

***Resolution Regarding the Introduction of Automated Speech Recognition – Only IP Captioned Telephone Service***

*Whereas* in 1990, Congress enacted the Americans with Disabilities Act, which, among other things, directed the Federal Communications Commission (“FCC”) to ensure that telecommunications relay services (“TRS”) are available to enable “functionally equivalent” communications by telephone for individuals with hearing and speech disabilities;

*Whereas* in 2007, the FCC approved Internet Protocol Captioned Telephone Service (“IP CTS”) as a type of TRS eligible for compensation from the federal TRS Fund;

*Whereas* IP CTS helps an individual with hearing loss communicate on the telephone in a manner that is functionally equivalent to the ability of persons without disabilities, which can be essential, especially in 911 and other emergency or public safety scenarios;

*Whereas* the FCC’s “mandatory minimum standards” for IP CTS do not include substantive service quality standards but do include rules ensuring that human communications assistants (“CAs”) preserve the privacy and confidentiality of CA-based IP CTS calls;

*Whereas* in June 2018, the FCC issued a *Declaratory Ruling* determining that IP CTS that relies exclusively on automated speech recognition (“ASR”) technology as a form of TRS eligible for compensation from the federal TRS Fund;

*Whereas* in June 2018, the FCC simultaneously issued a *Notice of Inquiry* to establish quantitative and objective service quality standards for providers of IP CTS;

*Whereas* since June 2018, the FCC has not certified any provider to deliver ASR-only IP CTS, nor has it adopted service quality definitions and standards;

*Whereas* several applications for certification to provide ASR-only IP CTS are currently pending before the FCC; *and*

*Whereas* the FCC’s Disability Advisory Council (“DAC”) has recommended that before a shift in IP CTS technology takes place, service quality standards should be adopted for all IP CTS, regardless of the platform or technology used to deliver captions; and further recommended that the FCC define standards based on current performance by CA-based IP CTS providers; *now therefore be it*

*Resolved* the National Association of Regulatory Utility Commissioners (“NARUC”), convened at its 2019 Annual Meeting and Education Conference in San Antonio, Texas, supports technological innovation, including and especially in the delivery of assistive technologies to individuals with disabilities; *and be it further*

*Resolved* consistent with the statute, the primary objective of the FCC’s TRS program must be to ensure that certified providers deliver services that enable “functionally equivalent” communications by telephone; *and be it further*

*Resolved* the FCC should adopt service quality standards for all IP CTS providers before certifying ASR-only providers; *and be it further*

*Resolved* NARUC recommends that ASR-only IP CTS providers be required to demonstrate that their services can perform in 911 and other emergency and public safety scenarios before the FCC certifies such providers; *and be it further*

*Resolved* IP CTS is a critical, life-changing service that enables consumers with hearing loss to communicate via telephone, and the FCC should protect consumers and only certify providers that have established that they can deliver “functionally equivalent” communications.

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*Passed by the Committee on Telecommunications*

*Adopted by the NARUC Board of Directors on November 19, 2019*