

**Before the
Federal Communications Commission**

Telecommunications Relay Services and Speech-)
to-Speech Services for Individuals with Hearing) CG Docket No. 03-123
and Speech Difficulties)

**Comments
Missouri Public Service Commission**

Introduction

These comments respond to the Federal Communications Commission’s Public Notice seeking comment on a white paper regarding the transition of analog relay services to Internet Protocol (IP)-based alternatives.¹ The white paper was submitted on behalf of four accessibility advocacy organizations.² The Missouri Public Service Commission is a member of one of the organizations, the National Association for State Relay Administration. Missouri was also one of ten states submitting relevant data to NASRA for the paper. These comments provide Missouri’s experience and current status of analog relay service. In addition, these comments identify potential issues for the FCC to address. FCC guidance on these issues will be helpful as states face declining analog relay service usage.

Missouri’s Intrastate Analog Relay Service

Missouri’s intrastate analog relay service began in the early 1990’s. Missouri legislation directed the Missouri Commission to “...provide a statewide dual-party system, using third-party intervention to connect deaf, hearing-impaired and speech-impaired persons and offices of organizations representing the deaf, hearing-impaired and speech-impaired with telecommunication devices for the deaf (TDDs) and the telephone system, making available reasonable access to telephone service to eligible subscribers.”³ The legislation also created a Relay Missouri Fund and mandated the fund’s revenues will solely be from a Relay Missouri surcharge applied on a per line basis to landline service consumers which can periodically be adjusted by the Missouri Commission.⁴

¹ FCC Public Notice; Comment Sought on White Paper Regarding Transition of Analog Relay Services to Internet Protocol (IP)-Based Alternatives; released December 3, 2024; DA 24-1209.

² The white paper is entitled “Transition of Legacy Relay Users Reliant on Analog to IP-Based Telephony Relay Solutions”; dated August 12, 2024. The four organizations submitting the paper are: TDIAccess, Inc., National Association for State Relay Administration, Gallaudet University and Telecommunications Access of Maryland.

³ Section 209.253.1

⁴Missouri statutes currently refer to the fund as the “Deaf Relay Service and Equipment Distribution Program Fund”; however, it has always been more commonly referred to as the “Relay Missouri Fund”. Landline providers started billing the surcharge in April 1991. The Missouri Commission must review the surcharge level at least every two years but not more than annually whereas the surcharge has been adjusted numerous times and is currently \$.06.

Missouri, like most states, uses a competitive bidding process to select one analog relay service provider for the state. Only two companies, Hamilton and T-Mobile, continue to provide analog relay service in the United States. The service in Missouri is currently provided by T-Mobile via a 4-year contract expiring on October 31, 2025. The process also determines the compensatory per minute rates paid to the provider whereby Missouri is currently charged by T-Mobile the rate of \$3.11 per minute for intrastate analog relay service.

Expenditures paid by the Relay Missouri Fund have remained relatively unchanged over the years, but with some exceptions. Two optional services, Captioned Telephone Service (CapTel)⁵ and Relay Conference Captioning (RCC)⁶ service, were subsequently added and the fund began paying for the expenses of these services in July 2004 and May 2018, respectively. In 2000, as the result of state legislation,⁷ the Relay Missouri Fund began financially supporting the telecommunications equipment program administered by Missouri Assistive Technology.⁸ This program provides equipment to Missouri consumers who are unable to use traditional telecommunications equipment due to a disability. In June 2024, after usage declined to low levels and was being used by relatively few people, CapTel service was discontinued in Missouri.⁹

Missouri's experience with the discontinuation of CapTel service has proven to be non-controversial. The Missouri Commission accepted the recommendation of the Relay Missouri Advisory Committee to discontinue the service. T-Mobile was also urging Missouri to discontinue the service.¹⁰ Missouri's equipment program officials also cited technical issues with analog CapTel equipment working on digital transmission facilities. Acceptable alternatives for CapTel service appear to be readily available. Notice was solely provided to analog CapTel users by a message on the screens of their CapTel equipment. Notice was provided for several months about the possible discontinuance of their service and later after the Missouri Commission decided to terminate CapTel service. Overall, customer notice generated only six calls who were simply

⁵ CapTel service (Captioned Telephone Service) is similar to relay service but from a technical perspective is provided differently. CapTel requires a special CapTel phone which essentially looks like a traditional landline phone but with a screen on it to display spoken text. CapTel might be best suited for a hard-of-hearing consumer who can hear but finds it beneficial to visually see speech transcribed to text on their phone's screen.

⁶ RCC service is a real-time captioning service specifically designed for conference calls, virtual group meetings, webinars and similar events with several people participating. RCC service is not a 24/7 service but is limited to certain days and hours. The service has experienced sporadic low use.

⁷ Section 209.251 to 209.260.

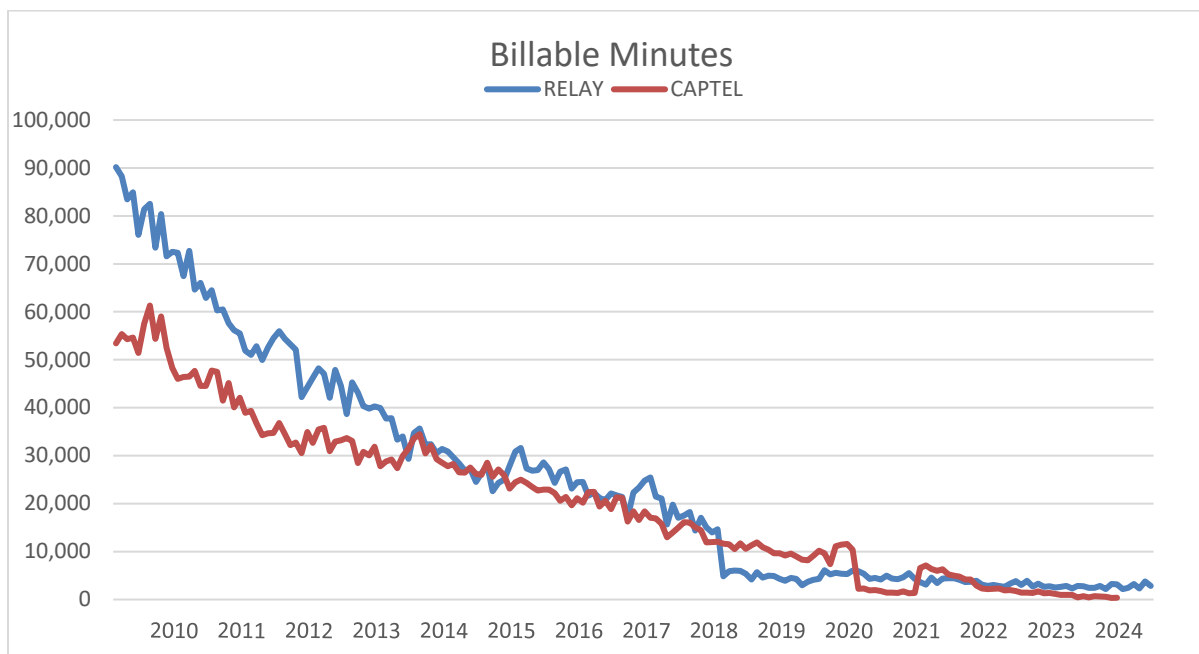
⁸ Missouri Assistive Technology is a separate state agency that administers Missouri's equipment program. The equipment program's website is www.at.mo.gov.

⁹ In 2023 Missouri's analog CapTel service was used by 23 CapTel users averaging 445 calls totaling 1,069 minutes. The number of active CapTel users declined to only 12 users in December 2023 and January 2024.

¹⁰ T-Mobile informed states that the company will not renew contracts to provide analog CapTel service. T-Mobile indicates many states have discontinued the service such as Alabama, Alaska, Arkansas, Delaware, Hawaii, Kansas, New Jersey, South Dakota and West Virginia.

asking for more information. According to T-Mobile, five of the six CapTel users ultimately switched to IP CapTel service.

Usage for analog relay service has steadily declined and has been generating minimal usage for several years. Usage peaked in July 2002 for relay service and June 2009 for CapTel service. Below is a graph of relay and CapTel usage since 2009:



Analog relay service usage seems to have flattened but is still declining. Intrastate analog relay service usage monthly average was 2,803 minutes with 469 completed calls in 2023 while the first 11 months of 2024 saw monthly averages of 2,784 minutes and 391 completed calls. Missouri's total analog relay service usage is about two-thirds intrastate traffic and one-third interstate traffic.¹¹ Total monthly analog relay service usage is 576 calls generating 4,476 minutes of use. Consequently on a typical day Missouri's analog relay service has approximately 19 completed calls and 149 total minutes of use.¹²

T-Mobile began tracking the number of unique callers using Missouri's analog relay service in January 2023. Tracking is limited to consumers placing a relay call. For example, the table below shows the number of unique callers completing relay calls the last two years with callers distinguished by whether the caller has analog relay equipment or is the general public.

¹¹ In the first 11 months of 2024 Missouri's interstate analog relay usage saw monthly averages of 1,692 minutes for 185 completed calls.

¹² 576 calls / 30 days = 19.2 calls per day. 4,476 minutes / 30 days = 149.2 minutes per day.

Average Monthly Number of Unique Callers Using Analog Relay Service*		
Caller	2023	2024 thru Nov.
Analog Relay Equipment Caller	54	46
General Public Caller	76	75
Total	130	121

**A unique caller completes one or more relay calls in a given month.*

The overall number of unique callers placing analog relay calls averaged 130 people in 2023 versus 121 people in 2024. In breaking these numbers down, the average monthly number of unique callers with analog relay equipment declined from 54 people in 2023 to 46 people in 2024 while general public callers using relay to call consumers with analog relay equipment remained relatively steady at approximately 75 people per month. No additional information is provided to states. For example, states do **not** have any information about callers (i.e., names, addresses, contact information) or who they are calling. Consequently no information is known if some consumers with analog equipment solely receive but do not place relay calls.

As suggested by the white paper, the ability to reach out to relay users with analog relay equipment would be helpful in understanding relay user needs and situations.¹³ The Missouri Commission strongly supports the white paper’s recommendation for federal and state government entities to be able to notify legacy TTY users. FCC guidance is needed to ensure how states might be able to obtain and use such proprietary information. Maintaining some degree of user confidentiality is an important issue, but there is a need to exchange information directly with users. Specifically, more information is needed about the users of analog relay service and whether the service continues to meet their needs. Such limited interaction with users is needed for a service that is financially supported by a tax or surcharge placed on other consumers.

In August 2023, the Missouri Commission established Case No. TO-2024-0033 to solicit feedback about relay-related issues. In particular, input was sought regarding what factors should be considered in determining whether to terminate various services and/or the Relay Missouri Fund. Minimal feedback was received; however, FCC staff did contact Missouri Commission staff to discuss the prospect of discontinuing analog relay service.¹⁴ FCC staff provided general guidance that carriers operating within the state will be responsible for maintaining the service if a state agency decides to not renew a relay contract.¹⁵ According to FCC staff, the carrier industry in just a few states have relay administration responsibility, but it was established decades ago

¹³ Section VII of the white paper, pages 12-13.

¹⁴ The FCC Staff is with the Disability Rights Office within the FCC’s Consumer and Governmental Affairs Bureau. Initial feedback was provided in an August 29, 2023 email, a November 7, 2023 zoom meeting with a follow-up email after this meeting. Similar feedback was provided to NASRA membership in a February 13, 2024 zoom meeting.

¹⁵ 47 USC 225(c) as part of the Americans with Disabilities Act and FCC rule 64.603(a). The ADA ultimately places responsibility for providing relay service on common carriers and not state agencies.

when analog relay service initially began within the state.¹⁶ How such a transfer of responsibility might occur today, and ultimately work, remains unknown. Given such uncertainty, along with the need for state statutory changes, the prospect of discontinuing analog relay service in Missouri was never seriously considered.

The FCC should use this proceeding to provide guidance to states about analog relay service as usage declines to low levels. Issues the FCC should try to address include:

- How can states best partner with the FCC on the administration of relay-related services?
- What new services should a state consider bringing to their state?¹⁷
- How can states become more involved in the administration and oversight of relay and other services designed to help consumers with disabilities?
- How can states become less involved in the administration and oversight of analog relay service?
- Should a state agency overseeing analog relay service have the ability to gain access to specific information about the users of the service? If yes, what information should be available? How can the FCC help ensure such information is available?
- What services are acceptable alternatives to analog relay service?
- What should be done, if anything, to ensure analog relay service users are aware of alternative services to analog relay service?
- Does a state need to maintain analog relay service regardless of usage? For example, should a state expect to maintain the service if only one consumer uses the service?
- If a state decides to no longer renew a contract for analog relay service, what action, if any, will be taken by the FCC? Will the FCC attempt to transfer responsibility of providing analog relay service to the carrier industry? If so, explain how the transfer process might work, along with the expected time frame needed for such a transition.

FCC guidance should strive to provide options and flexibility to states. For example, some states may want to become more involved in relay-related matters, while other states may want to be less involved. In addition, some states might be able to make program and administration changes quickly, while others are limited in their ability to adjust to changing times due to state statutes.

The Missouri Commission appreciates the opportunity to submit these comments and looks forward to the FCC's response.

¹⁶ Michigan and Oklahoma were cited as examples of a small number of states where analog relay service is arranged and overseen by the state's carrier association.

¹⁷ The white paper describes how the FCC should proactively plan to have Real Time Texting replace TTY on wireline networks. The FCC should provide guidance to states on issues related to introducing new alternative services such as RTT including technical guidance and cost expectations including how costs might be recovered.

Sincerely,

Kayla Hahn
Chair



Maida Coleman
Commissioner



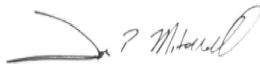
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Respectfully submitted,



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A handwritten signature in black ink that reads "John Van Eschen". The signature is fluid and cursive, with the first name "John" and last name "Eschen" being more prominent than the middle name "Van".

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