



PUBLIC NOTICE

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**NOTICE OF CERTIFICATION OF HAWK RELAY, LLC AS A PROVIDER OF INTERNET
PROTOCOL RELAY (IP RELAY) AND VIDEO RELAY SERVICE (VRS) ELIGIBLE FOR
COMPENSATION FROM THE INTERSTATE TELECOMMUNICATIONS RELAY SERVICE
(TRS) FUND**

CG DOCKET NO. 03-123

By the Chief, Consumer and Governmental Affairs Bureau:

On January 3, 2007, Hawk Relay, LLC (Hawk Relay) filed an application for certification¹ as a provider of IP Relay and VRS eligible for compensation from the Interstate TRS Fund (Fund)² pursuant to the IP Relay and VRS provider certification rules.³ On July 9, 2007, Hawk Relay, LLC resubmitted its application.⁴ Hawk Relay's July 9, 2007, application is granted, subject to the conditions noted below.

¹ Hawk Relay, LLC, *Application for Certification as an Eligible VRS and IP Relay Provider*, CG Docket No. 03-123 (January 3, 2007) (*Hawk Relay Application*).

² "Telecommunications Relay Service" (TRS), created by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables an individual with a hearing or speech disability to communicate by telephone or other device through the telephone system with a person without such a disability. See 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(14). IP Relay service is a text based form of TRS that allows user connection to the TRS facility via a computer (or other similar device) and the Internet, rather than via a TTY and the Public Switched Telephone Network (PSTN). See *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (April 22, 2002). Video Relay Service (VRS) 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). The Interstate TRS Fund compensates eligible providers of IP Relay and VRS, and other forms of TRS for their reasonable costs of providing service. See 47 C.F.R. § 64.604(c)(5)(iii).

³ See *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Order on Reconsideration, CG Docket No. 03-123, 20 FCC Rcd 20577 (Dec. 12, 2005) (*2005 IP Relay and VRS Certification Order*); 47 C.F.R. § 64.605(a)(2). The rules also apply to providers seeking to offer IP Captioned Telephone Service. See *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CG Docket No. 03-123, 22 FCC Rcd at 309, para 27.

⁴ Hawk Relay, LLC, *Application for Certification as a VRS and IP Relay Provider of Hawk Relay, LLC*, CG Docket No. 03-123 (July 9, 2007) (*Hawk Relay Revised Application*).

On December 12, 2005, the Commission released an order adopting new rules permitting carriers desiring to offer IP Relay and VRS services and receive payment from the Fund to seek certification as a provider eligible for compensation from the Fund.⁵ The rules require entities seeking such certification to submit documentation to the Commission setting forth, in narrative form:

(i) a description of the forms of TRS to be provided (*i.e.*, VRS and/or IP Relay); (ii) a description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered; (iii) a description of the provider's procedures for ensuring compliance with all applicable TRS rules; (iv) a description of the provider's complaint procedures; (v) a narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards; (vi) a narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards; (vii) demonstration of status as a common carrier; and (viii) a statement that the provider will file annual compliance reports demonstrating continued compliance with these rules.^[6]

The rules further provide that after review of the submitted documentation, the Commission shall certify that the provider of IP Relay and VRS services is eligible for compensation from the Fund if the Commission determines that the certification documentation:

(i) establishes that the provision of IP Relay and VRS ... will meet or exceed all non-waived operational, technical, and functional minimum standards contained in § 64.604; (ii) establishes that the IP Relay and VRS ... provider makes available adequate procedures and remedies for ensuring compliance with the requirements of this section and the mandatory minimum standards contained in § 64.604, including that it makes available for TRS users informational materials on complaint procedures sufficient for users to know the proper procedures for filing complaints; and (iii) where the TRS service differs from the mandatory minimum standards contained in § 64.604, the IP Relay and VRS ... provider establishes that its service does not violate applicable mandatory minimum standards.^[7]

We have reviewed the *Hawk Relay Revised Application* pursuant to these rules. We conclude that Hawk Relay has adequately demonstrated that its provision of IP Relay and VRS services will meet or exceed all operational, technical, and functional TRS standards set forth in the Commission's rules, 47 C.F.R. § 64.604; that it makes available adequate procedures and remedies for ensuring compliance with applicable Commission rules; and that to the extent Hawk Relay service differs from the mandatory minimum standards, the service does not violate the rules.

We grant Hawk Relay's application subject to compliance with applicable Commission orders, including the declaratory ruling requiring the interoperability of VRS equipment and service.⁸ This

⁵ 2005 *IP Relay and VRS Certification Order*, *supra*.

⁶ 47 C.F.R. § 64.605(a)(2).

⁷ 47 C.F.R. § 64.605(b)(2).

⁸ See *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5442 (May 9, 2006). See also 47 C.F.R. § 64.605(e)(2) (Commission may require certified providers to submit documentation demonstrating compliance with the mandatory minimum standards). Further, Hawk Relay must file an annual report with the Commission evidencing that they are in compliance with Section 64.604. 47 C.F.R. § 64.605(g). The first such

certification shall remain in effect for a period of five years from the release date of this *Public Notice*.⁹ Within ninety days prior to the expiration of this certification, Hawk Relay may apply for renewal of its IP Relay and VRS provider certification by filing documentation in accordance with the Commission's rules.¹⁰

A copy of Hawk Relay's application is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. The full text of this *Public Notice* is similarly available for public inspection or copying. These documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI at their web site: www.bcpiweb.com or by calling 1-800-378-3160. A copy of Hawk Relay's application may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at <http://www.fcc.gov/cgb/ecfs> (insert CG Docket No. 03-123 into the Proceeding block).

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For further information, please contact Gregory Hlibok, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (800) 311-4381 (voice), (202) 418-0431 (TTY), or e-mail at Gregory.Hlibok@fcc.gov.

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report shall be due one year after the release date of this *Public Notice*, and subsequent reports shall be due each year thereafter.

⁹ See 47 C.F.R. § 64.605(c)(2).

¹⁰ See *id.*