requirements of Title IV; now, therefore, be it

**RESOLVED**, That the Executive Committee of the National Association of Regulatory Utility Commissioners, convened at its Winter Meeting in Washington, D.C., requests that the jurisdictional cost assignment issues associated with the intent of ADA be referred to a Federal-State Joint Board pursuant to Section 410(c) of the Communications Act of 1934; and be it further

**RESOLVED**, That to resolve the initial associated policy issues and to monitor the implementation of the Americans with Disabilities Act of 1990, an advisory committee with State-Federal regulators, NECA, industry, and hearing-impaired and speech-impaired participants should be established pursuant to Section 410b of the 1934 Communication Act; and be it further

**RESOLVED**, That NARUC urges the FCC to assure adequate funds are set aside to pay the costs of the user participation on the advisory committee; and be it further

**RESOLVED**, That audiotext and interactive information services should become directly accessible to the TDD user; and be it further

**RESOLVED**, That the Commission should not adopt any formal proficiency standards so stringent as to preclude services delivered by volunteers but yet require standards that meet the needs of the users; and be it further

**RESOLVED**, That the dual party relay systems be governed by the criteria governing voice transmission. Therefore, all safeguards to protect public safety during outages and times of emergency should apply to dual party relay systems; and be it further

**RESOLVED**, That a standard number sequence should be established to achieve national uniformity for access to all relay center and all operators should have and provide upon request, numbers for accessing all carriers relay centers; and be it further

**RESOLVED**, That current separations and accounting rules should be modified slightly to accommodate adequate monitoring and cost recovery of the expenses, including any disbursements to any relay service providers associated with the implementation of a national dual party relay system and that the administration of expenses and revenues be handled by NECA; and be it further

**RESOLVED**, That the separations and accounting rules should provide that the Federal jurisdiction will assume costs of interstate calls (including those within extended service areas) and reimburse the cost of those State systems; and be it further

**RESOLVED**, That the NARUC direct its General Counsel to file comments expressing these concerns with the Commission; and further be it

**RESOLVED**, That the FCC should act swiftly to conclude its

proceeding to promulgate rules to implement the Americans with Disabilities Act whereby it will establish appropriate procedures for cost recovery of interstate relay service; and further be it

**RESOLVED**, That the FCC, upon issuance of the final cost recovery mechanism adopted as a result of its proceeding, allow for the immediate implementation of the mechanism so that carriers may provide interstate relay service prior to the Americans with Disabilities Act deadline of July, 1993; and further be it

**RESOLVED**, That for purposes of simplicity in administration, cost minimization and minimal consumer confusion, the State programs should be certified by the Commission; the Commission should work cooperatively with the States to implement the intent of the ADA, and the States should be allowed adequate time to comply with any Federal rules that differ from existing State specific requirements.

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Sponsored by the Committee on Communications

Adopted February 27, 1991

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