



# PUBLIC NOTICE

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**DA 01-1706**  
**July 16, 2001**

## COMMON CARRIER BUREAU SEEKS COMMENT ON REQUESTS FOR TEMPORARY WAIVER OF VIDEO RELAY SERVICE REQUIREMENTS

**CC DOCKET NO. 98-67**

**Pleading Cycle Established**

**Comment Date: 30 days after publication in the Federal Register**  
**Reply Comment Date: 45 days after publication in the Federal Register**

In this Public Notice, the Common Carrier Bureau (Bureau) solicits comment on the waiver requests filed by Hamilton Telephone Company (Hamilton)<sup>1</sup> and Sprint Communications (Sprint).<sup>2</sup> Both Hamilton and Sprint request temporary waiver of certain mandatory minimum requirements for providing Video Relay Services (VRS).<sup>3</sup>

VRS allows a TRS user with a hearing and/or speech disability who uses sign language to communicate with a voice telephone user through video equipment installed at either the premises of the person with the disability or another appropriate location and at the relay center. Federal Communications Commission (FCC or Commission) rules require that VRS communications assistants (CAs) be qualified interpreters, defined as being able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.<sup>4</sup> VRS is generally subject to the same mandatory minimum standards as TRS.<sup>5</sup>

On March 6, 2000, the Commission released the *Improved TRS Order*, which amended the rules governing the delivery of TRS by expanding the kinds of relay services available to consumers and

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<sup>1</sup> Hamilton Telephone Company, *Request for Clarification and Temporary Waiver* (filed Apr. 6, 2001) (*Hamilton Waiver Request*).

<sup>2</sup> Sprint Communications *Petition for Temporary Waiver* (filed June 4, 2001) (*Sprint Waiver Request*).

<sup>3</sup> See 47 C.F.R. §§ 64.603 and 64.604.

<sup>4</sup> 47 C.F.R. § 64.604(a)(1).

<sup>5</sup> The following minimum standards do not apply to VRS: competent skills in typing and spelling for CAs; the capability to communicate with ASCII and Baudot format, at any speed generally in use; transmission of conversations between TTY and voice callers in real time; and the provision of services 24 hours a day.

improving the quality of relay services.<sup>6</sup> The order changed many of the definitions and standards for traditional TRS and added speech-to-speech (STS) and Spanish relay requirements. It also permitted recovery of the costs of both intrastate and interstate VRS through the interstate TRS fund but did not require the provision of VRS. Finally, the *Improved TRS Order* directed the Interstate TRS Advisory Council and the TRS Fund Administrator (Advisory Council and Fund Administrator, respectively) to develop recommendations on how the compensation formulas for STS, Spanish relay, and VRS should be structured.<sup>7</sup>

Hamilton's filing includes a request for clarification of the scope of the VRS rules and for a two year waiver of certain provisions contained in the *Improved TRS Order*. Specifically, Hamilton seeks clarification that VRS need not include STS or Spanish relay service under our current rules.<sup>8</sup> This request will be addressed in a separate Commission level proceeding.

Hamilton's request for a temporary waiver seeks exemption of portions of section 64.604 of the Commission's rules as they apply to VRS providers.<sup>9</sup> Specifically, Hamilton seeks temporary waiver of the following requirements: (1) the types of calls that must be handled;<sup>10</sup> (2) emergency call handling;<sup>11</sup> (3) speed of answer;<sup>12</sup> (4) equal access to interexchange carriers;<sup>13</sup> and (5) pay-per-call services.<sup>14</sup> On June 4, 2001, Sprint filed a similar request for waiver. Sprint seeks a temporary two year waiver of the same sections identified in Hamilton's waiver request, except for section 64.604(a)(3) which pertains to the types of calls that must be handled. Sprint also seeks waiver of any Commission rules that "may require providers of VRS to ensure that users are able to utilize American Sign Language to communicate with Spanish speaking individuals."<sup>15</sup>

Parties commenting on these waiver requests should address the benefits of relaxing these minimum service requirements for VRS. Specifically, we seek comment on the extent to which we

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<sup>6</sup> Telecommunication Relay Services for Individuals with Hearing and Speech Disabilities, *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 98-67, 15 FCC Rcd 5140, 5148-51 and 5154-55 paras. 14-20 and 28-31 (*Improved TRS Order*).

<sup>7</sup> *Id.* at para. 22. The Advisory Council and the Fund Administrator submitted their recommendations on November 9, 2000.

<sup>8</sup> Hamilton Request at 3-5.

<sup>9</sup> *Id.* at 5-10.

<sup>10</sup> 47 C.F.R. § 64.604(a)(3). Hamilton seeks waiver of the requirement to provide operator-assisted calls and to bill certain types of long distance calls to the end user.

<sup>11</sup> 47 C.F.R. § 64.604(a)(4).

<sup>12</sup> 47 C.F.R. § 64.604(b)(2).

<sup>13</sup> 47 C.F.R. § 64.604(b)(3).

<sup>14</sup> 47 C.F.R. § 64.604(b)(6).

<sup>15</sup> See *Sprint Waiver Request* at 9. Sprint also submitted a copy of a letter stating its belief that unless it can meet all of the minimum standards established by the Commission for VRS, Sprint is not eligible for reimbursement from the Interstate TRS fund for VRS. See *Sprint Waiver Request* at Attachment A (letter dated February 14, 2001 to Paula J. Holbrook, TRS Program Manager for Sprint from Maripat Brennan, Manager, Fund Administration).

should grant a deferral of each of these minimum requirements and the appropriate period for which any deferral should be granted.

Interested parties may file comments concerning this matter on or before 30 days after publication in the Federal Register and reply comments on or before 45 days after publication in the Federal Register. All filings must reference Docket No. 98-67. Send an original and four copies to the commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554 and two copies to Pam Slipakoff, Common Carrier Bureau, Network Services Division, 445 12th Street, S.W., Washington, DC, 20554.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 13 FCC Rcd 11322, 11326 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Or you may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/efile/email.html>.

Hamilton and Sprint's waiver requests, and any comments filed in response to this public notice, will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202)418-0270 or through the FCC's duplicating contractors, International Transcription Services, Inc. (ITS, Inc.), 1231 20th Street, NW, Washington, DC 20036 at (202)857-3800 (voice/TRS), (202)293-8810 (TTY), (202)857-3805 (fax), or [service@itsdocs.com](mailto:service@itsdocs.com) (e-mail). Copies of Hamilton and Sprint's waiver requests, and any comments filed in response to this public notice, may also be obtained from the Internet via the FCC's Electronic Comment Filing System (ECFS) [http://izzy.fcc.gov/prod/ecfs/s\\_a/](http://izzy.fcc.gov/prod/ecfs/s_a/). Parties interested in obtaining comments from the ECFS should use the docket number "98-67" or "90-571" as the search term.

For further information contact Pam Slipakoff of the Common Carrier Bureau, Network Services Division at (202)418-7705 (voice), (202)418-0484 (TTY) or [pslipako@fcc.gov](mailto:pslipako@fcc.gov).

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