



PUBLIC NOTICE

Federal Communications Commission
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**CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION
FOR CLARIFICATION CONCERNING THE PROVISION OF
DEAF BLIND RELAY SERVICE (DBRS)**

CG DOCKET NO. 03-123

PLEADING CYCLE ESTABLISHED

Comments Due: 30 Days after publication in the Federal Register
Reply Comments Due: 45 days after publication in the Federal Register

On May 18, 2007, Hawk Relay (Hawk) filed a Petition for Clarification that its proposed Deaf Blind Relay Service (DBRS) is a Telecommunications Relay Service (TRS) compensable from the Interstate TRS Fund.¹ As described by Hawk, its proposed DBRS would use an interpreter (a “Communications Facilitator” (CF)) to sit with the deaf/blind user, place or receive conventional voice-to-voice telephone calls on his or her behalf, and interpret the ensuing conversation(s).² The CF would travel to the DBRS consumer’s location to assist in placing the call. Alternatively, a DBRS consumer could travel to a regional DBRS center to place a call through a CF.³

We seek comment on the *DBRS Petition*, including, specifically, whether DBRS falls within the definition of TRS as set forth in section 225(a)(3) of the Communications Act of 1934.⁴ We note, for example, that Hawk’s proposed DBRS does not fit within the typical two-leg relay paradigm in which a relay center receives and places inbound and outbound calls between the end users to the relay call. Instead, the DBRS would employ a CF to assist the caller, in person, in making a telephone call.⁵

¹ See Hawk Relay, *Petition for Clarification on Deaf Blind Relay Services*, CG Docket No. 03-123, filed May 18, 2007 (*DBRS Petition*).

² See *DBRS Petition* at 4-6.

³ *Id.* at 5.

⁴ 47 U.S.C. § 225(a)(3).

⁵ See *DBRS Petition* at 4-6.

In addition, assuming that the proposed DBRS qualifies as a TRS under section 225(a)(3), we seek comment on the jurisdictional separation of costs,⁶ the applicability of the TRS mandatory minimum standards,⁷ and on any other issues relevant to a determination that the proposed DBRS falls within the scope of section 225.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments in this proceeding **(30 days after publication in Federal Register)** and reply comments may be filed **(45 days after publication in Federal Register.)** When filing comments, please reference **CG Docket No. 03-123**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal Rulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments. If multiple docket or rulemaking numbers appear in the caption of this proceeding, commenters must transmit one electronic copy of the comment to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Services mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Parties who choose to file by paper should also submit their comments on CD-Rom. The CD-Rom should be submitted, along with three paper copies, to: Dana Wilson, Consumer & Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW, Room 3-C418, Washington, D.C. 20554. Such a submission should be on CD-Rom formatted in an IBM compatible format using Word 2003 or compatible software. The CD-Rom should be accompanied by a cover letter and should be submitted in "read only" mode. The CD-Rom should be clearly labeled with the commenter's name, proceeding (including the lead docket number) in this case, **CG Docket No. 03-123**, type of pleading (comment or

⁶ *See* 47 U.S.C. § 225(d)(3) (setting forth jurisdictional separation of costs requirement); *see also* *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Speech and Hearing Disabilities*, CC Docket 98-67, Declaratory Ruling, 18 FCC Rcd. 16121 at 16128-30, paras. 18-23 (August 1, 2003) (discussing jurisdictional separation of costs issues for interstate and intrastate TRS).

⁷ *See* 47 C.F.R. § 64.604.

reply comment), date of submission, and the name of the electronic file on the CD-Rom. The label should also include the following phrase "CD-Rom Copy - Not an Original." Each CD-Rom should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send CD-Rom copies to the Commission's copy contractor, Portals II, 445 12th Street, SW, Room CY- B402, Washington, D.C. 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are subject to disclosure.

The full text of this document and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554. This document and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact the Commission's contractor at their web site www.bcpweb.com or by calling 1-800-378-3160. A copy of the Petition for Clarification may also be found by searching ECFS at <http://www.fcc.gov/cgb/ecfs> (insert **CG Docket No. 03-123** into the proceeding block).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Public Notice* can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro>.

For further information, please contact Alan Amann, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (202) 418-1022 (voice), (202) 418-2540 (TTY), or e-mail at alan.amann@fcc.gov.

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