

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Transition from TTY to Real-Time Text Technology)	CG Docket No. 16-145
)	
Petition for Rulemaking to Update the Commission’s Rules for Access to Support the Transition from TTY to Real-Time Text Technology, and Petition for Waiver of Rules Requiring Support of TTY Technology)	GN Docket No. 15-178
)	

To: The Commission

REPLY COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (“VON”)¹ respectfully files these reply comments in response to the Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding (the “*Notice*”)² and comments filed in response thereto. Echoing the sentiment of most commenters that have filed in this proceeding, VON is generally supportive of the Commission’s efforts to improve the accessibility of communications technology for all consumers. But VON worries that the *Notice’s* failure to provide a reasonably identifiable scope of application for the proposed RTT rules will unnecessarily burden regulated entities, confuse consumers, and ultimately undermine the Commission’s efforts to transition from TTY to RTT technology. VON therefore joins commenters such as the Consumer Technology Association

¹ VON is the leading advocacy organization for the Internet communications industry, working with legislators, regulators, and other policymakers to develop policies that support the availability and adoption of Internet communications products and services. For more information see www.von.org.

² *Transition from TTY to Real-Time Text Technology, Petition for Rulemaking to Update the Commission’s Rules for Access to Support the Transition from TTY to Real-Time-Text Technology, and Petition for Waiver of Rules Requiring Support of TTY Technology*, CG Docket No. 16-145, GN Docket No. 15-178 (rel. Apr. 29, 2016).

(“CTA”), AT&T, and CTIA in urging the Commission to recognize the differences between and the technological limitations of certain services and applications and to define clearly the scope of any RTT requirements that it may adopt.³

For example, VON does not interpret over-the-top (“OTT”) applications and services to be within the scope of the Commission’s proposed RTT requirements. The term “OTT” typically refers to applications and services that run over the public Internet. Because the public Internet is an unmanaged “Best Effort” delivery network, OTT services and applications are, by definition, “Best Effort” and “may not be able to support all of the proposed requirements detailed in the *Notice*.”⁴ OTT application and service providers have no control over the underlying broadband network or how the user connects to the Internet—factors that would impact performance criteria such as latency and error rate. As AT&T acknowledged in its comments:

[s]ervice providers . . . lack control over Wi-Fi networks that may carry RTT transmissions. Thus, while the latency and error rate values proposed in the *Notice* are consistent with expected RTT performance on a service provider’s managed network, providers have no means to ensure that level of performance for RTT transmission on other networks.”⁵

³ See, e.g., Comments of CTA at 1 (filed July 11, 2016); see also Comments of CTIA at 11 (filed July 11, 2016) (“Any final rules regarding RTT should therefore set forth reasonable and circumscribed performance objectives.”).

⁴ Comments of CTIA at 16.

⁵ Comments of AT&T at 5 (filed July 11, 2016); see also *id.* at 7 (explaining that service providers’ responsibility to support RTT should be limited to the services they provide in accordance with existing industry standards.); Comments of CTA at 6 (“[M]any downloadable apps run over-the-top (“OTT”), generally operating via the device’s Internet connection, and users often connect their devices to third-party Wi-Fi access points with service quality that is beyond the control of either carriers or manufacturers. Congestion or poor service from the access point could change latency and error rates through no fault of the RTT application provider or device manufacturer.”); Comments of CTIA at 16 (“[T]he Commission should also acknowledge that downloadable applications may not be able to support all of the proposed requirements detailed in the *Notice*. For example, legacy devices may not be capable of supporting RTT, even through a downloadable application.”).

Moreover, the *Notice* asserts that “the most compelling case to be made in favor of RTT over messaging-type services is in the context of emergency calls to 911. . . . [A] principle reason for preferring RTT over SMS is that the latter can result in ‘[c]rossed messages [that] can lead to misunderstanding and loss of time. . . . In an emergency situation, a panicked caller may ask a second or third question if there is no immediate visible response from the 9-1-1 call-taker. This can lead to confusion, crossed answers, and error.’”⁶ If an OTT application or service cannot be used to call 911, then it should not be required to support RTT. Further, the Commission should not use this proceeding to expand the scope of 911 requirements or to impose RTT requirements on applications or services that were previously not required to support TTY.

VON therefore recommends that the Commission refrain from mandating that OTT services and applications comply with the proposed RTT requirements. The proposed RTT requirements are not well-suited to OTT services or applications, and seem better intended for services provided on managed networks, not over the “Best Efforts” Internet. If, however, the Commission intends to apply the new RTT requirements to OTT services or applications, it should, at a minimum, issue a further notice of proposed rulemaking to determine the compliance capabilities of these services and applications. If the Commission ultimately concludes that the RTT requirements should apply to OTT services and applications, then flexible rules should be adopted that recognize the difference between managed and unmanaged networks, and allow for

⁶ *Notice* ¶ 39.

voluntary standards, including for latency and error rate values. VON agrees with CTA that “consensus-driven, voluntary standards are best for encouraging new accessibility solutions.”⁷

VON also encourages the Commission to expand and clarify the proposed “wireless VoIP exemption,” under which wireless VoIP services and equipment would be exempt from providing TTY connectability and TTY signal compatibility if they support RTT. As one point of confusion, “wireless VoIP” is not defined in the Communications Act, the Commission’s Rules, or the *Notice*. Whether the term refers to interconnected VoIP, non-interconnected VoIP, or both, is unclear. “Wireless” could refer, among other things, to Wi-Fi, Bluetooth, CMRS, satellite, or fixed wireless. Without clarity, it is not possible for service providers or consumers to determine with any certainty which entities or services would be subject to the new RTT requirements. The Commission should confirm that any new RTT requirements apply only to those wireless voice offerings that are currently required to support TTY. Further, because there is no reason to require one device to support both TTY and RTT technology, the Commission should make clear that the exemption extends to the entire device if such device is providing the regulated VoIP service and supports RTT.

Service providers, consumers, and the Commission itself would all be better served by more carefully crafted and defined RTT rules. Service providers would know whether to invest the resources necessary to achieve compliance. Consumers would benefit from knowing which providers offer RTT capabilities. And the Commission would benefit because well-crafted rules are enforceable and will help the Commission meet the accessibility goals it hopes to achieve.⁸

⁷ Comments of CTA at 2, 4 (“Voluntary standards enable cost-effective introduction of new technologies while helping drive competition.”).

⁸ See, e.g., *FCC v. Fox Television Stations, Inc.*, 132 S. Ct. 2307, 1317 (2012) (the Due Process Clause “requires the invalidation of laws [or regulations] that are impermissibly vague.”).

CONCLUSION

For the foregoing reasons, VON urges the Commission not to apply the *Notice's* proposed RTT requirements to OTT services and applications. If the Commission proceeds to address these issues, it should issue a further notice of proposed rulemaking that makes clear the classification of entities, services, and devices that are subject to and exempt from the proposed rules.

Respectfully submitted,

VON COALITION

/s/

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Their Attorneys in this Matter