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March 4, 2025

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334-5701

RE: Docket 44669: Hamilton Relay's request to remove ASCII requirement

Dear Ms. Tanner,

On November 22, 2024, the FCC released an Order (attached) granting TRS providers a partial, temporary waiver of the ASCII requirement under 47 CFR § 64.604(b)(1). This waiver remains in effect for two years or until the resolution of a related rulemaking proceeding, whichever comes first.

The Georgia Telecommunications Relay Service Agreement, Section 1.23, includes an ASCII requirement. In analyzing Georgia Call Detail Records, we determined there has been no usage of ASCII over the past year. Given the FCC's waiver and the absence of ASCII usage in Georgia, we request the removal of this requirement from the state contract.

Upon approval of this request, we will notify your State Equipment Distribution Program of this change and will provide notice in an accessible format on our website, specifying the date ASCII support will be discontinued. The notice will describe the available alternative forms of relay service, including TTY-based TRS in Baudot format, and will include contact information for questions or information on obtaining alternative equipment and services in accordance with the public notification outlined in the FCC Order.

Sincerely,

Dixie Ziegler
Vice President
Hamilton Relay, Inc.

Attachment

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
	)	
	)	
T-Mobile Accessibility Petition for Rulemaking to Amend 47 CFR § 64.604(b)(1) to Eliminate the Requirement that TTY-Based Relay Service be Capable of Communicating with ASCII Format	)	RM-11931
	)	
	)	
	)	

ORDER

Adopted: November 22, 2024 **Released: November 22, 2024**

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau grants T-Mobile USA, Inc. (T-Mobile Accessibility, or T-Mobile),[1] and Hamilton Relay, Inc. (Hamilton), conditional waivers of the Commission's rule requiring providers of text telephone-based TRS (TTY-based relay or traditional TRS) to offer a service capable of communicating with devices using the American Standard Code for Information Interchange (ASCII) format. For the reasons described below, we waive the ASCII compliance requirement of 47 CFR § 64.604(b)(1) for two years, or until the Commission addresses T-Mobile Accessibility's request to amend section 64.604(b)(1) and eliminate the ASCII compliance requirement,[2] whichever is earlier.

II. BACKGROUND

2. Title IV of the Americans with Disabilities Act of 1990 (ADA), codified at section 225 of the Communications Act,[3] as amended, requires the Commission to ensure that Telecommunications Relay Services (TRS) are available to enable a person with a hearing or speech disability to communicate with other telephone users in a manner that is functionally equivalent to voice communications service to the extent possible and in the most efficient manner.[4] In accordance with this directive, the Commission's

[1] *See* Petition for Limited Waiver of T-Mobile Accessibility, CG Docket No. 03-123, RM-11931 (filed June 16, 2023), https://www.fcc.gov/ecfs/search/search- filings/filing/106161618223758, (T-Mobile Accessibility Petition for Waiver).

[2] T-Mobile Accessibility Petition for Rulemaking to Amend 47 C.F.R. § 64.604(b)(1) to Eliminate the Requirement that TTY-Based Relay Service Be Capable of Communicating with ASCII Format, CG Docket No. 03-123 (filed Aug. 24, 2022), https://www.fcc.gov/ecfs/search/search-filings/filing/108241016422142, (T-Mobile Accessibility Petition for Rulemaking).

[3] *See* Americans with Disabilities Act, Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990); 47 U.S.C. § 225.

[4] 47 U.S.C. § 225(a)(3), (b)(1). *See also Telecommunications Relay Services and Speech-to-Speech for Individuals with Hearing and Speech Disabilities*; *Waivers of iTRS Mandatory Minimum Standards*, Report and Order,

(continued….)

rules contain functional requirements, operational procedures, and mandatory minimum standards to ensure that a TRS user's experience when making TRS calls is functionally equivalent to a voice user's experience when making telephone calls.[5]

3. TTY-based relay is the original form of relay service. A deaf or hard of hearing person using a text telephone (TTY) connects with a TRS communications assistant (CA) and provides the CA with the telephone number to dial. The CA then calls the hearing party and voices the TTY user's typed conversation to that party, and types the hearing party's conversation back to the TTY user.[6] Any TTY can communicate directly with any other TTY using the same format, and a TTY using ASCII format can communicate with a computer with a telecommunications set-up. However, a TTY using ASCII format cannot communicate with a TTY using Baudot format without the use of a Baudot-compatible modem.[7] To ensure that TTY users would be able to complete calls regardless of the format and equipment used by either the caller or the called party, the FCC required that traditional TRS be able to communicate with both ASCII and Baudot, at any speed generally in use.[8] At the time, the Commission noted that although Baudot was the dominant format for TTY, ASCII was "by all accounts, a superior technology."[9] More than 30 years later, however, Baudot remains the predominant format for TTYs, whereas very few TTY users communicate using the ASCII format.[10]

4. On August 24, 2022, T-Mobile Accessibility filed a Petition for Rulemaking asking the Commission to initiate a rulemaking to amend Section 64.604(b)(1) by eliminating the reference to ASCII, on the grounds that ASCII is an obsolete and infrequently used format.[11] On September 22, 2022, the Commission sought comment on the Petition for Rulemaking.[12] Hamilton filed a comment in support of the Petition.[13] A coalition of accessibility advocacy and research organizations (AARO) filed reply comments also voicing support for eliminating the ASCII requirement.[14] No other comments were filed.

(Continued from previous page)
Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 10697, para. 4 (2014) (*2014 TRS Exemptions Order*).

[5] *See* 47 CFR § 64.604.

[6] *2014 TRS Exemptions Order*, 29 FCC Rcd 10697, para. 4.

[7] *See* Gallaudet University Technology Access Program, https://tap.gallaudet.edu/Text/faq1.html (last visited Nov. 19, 2024).

[8] *See Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, Report and Order and Request for Comments, 6 FCC Rcd 4657, 4661, para. 20 (1991) (*1991 TRS Implementation Order*). ASCII employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400, and higher." 47 CFR § 64.601(a)(7). By comparison, Baudot is a seven bit code that operates at a baud rate of 45.5. 47 CFR § 64.601(a)(9).

[9] *1991 TRS Implementation Order*, 6 FCC Rcd at 4661, para. 20.

[10] *See* Gallaudet University Technology Access Program, TTY Basic, https://tap.gallaudet.edu/Text/TTYBasics.html ("About 95% of calls through [TTY] are in Baudot.") (last visited Nov. 19, 2024); Communications Between TTYs and Computers, Ultratec, https://www.ultratec.com/knowledgebase/communications-ttys-computers/ ("In the U.S., most TTYs use a language … called Baudot.") (last visited Nov. 19, 2024).

[11] *See* T-Mobile Accessibility Petition for Rulemaking.

[12] *See Request for Comment on Petition for Rulemaking by T-Mobile USA, Inc. Regarding Continued Use of ASCII Format for TTY-Based Relay Service,* CG Docket No. 03-123 and RM-11931, Public Notice, DA 22-996 (Sept. 22, 2022).

[13] *See* Comments of Hamilton Relay, Inc., CG Docket No. 03-123, RM-11931 (filed Oct. 24, 2022) (Hamilton Comments).

[14] *See* Reply Comments of Accessibility Advocacy and Research Organizations, CG Docket Nos. 03-123, 16-145, GN Docket Nos. 15-178, 21-140, RM-11931 (filed Nov. 8, 2022) (AARO Reply Comments).

5. On June 16, 2023, T-Mobile Accessibility filed a second petition, seeking a limited waiver of the ASCII requirement during the pendency of the rulemaking proceeding.[15] The Commission sought comment on the Petition for Waiver on August 4, 2023.[16] Hamilton, which supports the petition and requests the same relief for all providers of traditional TRS, was the sole commenter.[17] No reply comments were filed.

III. DISCUSSION

6. *Waiver standard*. A Commission rule may be waived for "good cause shown."[18] In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.[19] In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[20] Such a waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.[21]

7. The Commission has previously found it appropriate to waive certain TRS requirements in circumstances where meeting the standard posed technical challenges,[22] or there was unlikely to be any significant demand for a particular required feature,[23] and as a result, enforcement of the requirement was unnecessary, impracticable, and an inefficient use of TRS resources.[24] Among other things, the

[15] *See* T-Mobile Accessibility Petition for Waiver.

[16] *See Comment Sought on T-Mobile Accessibility Petition for Limited Waiver,* CG Docket No. 03-123 and RM-11931, Public Notice, DA 23-662 (Aug. 4, 2023).

[17] Comments of Hamilton Relay, Inc., CG Docket No. 03-123, RM-11931 (filed Aug. 21, 2023) (Hamilton Waiver Comments).

[18] 47 CFR § 1.3.

[19] *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

[20] *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

[21] *Northeast Cellular*, 897 F.2d at 1166.

[22] *See, e.g.*, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571, 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12520-26, paras. 109-32 (2004) (*2004 TRS Report and Order*) (extending various waivers for VRS providers based on technological feasibility considerations); *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Order on Reconsideration, CC Docket No. 98-67, FCC 03-46, 18 FCC Rcd 4761 (2003) (*IP Relay Order on Reconsideration*) (granting or extending various waivers for IP Relay providers based on technological feasibility considerations).

[23] *See, e.g., Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121, 16131-32, paras. 29-30 (2003) (*2003 CTS Ruling*) (waiving, for providers of captioned telephone service (CTS), the requirements to provide speech-to-speech (STS) and hearing-carryover (HCO) functionalities, because STS and HCO "do not apply to captioned telephone calls" and users of STS and HCO "will not want to use a captioned telephone"); *id*. at 16137, para. 48 (waiving the gender preference requirement for CAs, with respect to CTS, because CTS users speak for themselves, and there is thus no need to assign a CA of a particular gender); *see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 391-93, para. 30 (2007) (2007 *IP CTS Declaratory Ruling*) (granting the same waivers to providers of IP CTS).

[24] *See generally 2014 TRS Exemptions Order,* 29 FCC Rcd at 10701, para. 5 (reviewing the waivers of certain TRS mandatory minimum standards previously granted to providers of various forms of TRS based on inapplicability to a particular service, engineering challenges, low demand, and readily available alternatives).

Commission waived or declared inapplicable the ASCII and Baudot requirements for various non-TTY relay services.[25]

8. In these particular circumstances, we find that, given ASCII's technological obsolescence, the absence of significant demand for it, and the presence of viable alternatives, there is good cause to grant T-Mobile and Hamilton waivers of the requirement to offer TTY-based relay service in ASCII format. When the ASCII format requirement was adopted in 1991, the format was regarded as a "superior technology."[26] That is no longer the case. To the contrary, ASCII has long been eclipsed by other formats, and continuing to offer the rarely used format presents challenges for the providers.[27]

9. As T-Mobile and Hamilton both explain, there is very little demand for TTY relay using the ASCII format. According to the Petition for Rulemaking, during a three-month period in 2022, only five T-Mobile users placed traditional TRS calls using ASCII, totaling less than 60 minutes of actual call time.[28] T-Mobile's updated figures in its Petition for Waiver show even less usage. Between February and May of 2023, T-Mobile reports that no more than four calls using the ASCII format were placed during any month, and no month featured more than 34 minutes of total call time.[29] In total, there were only nine calls using the ASCII format placed during that period, for less than 60 minutes of talk time. Hamilton, the only other provider of traditional TRS, reports similarly sparse ASCII usage rates.[30] We are therefore persuaded that the ASCII format is virtually never used, at least as it pertains to traditional TRS. The consumer groups state that this level of usage is consistent with the limited interest among their members and that there is "no compelling reason" for the Commission to retain the ASCII format.

10. Further, T-Mobile and Hamilton explain that TTY users who currently rely on ASCII format have access to alternative forms of TRS that provide the same or similar functionalities, such as TTY-based TRS in Baudot format and IP Relay.[31] We agree that because these alternatives are readily available to take the place of TTY-based TRS in ASCII format, little is accomplished by requiring these providers to incur the time and resources needed to maintain the ASCII format.

11. Between them, T-Mobile and Hamilton provide TTY-based relay service in 50 states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico. They must therefore maintain ASCII-compatible hardware in each of these areas, including when upgrading their service platforms, a task made more difficult because there are currently no new ASCII-compatible TTY devices available on the market, and many of the vendors they rely on no longer provide ASCII support.[32] Without the need to support ASCII, T-Mobile asserts it will be able to redistribute its resources in directions more useful to its TRS users.[33]

12. We find that a waiver is justified to avoid the need for TTY-based TRS providers to continue expending resources on an obsolete and almost unused technology. The public will be better served if those resources are utilized in a more efficient and productive manner. We do not through this

[25] *2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 391-93, para. 30; *2003 CTS Ruling*, 18 FCC Rcd at 16139, paras. 53-54; *2000 TRS Order*, paras. 41, 42.

[26] *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, Report and Order and Request for Comments, 6 FCC Rcd 4657, 4661, para. 20 (1991).

[27] T-Mobile Accessibility Petition for Rulemaking at 6-7.

[28] *Id.* at 4-5.

[29] *Id.* at 7.

[30] Hamilton Comments at 2 (stating that the number of ASCII users on its network numbers in the single digits.).

[31] T-Mobile Accessibility Petition for Rulemaking at 5-6; Hamilton Comments at 2.

[32] T-Mobile Accessibility Petition for Waiver at 6, 7; *see also id*. at 5-6 (confidential version).

[33] T-Mobile Accessibility Petition for Rulemaking at 7.

action end any obligation a TRS provider may otherwise have, under a contract or regulation governing a state TRS program, to continue providing support for TTY-based TRS in ASCII format, independent of the obligation within the Commission's rule.

13. However, even though very few TTY users still employ the ASCII format, those that do use the format must be provided with a viable alternative. We note that, while alternatives are readily available, one of them—IP Relay—requires Internet access, which may not be available to all users. We therefore grant the waiver on the condition that any current T-Mobile or Hamilton ASCII user be transitioned – at no cost to the user and without interruption of service – to a Baudot-capable device if the user prefers to continue using traditional TRS or is unable or unwilling to migrate to IP Relay or another form of TRS. We also require providers of TTY-based TRS to notify each State TRS program and each State Telecommunication Equipment Distribution Program that it will no longer support the ASCII format.[34] Providers shall also provide notice in accessible format on their respective websites that they are discontinuing support for TTY-based TRS in ASCII format. As part of the notification, the provider shall specify the date it plans to terminate ASCII support; describe the available alternative forms of relay service, including TTY-based TRS in Baudot format; and provide contact information for questions and obtaining more information about alternative equipment and services. As noted above, currently pending before the Commission is a petition to amend section 64.604(b)(1) to remove the reference to ASCII. For the reasons cited above, we find good cause to grant a waiver of the ASCII requirement for two years, or until the Commission addresses the request to amend section 64.604(b)(1), whichever is earlier.

IV. PROCEDURAL MATTERS

14. *Materials in Accessible Formats*. 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 and Governmental Affairs Bureau at 202-418-0530 (voice).

15. *Additional Information.* For additional information on this proceeding, contact Ike Ofobike, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418-1028 or by email at Ike.Ofobike@fcc.gov.

V. ORDERING CLAUSES

16. Accordingly, **IT IS ORDERED** that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 225, and sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, and 1.3, this Order IS ADOPTED.

17. **IT IS FURTHER ORDERED** that the Petition for Limited Waiver filed by T-Mobile Accessibility on June 13, 2023 is GRANTED to the extent described and subject to the conditions stated herein.

18. **IT IS FURTHER ORDERED** that section 64.604(b)(1) of the Commission's rules, 47 CFR § 64.604(b)(1), is WAIVED to the extent described herein.

[34] We encourage State TRS and Telecommunications Equipment Distribution Programs to provide notice to consumers of this change in their materials or on their websites to the extent they make consumers aware of the ASCII format for TTY-based communications.

19. **IT IS FURTHER ORDERED** that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark, Chief
Consumer and Governmental Affairs Bureau