

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

ORDER

Adopted: December 2, 2005

Released: December 5, 2005

By the Chief, Consumer & Governmental Affairs Bureau:

I. INTRODUCTION

1. The waiver of the emergency (911) call handling requirement for providers of Video Relay Service (VRS), a form of telecommunications relay service (TRS), expires on January 1, 2006. We extend the waiver for one year in view of continued technological challenges to determining the geographic location of TRS calls that originate via the Internet, and the November 30, 2005, VRS 911 NPRM addressing this issue. Accordingly, the waiver of the emergency call handling requirement for VRS providers will expire on January 1, 2007, or upon the release of an order addressing this issue, whichever comes first.

II. BACKGROUND

2. The Commission's TRS regulations set forth operational, technical, and functional mandatory minimum standards applicable to the provision of TRS. These standards apply to all forms of TRS when they are offered, unless they are waived. Therefore, to be eligible for reimbursement from the Interstate TRS Fund for the provision of TRS, the provider must meet all applicable non-waived

1 Telecommunications relay service enables a person with a hearing or speech disability to access the telephone system to call persons without such a disability. A communications assistant (CA) relays the call back and forth (e.g., from text to voice, and voice to text) between the calling party and called party. See 47 C.F.R. § 64.601(8); 47 U.S.C. § 225. Video Relay Service is an Internet-based form of TRS that, rather than using text, allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller. See 47 C.F.R. § 64.601(12).

2 See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket Nos. 90-571 & 98-67, CG Docket 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, at 12511-12522, paras. 116-118 (June 30, 2004) (2004 TRS Report & Order).

3 Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, Notice of Proposed Rulemaking, FCC 05-196 (Nov. 30, 2005) (VRS 911 NPRM).

4 See 47 C.F.R. § 64.604 (the TRS "mandatory minimum standards").

mandatory minimum standards.<sup>5</sup>

3. The TRS mandatory minimum standards require TRS providers to handle emergency calls.<sup>6</sup> The Commission has recognized that although persons with hearing and speech disabilities should generally make emergency calls directly to the PSAP by calling 911 (*e.g.*, via a TTY), many such individual use TRS to contact emergency services.<sup>7</sup>

4. In March 2000, the Commission recognized VRS as a form of TRS eligible for compensation from the Interstate TRS Fund.<sup>8</sup> On December 31, 2001, the Commission granted VRS providers a waiver until December 31, 2003, of certain TRS mandatory minimum standards, including the emergency call handling requirement.<sup>9</sup> This waiver was ultimately extended to January 1, 2006.<sup>10</sup>

5. On November 30, 2005, the Commission released the *VRS 911 NPRM*, seeking comment on how providers of the Internet-based TRS services, including VRS, may determine the appropriate PSAP to contact when they receive an emergency call.<sup>11</sup> The Commission noted the importance of emergency access for VRS users and the necessity to find a means to ensure that VRS calls seeking emergency assistance can be promptly routed to the appropriate emergency service provider.<sup>12</sup>

### III. DISCUSSION

6. The Commission may waive a provision of its rules for “good cause shown.”<sup>13</sup> In view of the continued technological challenges to determining the geographic location of TRS calls originating

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<sup>5</sup> See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, at 5158, para. 39 (March 6, 2000) (*Improved TRS Order & FNPRM*).

<sup>6</sup> See 47 C.F.R. § 64.604(a)(4) (requiring TRS providers to automatically and immediately transfer emergency calls to an appropriate public safety answering point (PSAP)); *2004 TRS Report & Order*, 19 FCC Rcd at 12521, para. 116.

<sup>7</sup> See, *e.g.*, *VRS 911 NPRM*, at para. 10.

<sup>8</sup> *Improved TRS Order & FNPRM*, 15 FCC Rcd at 5152-5154, paras. 21-27.

<sup>9</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket 98-67, DA 01-3029, 17 FCC Rcd 157 (Dec. 31, 2001) (*TRS Waiver Order*).

<sup>10</sup> On December 19, 2003, the Commission extended this waiver until June 30, 2004. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, 18 FCC Rcd 26309 (Dec. 19, 2003). On June 30, 2004, the Commission again extended the waiver until January 1, 2006, noting that the record reflected that VRS providers did not have the technology to automatically transfer emergency calls, including the caller’s location information, to the appropriate emergency service provider. *2004 TRS Report & Order*, 19 FCC Rcd at 12522, para. 118. The Commission emphasized that because VRS users gain access to VRS via the Internet, rather than a telephone, VRS providers do not receive the automatic number identification (ANI) of the calling party. As a result, VRS providers cannot identify the caller’s location to relay that information to the PSAP. *Id.*, 19 FCC Rcd at 12522, para. 117.

<sup>11</sup> *VRS 911 NPRM*, note 3, *supra*. The emergency call handling requirement has also been waived for IP Relay, another Internet-based form of TRS. That waiver expires on January 1, 2008. See *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order on Reconsideration, CC Docket 98-67, 18 FCC Rcd 4761 (March 14, 2003).

<sup>12</sup> *VRS 911 NPRM*, at paras. 1-2, 18.

<sup>13</sup> 47 C.F.R. § 1.3; see generally *2004 TRS Report & Order*, 19 FCC Rcd at 12520, para. 110 (discussing standard for waiving Commission rules).

via the Internet, including VRS calls, as well as the recently released *VRS 911 NPRM* seeking comment on this issue, we find good cause exists to extend the waiver of the emergency call handling requirement for VRS providers until January 1, 2007.<sup>14</sup> Accordingly, the emergency call handling waiver for VRS will expire on January 1, 2007, or upon the release of an order addressing this issue, whichever comes first.

7. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Sections 0.141, 0.361, 1.3 of the Commission Rules, 47 C.F.R. §§ 0.141, 0.361, 1.3, this *Order* is ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

Monica Desai, Chief  
Consumer & Governmental Affairs Bureau

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<sup>14</sup> This waiver, like the previous waivers, is conditioned upon the filing of annual reports, due each April 16<sup>th</sup>, addressing whether it is necessary for the waiver to remain in effect. See *2004 TRS Report & Order*, 19 FCC Rcd at 12520-12521, para. 111 (detailing required contents of annual waiver reports). We note that in the 2005 annual reports the VRS providers agreed that it is not technologically feasible to automatically route emergency calls to the appropriate PSAP because they do not obtain location information from the VRS user initiating the call via the Internet. See AT&T Corp., 2005 Annual Report on TRS Waivers at 2 (filed on April 18, 2005); Communications Access Center for the Deaf and Hard of Hearing, 2005 Annual Report on Progress of Meeting Waived Requirements at 1-2 (undated); Hamilton Relay, Inc., 2005 Annual Report Concerning IP Relay and VRS at 1-3 (filed on April 15, 2005); Hands On Video Relay Services, Inc., 2005 Annual Report on Progress of Meeting Waived Requirements at 2-3; MCI, 2005 Report on the Status of Waived IP-Relay and Video Relay Services at 11-12 (filed on April 16, 2005); Sorenson Media, Inc., 2005 Annual Report on Status of Waived VRS Requirements at 1-3 (filed on April 15, 2005); Sprint Corporation, 2005 Annual Internet Relay and Video Relay Service Progress Report at 2 (filed on April 14, 2005).