

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

In the Matters of)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Implementation of Sections 255 and 251(a)(2) of The Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommuni- cations Equipment and Customer Premises Equipment by Persons with Disabilities)	WT Docket No. 96-198
)	
Telecommunications Relay Services and Speech- to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
The Use of N11 Codes and Other Abbreviated Dialing Arrangements)	CC Docket No. 92-105
)	

ORDER

Adopted: April 04, 2008

Released: April 04, 2008

By the Chief, Consumer & Governmental Affairs Bureau:

I. INTRODUCTION

1. In the *2007 VoIP TRS Order*,¹ the Commission extended the telecommunications relay service (TRS)² requirements contained in Part 64 of the Commission’s rules to providers of interconnected voice over Internet Protocol (VoIP) services.³ Among the requirements extended to interconnected VoIP providers was the obligation to offer 711 abbreviated dialing access to traditional

¹ *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123 & CC Docket No. 92-105, Report and Order, 22 FCC Rcd 11275 (June 15, 2007) (*2007 VoIP TRS Order*). This order became effective October 5, 2007.

² TRS, created by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables a person with a hearing or speech disability to access the nation’s telephone system to communicate with voice telephone users through a relay provider and a communications assistant (CA). See 47 U.S.C. § 225; 47 C.F.R. § 64.601 *et seq.* (implementing regulations).

³ *2007 VoIP TRS Order*; see 47 C.F.R. §§ 9.3, 54.5 (defining “interconnected VoIP service” and “interconnected VoIP provider”).

relay services via a voice telephone or a text telephone (TTY).⁴ Following release of the *2007 VoIP TRS Order*, several parties filed petitions for waiver raising issues concerning (1) the ability of *interconnected VoIP providers* to route the inbound leg of a 711-dialed call to an appropriate TRS provider, particularly when the caller's telephone number does not correspond to the caller's geographic location, and (2) the ability of *TRS providers* that receive, via an interconnected VoIP service, a 711-dialed call concerning an emergency to determine an appropriate Public Safety Answering Point (PSAP) to call.

2. In the *October 2007 Order and Notice*, the Bureau clarified the 711 requirement adopted in the *2007 VoIP TRS Order* and granted interconnected VoIP providers a six-month waiver of the requirement to route the inbound leg of a 711-dialed call to an "appropriate TRS provider," as defined by the Bureau.⁵ The Bureau also granted traditional TRS providers a six-month waiver of their obligation to implement a system to automatically and immediately call an appropriate PSAP when receiving an emergency 711-dialed call via an interconnected VoIP service.⁶ In the Public Notice portion of the item,

⁴ *2007 VoIP TRS Order*, 22 FCC Rcd at 11296-97, paras. 42-43. See generally 47 C.F.R. § 64.603 ("each common carrier providing telephone voice transmission services shall provide, not later than October 1, 2001, access via the 711 dialing code to all relay services as a toll free call"); 47 C.F.R. §§ 64.601(1) (defining "711" as "[t]he abbreviated dialing code for accessing all types of relay services anywhere in the United States") & 64.601(15) (defining TTY); *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Second Report and Order, 15 FCC Rcd 15188, 15191, para. 3 (Aug. 9, 2000) (*711 Order*). The Commission adopted 711 dialing access so that TRS users – both hearing persons and persons with a hearing or speech disability – could initiate a relay call, anywhere in the United States, without having to remember and dial a seven-digit number or a ten-digit toll free number, and without having to obtain different numbers to access local TRS providers when traveling from state to state. *711 Order*, 15 FCC Rcd at 15191, para. 3.

⁵ *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123 & CC Docket No. 92-105, Order and Public Notice Seeking Comment, 22 FCC Rcd 18319 (Cons. Govt. Aff. Bur. Oct. 9, 2007) (*October 2007 Order and Notice*).

⁶ *October 2007 Order and Notice*, 22 FCC Rcd at 18324, paras. 12-14. We note that, in a recent order, the Commission adopted interim emergency call handling requirements for *Internet-based* TRS providers. See *Telecommunications Relay Services And Speech-To-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG 03-123, WC 05-196, Report and Order, 2008 WL 754912 (March 19, 2008). Unlike the Commission's March 19th order, the instant order addresses emergency call handling requirements for traditional (PSTN-based, TTY) TRS providers, in connection with their receipt of 711-dialed (TTY) emergency calls that originate via an interconnected VoIP service. Although both types of calls – an Internet-based call made to an Internet-based TRS provider (*e.g.*, via Video Relay Service (VRS), and a 711-dialed TTY call made to a traditional TRS provider via an interconnected VoIP service – raise issues concerning the lack of automatic location identification (ALI) information received by the TRS provider and the resulting challenges associated with identifying and routing the outbound call to an appropriate PSAP, the technologies involved nevertheless give rise to distinct compliance-related issues. For example, whereas the Commission's March 19th order requires Internet-based TRS providers to ensure that emergency calls receive priority handling and are not put in a queue with all other incoming calls to wait for an available CA, *see id.*, 2008 WL 754912, paras. 16-17, there is no comparable issue relating to adequate staffing of CAs or being able to reach a CA in a timely manner in the traditional TRS context. Because the application of the Commission's emergency call handling procedures to Internet-based TRS providers raises distinct technical and operational issues (*e.g.*, TTY callers using an interconnected VoIP service have a ten-digit phone number, but Internet-based TRS users currently do not), the Commission has addressed emergency call handling requirements of Internet-based TRS services and traditional TRS providers in separate proceedings. See, *e.g.*, *Consumer & Governmental Affairs Bureau Seeks to Refresh Record on Assigning Internet Protocol (IP)-Based Telecommunications Relay Service (TRS) Users Ten-Digit Telephone Numbers Linked to North American Numbering Plan (NANP) and Related Issues*, CG Docket No. (continued...)

the Bureau sought comment on “technical solutions” that would enable interconnected VoIP providers to route 711 calls to “an appropriate relay center,” as clarified in the Bureau’s order, and that would enable relay centers “to identify the appropriate PSAP to call” when receiving an emergency call via 711 and an interconnected VoIP service.⁷

3. In this *Order*, we extend and modify the current waivers, as they apply to interconnected VoIP providers and traditional TRS providers. First, we grant interconnected VoIP providers an extension of time, until March 31, 2009, to route 711-dialed calls to an appropriate relay center, but only in the context of 711-dialed calls in which the calling party’s telephone number may not reflect his or her geographic location (because the caller is using a “non-geographically relevant” telephone number or a “nomadic” interconnected VoIP service).⁸ In doing so, we grant, to the extent described herein, the petitions for extension of time filed by Qwest Communications Corporation and Verizon.⁹ Second, we grant traditional TRS providers an extension of time, until March 31, 2009, to fulfill their obligation to implement a system to automatically and immediately call an appropriate PSAP when receiving an emergency 711-dialed call via an interconnected VoIP service, based on information in the record reflecting the significant technical challenges presented by this requirement and on our finding that the delivery of the inbound leg of a 711-dialed call by an interconnected VoIP provider to the appropriate relay center is a predicate to the delivery by the relay center of the outbound leg of such a call to an appropriate PSAP.¹⁰

II. BACKGROUND

4. TRS enables individuals with hearing or speech disabilities to access the public telephone system to communicate with voice telephone users through a CA at a TRS relay center. The CA relays conversations between persons using various types of assistive communication devices and persons who do not require such assistive devices. The Commission’s TRS rules require common carriers providing voice transmission services to offer 711 abbreviated dialing access to TRS as a toll-free call.¹¹ 711 abbreviated dialing allows TRS users (both persons with hearing or speech disabilities and voice telephone users) to call a TRS provider to initiate a TRS call from anywhere in the country by dialing 711, so that TRS users do not have to dial or commit to memory (especially when traveling to another state) the 10-digit number of a particular state’s TRS provider. The Commission’s TRS rules also set

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03-123, Public Notice, DA 08-607 (March 19, 2008) (*2008 Numbering PN*) (seeking to refresh record on proposed establishment of global database of proxy telephone numbers for Internet-based TRS users).

⁷ *October 2007 Order and Notice*, 22 FCC Rcd at 18325, para. 16.

⁸ To the extent that an interconnected VoIP provider allows its customers to select telephone numbers from distant geographies, such phone numbers are considered “non-geographically relevant” in the sense that they are associated with a distant location. An interconnected VoIP service is “nomadic” if it can be used from various locations. See *October 2007 Order and Notice* 22 FCC Rcd at 18321-22, para. 6 & n.19.

⁹ See *Qwest Communications Corporation Petition for an Extension of Time to Implement VoIP 711-Dialing in a Nomadic Context* (filed March 7, 2008) (*Qwest Petition*); *Petition of Verizon for Extension of Waiver* (filed March 27, 2008) (*Verizon Petition*).

¹⁰ Notwithstanding this action, we note that if a caller using a TTY device connected to an interconnected VoIP service dials 911 directly (as a text-to-text, or TTY-to-TTY call), the call will be routed through the selective router over the wireline E911 network to the PSAP that serves the caller’s Registered Location, just as it would be for a hearing caller via an interconnected VoIP service. See, e.g., Reply Comments of Verizon at n.6 (internal cross reference omitted). See also <http://www.fcc.gov/cgb/consumerfacts/711.html> (stating that, in the event of an emergency, “TTY users should call 911 directly, and not make a TRS call via 711”).

¹¹ See 47 C.F.R. § 64.603; *711 Order*.

forth operational, technical, and functional mandatory minimum standards applicable to the provision of TRS.¹² As relevant here, the mandatory minimum standards require TRS providers to handle emergency calls by using a system that “automatically and immediately transfers the caller to an appropriate [PSAP].”¹³ The Commission has defined an “appropriate PSAP” as “either a PSAP that the caller would have reached if he had dialed 911 directly,” or “a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.”¹⁴

5. In the *2007 VoIP TRS Order*, the Commission extended its pre-existing TRS rules to interconnected VoIP providers, including the duty to offer 711 abbreviated dialing access to TRS.¹⁵ The *2007 VoIP TRS Order* required interconnected VoIP providers to offer 711 abbreviated dialing “to ensure that TRS calls can be made from any telephone, anywhere in the United States, and that such calls will be properly routed to the appropriate relay center.”¹⁶ This requirement was to become effective on October 5, 2007. Following release of the *2007 VoIP TRS Order*, the Commission received three petitions seeking a waiver (or, alternatively, a stay of the effective date) of certain TRS rules, including the 711 dialing requirement, as applied to interconnected VoIP providers, and a waiver of the emergency call handling requirements, as applied to traditional TRS providers handling 711-dialed calls that originate on interconnected VoIP networks.¹⁷ The petitions asserted that technical and operational difficulties prevented interconnected VoIP and TRS providers from complying with their respective obligations under the applicable TRS rules.¹⁸

6. The Bureau addressed these petitions for waiver in the *October 2007 Order and Notice*.¹⁹ The order clarified that, in requiring an interconnected VoIP provider to route 711 calls to the “appropriate relay center,” the Commission, in the *2007 VoIP TRS Order*, intended to signify “the relay center(s) serving the state in which the caller is geographically located, or the relay center(s) corresponding to the caller’s last registered address.”²⁰ The Bureau determined that this was the “most natural interpretation” of the term “appropriate relay center,” and was “essential” to ensuring that TRS providers could make the outbound leg of an emergency 711-dialed call to an appropriate PSAP.²¹ Based

¹² 47 C.F.R. § 64.604 (the TRS mandatory minimum standards).

¹³ 47 C.F.R. § 64.604(a)(4).

¹⁴ *Id.*

¹⁵ *2007 VoIP TRS Order*, 22 FCC Rcd at 11291-97, paras. 32-43.

¹⁶ *Id.*, 22 FCC Rcd at 11296, para. 42.

¹⁷ See Motion for Stay or Waiver of the Voice on the Net (VON) Coalition (Sept. 14, 2007) (seeking to stay or waive 711 abbreviated dialing requirement, as applied to interconnected VoIP providers); United States Telecom Association Petition for Waiver of Certain Regulations Concerning Provision of 711 Dialing (Sept. 21, 2007) (seeking to waive 711 abbreviated dialing requirement insofar as it requires interconnected VoIP providers to route emergency 711 calls, including those involving a nomadic VoIP service or a non-geographic telephone number, to a relay center capable of identifying the appropriate PSAP); Hamilton Telephone Company d/b/a/ Hamilton Telecommunications, Petition for Waiver (Sept. 21, 2007) (seeking to waive the requirement that TRS providers “automatically and immediately” route VoIP-originated emergency 711 calls to an appropriate PSAP because TRS providers cannot necessarily determine the geographic location of 711 TRS callers using interconnected VoIP service).

¹⁸ *Id.*

¹⁹ *October 2007 Order and Notice*, 22 FCC Rcd 18319.

²⁰ *Id.*, 22 FCC Rcd at 18322-23, para. 9.

²¹ *Id.*

on information in the record, the Bureau found that interconnected VoIP providers were unable to consistently route interconnected VoIP-originated 711 calls to the “appropriate relay center” due to the fact that the telephone number associated with an interconnected VoIP call may not correspond to the geographic location of the caller.²² On this basis, the Bureau found good cause to grant interconnected VoIP providers, for a period of six months, a limited waiver of the 711 requirement.²³

7. In the *October 2007 Order and Notice*, the Bureau also recognized that the *2007 VoIP TRS Order*, by extending the 711 requirement to interconnected VoIP providers, effectively placed TRS providers under a duty to handle such calls that involve an emergency in accordance with the Commission’s pre-existing emergency call handling rules. Based on the record, the Bureau determined that the geographic location identification challenges associated with interconnected VoIP-originated 711 calls rendered TRS providers unable to consistently identify the “appropriate” PSAP to which to route the call.²⁴ On this basis, the Bureau found good cause to grant TRS providers, for a period of six months, a limited waiver of the obligation set forth in section 64.604(a)(4) of the Commission’s rules, *i.e.*, to automatically and immediately route the outbound leg of an interconnected VoIP-originated emergency 711 call to an “appropriate” PSAP.²⁵

8. Finally, the *October 2007 Order and Notice* sought comment on “technical solutions” that would enable interconnected VoIP providers to route 711 calls to “an appropriate relay center,” as defined by the Bureau, and that would enable relay centers “to identify the appropriate PSAP to call” when receiving an emergency call via 711 and an interconnected VoIP service.²⁶ In response, interested parties filed five comments and four reply comments.²⁷ In addition, Qwest filed a petition for an extension of time (until the end of the first quarter of 2009) to implement the 711 requirement with respect to the routing of “nomadic” VoIP 711-dialed calls to an appropriate relay center, and Verizon filed a petition for an extension of time (also until the end of the first quarter of 2009) to implement the 711-dialing requirement with respect to the routing of 711-dialed calls using its “nomadic VoiceWing” interconnected VoIP service to an appropriate relay center.²⁸

²² Specifically, the record showed that, because an interconnected VoIP user’s telephone number does not necessarily correspond with the user’s actual geographic location, interconnected VoIP providers were unable to consistently route the call to the “appropriate relay center” as we have defined that term. *See id.*, 22 FCC Rcd at 18323, paras. 10-11.

²³ *Id.*, 22 FCC Rcd at 18322-23, paras. 8-11.

²⁴ *Id.*, 22 FCC Rcd at 18324-25, paras. 12-14.

²⁵ *Id.*, 22 FCC Rcd at 18324-25, paras. 12-15.

²⁶ *Id.*, 22 FCC Rcd at 18325, para. 16.

²⁷ Comments of Sprint Nextel (filed December 3, 2007); Comments of the VON Coalition (filed December 3, 2007); Comments of Hamilton Relay, Inc. (filed December 3, 2007); Comments of National Emergency Number Association (NENA) (filed December 3, 2007); Comments of Wireless Communications Association International (WCA) (filed December 3, 2007); Reply Comments of Qwest Communications Corporation, Inc. (filed December 17, 2007); Reply Comments of Coalition of Organizations for Accessible Technology (COAT) (filed December 17, 2007); Reply Comments of Verizon (filed December 17, 2007); Reply Comments of WCA (filed December 17, 2007).

²⁸ *See Qwest Petition* at 1-4; *Verizon Petition* at 6.

III. DISCUSSION

A. Limited Extension of Deadline by Which Interconnected VoIP Providers Must Route “Nomadic” 711 Calls to the Appropriate Relay Center

9. The Commission may waive a provision of its rules for “good cause shown.”²⁹ For the reasons set forth below, we find good cause to grant interconnected VoIP providers a limited waiver - until March 31, 2009 - of the requirement to route 711-dialed calls to an appropriate relay center. This waiver shall apply only to 711-dialed calls in which the calling party’s telephone number may not reflect his or her geographic location (because the caller is using a “non-geographically relevant” telephone number or a “nomadic” interconnected VoIP service).³⁰ We emphasize the limited scope of this waiver and note that, upon expiration of the current waiver (after April 5, 2008), interconnected VoIP providers will be required to route to the appropriate relay center (as defined in the *October 2007 Order and Notice*) those 711-dialed calls using a service in which the calling party’s telephone number does reflect his or her geographic location.³¹

10. We note that the record reflects that progress has been made toward resolving technical difficulties previously associated with the routing of 711-dialed calls by interconnected VoIP providers to an appropriate relay center, to the extent that a calling party’s phone number accurately reflects the geographic location of the caller.³² The record reflects that compliance issues remain, however, regarding interconnected VoIP providers’ handling of 711 calls where the telephone number associated with an interconnected VoIP call does not correspond to the geographic location of the caller.³³ In this

²⁹ 47 C.F.R. § 1.3; *see generally Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, 19 FCC Rcd 12475, 12520, para. 110 (June 30, 2004) (*2004 TRS Report & Order*) (discussing standard for waiving Commission rules).

³⁰ *See* note 8, *supra* (defining “nomadic” and “non-geographically relevant”).

³¹ As noted in paragraph 6, *supra*, the *October 2007 Order and Notice* defined “appropriate relay center” as the “relay center(s) serving the state in which the caller is geographically located, or the relay center(s) corresponding to the caller’s last registered address.”

³² *See, e.g., Qwest Petition* at 1-2 (stating that, by April 5, 2008, Qwest will be able to route interconnected VoIP 711-dialed calls to the appropriate relay center for “home” or “fixed” locations of its interconnected VoIP offerings); Letter to Marlene H. Dortch, FCC, from Richard, Ellis, Verizon (dated March 28, 2008), at 1 (*Verizon Ex Parte*) (stating that a 711-dialed call over its “fixed-location” VoIP service for business customers currently would route to the TRS center that “serves the customer’s geographic location”).

³³ *See, e.g., Qwest Petition* at 2 (stating that, at this time, Qwest “is not technically able to route a nomadic VoIP 711-dialed call to the ‘appropriate’ relay center, as the Commission recently clarified that term”); Comments of Sprint Nextel at 2 (stating that interconnected VoIP providers “continue to encounter substantial technical and operational difficulties in ensuring that 711 calls are correctly routed”); Comments of Hamilton at 3-4 (stating that interconnected VoIP providers cannot consistently identify a 711 caller’s correct geographic location for purposes of routing the call to an appropriate relay center); Reply Comments of Verizon at 4-7 (discussing efforts to devise method of routing 711 calls to appropriate relay center based on caller’s Registered Location, rather than calling party’s ten-digit phone number); *but see* VON Coalition Comments at 3-4 (stating that it does not seek additional time to implement 711 dialing, but leaving ambiguous the specific question of whether its members are technically able to route *nomadic* VoIP 711-dialed calls); *and Qwest Petition* at n.8 (citing VON Coalition Comments at 3-4) (stating that, based on conversations with the VON Coalition, it appears that certain VON Coalition members may be able to meet the requirements by April 2008 with respect to “nomadic” calling by using an “811-dialing architecture,” but noting that it is unclear whether all interconnected VoIP providers within VON Coalition’s membership will be able to meet the deadline).

circumstance, when a consumer dials 711 (whether on a TTY or a voice telephone), the call may be routed to a relay center that corresponds to the geographic location associated with the telephone number, rather than the geographic location of the caller.³⁴ Therefore, in such a case, the interconnected VoIP provider is not routing the 711 call to an appropriate relay center, as defined in the *October 2007 Order and Notice*. The record demonstrates that the technical difficulties associated with identifying the geographic location of a caller using a nomadic interconnected VoIP service or a non-geographically relevant telephone number when dialing a 711 call will not be resolved by the time the current waiver expires after April 5, 2008.³⁵

11. In requesting an extension until March 31, 2009, to implement “nomadic 711 routing,” Qwest explains that, to offer 711 dialing in a “nomadic context,” a customer’s address needs to be updated in a system, as necessary, so that when the customer dials 711 from a particular location, he or she will be connected to the TRS provider serving that address.³⁶ Qwest reportedly has entered into discussions with Intrado to develop a technical solution to the “nomadic 711-dialing challenge” by using Intrado’s existing VoIP E911 database and the current “registered location” protocol involved in providing VoIP E911 service.³⁷ According to Qwest, Intrado has committed to an eleven-month development schedule to deliver a “nomadic 711 solution for VoIP users.”³⁸ Qwest states that its request for an extension of time is “in line with Intrado’s estimated development and delivery timeline,” while affording Qwest a reasonable period of time to test and deploy the functionality upon completion of Intrado’s development work.³⁹ While acknowledging that, during the waiver period, some 711-dialed calls in a nomadic environment may be served from the relay center associated with the caller’s phone number rather than from the relay center that is geographically associated with the caller, Qwest states that TRS providers are now prepared, through the purchase of nationwide PSAP databases, to handle such calls in an emergency situation, whether the appropriate PSAP is nearby or across the country.⁴⁰

³⁴ For example, when a relay caller in Virginia using an interconnected VoIP service with a California telephone number dials 711, the call may go to a California relay center, not a Virginia relay center.

³⁵ See, e.g., Reply Comments of Verizon at 2 (asserting that the development of a long-term solution to the challenges associated with 711 dialing for interconnected VoIP and TRS providers will require a two-year extension of time); *Qwest Petition* at 2 (stating that it does not anticipate having complete 711 call routing capabilities until the first quarter of 2009).

³⁶ *Qwest Petition* at 4. Qwest states that, in connection with its provision of interconnected VoIP service, it has “no actual knowledge of ever having processed a 711 call, let alone one involving an emergency[,]” but assumes, “for discussion purposes,” that some 711-dialed calls may occur. *Id.* at 3.

³⁷ *Qwest Petition* at 4-5.

³⁸ *Qwest Petition* at 5. Qwest describes the steps involved in creating a capability to route 711-dialed calls to an appropriate relay center based on the caller’s Registered Location (rather than the caller’s telephone number). According to Qwest, over a period of four to six months, Intrado will complete the migration of Qwest and other “911 customers” to a new platform (Fixed Mobile Convergence Center), which, Qwest states, will support both interconnected VoIP and wireless products. In parallel, Intrado reportedly was scheduled to begin development of a “fully nomadic 711 solution” for interconnected VoIP users in March 2008 and is expected to complete this work by fourth quarter 2008. Upon completion of the developmental work, Intrado reportedly will require two to four months of “internal testing,” and then an additional four to six weeks of testing with Qwest. Qwest maintains that this timetable is reasonable and is necessary to allow for completion of work by Qwest’s vendor and to “test and deploy the functionality as integrated into its service offering.” *Id.* at 4-6.

³⁹ See *Qwest Petition* at 5-6.

⁴⁰ See *Qwest Petition* at 7-10.

12. Verizon similarly seeks an extension until April 1, 2009, of the 711-dialing requirement for 711-dialed calls using Verizon's "VoiceWing" service.⁴¹ Although Verizon reportedly is currently capable of routing a 711-dialed call using its "fixed-location" interconnected VoIP service to the TRS center serving the customer's geographic location, it currently is not capable of routing a 711-dialed call using its "VoiceWing" VoIP service, which it describes as an "inherently nomadic service," to an appropriate TRS center.⁴² Instead, such a call would be routed to a "specially designated telephone number at a single TRS center."⁴³ Verizon states that it is currently evaluating in-house and third-party systems that would enable it to route 711-dialed calls using its nomadic VoiceWing service to an appropriate TRS center. Whether it develops its own solution or employs a third-party solution, such as Intrado's, Verizon estimates that the time required to design, implement, and test the solution would take "at least 12 months."⁴⁴

13. Taking into account the progress providers have made to date, and in view of Qwest's and Verizon's filings, which detail the timetable for completion of developmental work that is, according to these providers, currently underway, we find that providing interconnected VoIP providers this additional time to bring themselves into compliance is warranted. We do not think additional time beyond March 31, 2009 is necessary, however, and therefore deny the request of Verizon to the extent it seeks to extend the current waiver for two years (to address the 711 routing issues of both interconnected VoIP providers and TRS providers).⁴⁵ In declining to grant a longer extension, we also agree with the Coalition of Organizations for Accessible Technology (COAT) that, in assessing the necessity of a waiver in this context, we should proceed cautiously, insofar as granting an extension may postpone the ability of persons with speech and hearing disabilities to access emergency services via TRS.⁴⁶ For this reason, we limit the duration of the waiver and, as discussed above, we limit the scope of the waiver (and therefore its likely impact) to the routing of 711-dialed calls to an appropriate relay center where the calling party's telephone number may not reflect his or her geographic location. In light of the foregoing, we find good

⁴¹ See *Verizon Ex Parte* at 1-2; see also *Verizon Petition* at 6.

⁴² See *Verizon Ex Parte* at 1-2 (describing different architecture in place for routing "fixed-location" 711-dialed calls using Verizon's interconnected VoIP service for businesses versus architecture in place for routing "nomadic" 711-dialed calls using Verizon's retail interconnected VoIP service).

⁴³ See *Verizon Ex Parte* at 2. Verizon also states that, to the best of its knowledge, it does not have any retail VoIP customers who are TTY users and has not had "any VoIP-based calls to 711 to date." See *id.*

⁴⁴ See *Verizon Petition* at 3. According to Verizon, Intrado has informed Verizon that it expects to have a technical solution addressing the proper routing of "nomadic" 711-dialed calls in the fourth quarter of 2008. Verizon states that it would then need "to test this capability first in the lab, followed by production testing." See *id.* Accordingly, Verizon asks the Commission to extend the waiver granted in the *October 2007 Order and Notice* until April 1, 2009.

⁴⁵ See Reply Comments of Verizon at 2 (asserting that the Commission should extend the waiver for two years to permit development of a long-term solution that encompasses technical routing solutions both for the interconnected VoIP provider-to-TRS provider leg of a 711-dialed call, and for the TRS provider-to-PSAP leg of such a call); *Verizon Petition* at 4-5. In its reply comments, Verizon also proposes an interim solution under which interconnected VoIP providers would be authorized to contract with a single relay provider to handle all 711 calls from customers with nomadic VoIP services or non-geographically based phone numbers. Reply Comments of Verizon at 4-7. As we state above, however, we believe it better serves the public interest to limit the extent of any waiver relief.

⁴⁶ See Reply Comments of COAT at 2.

cause to extend the waiver of the 711-dialing requirement for interconnected VoIP providers, as modified herein, until March 31, 2009.⁴⁷

14. We emphasize that, notwithstanding the limited relief provided here, interconnected VoIP providers are nevertheless required to continue to accept nomadic and non-geographically relevant 711-dialed calls and route them to a relay center, even if it is not necessarily to the “appropriate relay center.” In addition, during the pendency of this waiver period, interconnected VoIP providers must continue to take steps to remind persons with speech or hearing disabilities to call 911 directly in the case of an emergency rather than making a 711-dialed TRS call.⁴⁸

B. Limited Extension of Waiver of Section 64.604(a)(4) for State TRS Providers

15. Regarding the obligation of TRS providers to handle emergency calls in accordance with the Commission’s rules, we also find good cause exists to extend, until March 31, 2009, the current waiver of section 64.604(a)(4) of the Commission’s rules,⁴⁹ as applied to TRS providers’ handling and routing of emergency 711-dialed calls placed via TTY by interconnected VoIP customers. As noted above, section 64.604(a)(4) of the Commission’s rules requires TRS providers to use a system for incoming emergency calls that “automatically and immediately” routes the outbound leg of a TRS call to an appropriate PSAP.⁵⁰ In the *October 2007 Order and Notice*, the Bureau noted that, although the *2007 VoIP TRS Order* did not specifically address TRS providers’ obligation to handle 711 emergency calls placed by interconnected VoIP customers via TTY, by extending the 711 abbreviated dialing requirement to interconnected VoIP providers, the order effectively placed TRS providers under a duty to handle and route these calls as prescribed by the Commission’s pre-existing emergency call handling rules.⁵¹

16. Our reasons for extending the waiver for TRS providers are three-fold. First, the record reflects that the routing of the outbound leg of a VoIP-originated, 711-dialed call to an appropriate PSAP

⁴⁷ We note that, in their comments, WCA and VON Coalition ask the Commission to grant providers of wireless interconnected VoIP services a one-year extension of the deadline for complying with the Commission’s “TRS requirements.” Reply Comments of WCA at 1; Comments of VON Coalition at 10. VON Coalition asserts that an extension is needed because “a limited subset of broadband networks – those that have high latency, packet loss, or that are bursty – are constrained in their ability to support TTY access over VoIP.” Comments of VON Coalition at 8. At the same time, VON Coalition acknowledges that, for “many VoIP users who have chosen capable broadband networks, TTY capability should not be a problem because the network can deliver packet loss rates lower than .12%.” *Id.* Because this issue, according to WCA and VON Coalition, relates only to a “limited subset of broadband networks,” the grant of an industry-wide waiver of nearly all of the TRS requirements, as applied to interconnected VoIP providers, appears unnecessary. To the extent that an individual provider of wireless interconnected VoIP service can demonstrate special circumstances that would warrant a waiver of the TRS requirements, the provider may avail itself of the Commission’s waiver process. *See* 47 C.F.R. § 1.3.

⁴⁸ The record reflects that, if a caller using a TTY device that is connected to an interconnected VoIP service dials 911 directly (as a text-to-text, or TTY-to-TTY call), the call will be routed through the selective router over the wireline E911 network to the PSAP that serves the caller’s Registered Location, just as it would be for a hearing caller via an interconnected VoIP service. *See, e.g.*, Reply Comments of Verizon at n.6 (internal cross reference omitted). For this reason, the Commission has urged interconnected VoIP providers and traditional TRS providers to remind TRS users to dial 911 directly in an emergency, rather than making a relay call via 711 in an emergency. *See October 2007 Order and Notice*, 22 FCC Rcd at 18323-25, paras. 11, 15.

⁴⁹ 47 C.F.R. § 64.604(a)(4).

⁵⁰ 47 C.F.R. § 64.604(a)(4).

⁵¹ *October 2007 Order and Notice*, 22 FCC Rcd at 18324, para. 14.

by a TRS provider continues to present significant technical and operational challenges.⁵² Second, to the extent that interconnected VoIP providers are unable to consistently deliver the inbound leg of a 711-dialed call to the appropriate relay center, particularly when the caller's phone number does not reflect the caller's geographic location, we agree with commenters that the successful accomplishment of this task is a predicate to the delivery by the relay provider of the outbound leg of such a call to an appropriate PSAP.⁵³ In particular, until interconnected VoIP providers are technically able to route a "nomadic" 711-dialed call to the "appropriate" TRS provider (*i.e.*, the TRS provider serving the state where the calling party is located or corresponding to the caller's last registered address), the TRS provider that receives such a call in error may contact a PSAP that corresponds to the caller's telephone number, but not the caller's actual location.⁵⁴ Third, as noted by commenters, addressing these challenges will require a joint effort and the collaboration of TRS providers, interconnected VoIP providers and their vendors, PSAPs, the emergency services community, and the disability community.⁵⁵ Although we applaud the steps undertaken thus far by various stakeholders, the record reflects that further collaboration is needed.⁵⁶ For these reasons, we grant TRS providers an extension of the current waiver of the emergency call handling requirement until March 31, 2009.

17. During the period of this waiver, we will continue to require a TRS provider that cannot automatically and immediately route to an appropriate PSAP the outbound leg of an emergency 711 call placed via TTY by an interconnected VoIP user, as required by section 64.604(a)(4), to implement a manual system for doing so, to the extent feasible, that accomplishes the proper routing of emergency 711

⁵² See Comments of Sprint Nextel at 2 (requesting an additional 6-month waiver of the PSAP call routing requirement because of continuing technical difficulties in handling VoIP-originated emergency 711 calls); Comments of Hamilton at 3-4 (requesting a waiver extension of the PSAP routing requirement because of the persistent technical difficulties in handling VoIP-originated 711 TRS calls); Comments of NENA at 3-4 (acknowledging the present difficulties in TRS routing of non-native, VoIP-originated 711 calls to the appropriate PSAP); Comments of Hamilton, at 3-4 (stating that TRS providers cannot correctly route VoIP-originated emergency 711 calls until VoIP providers can provide the caller's correct geographical location, which they currently cannot consistently do); Comments of VON at 5 (stating that TRS provider routing of VoIP-originated, non-native emergency 711 calls is "virtually impossible" because of the current technology employed by most TRS providers); Comments of NENA at 3-4 (acknowledging the present difficulties in TRS routing of non-native, VoIP-originated 711 calls to the appropriate PSAP).

⁵³ See, *e.g.*, Reply Comments of Qwest at 3-4 (asserting that the delivery of the 711 call to the TRS provider is a "predicate to" the second "more difficult" delivery by the TRS provider of the 711-dialed call to the appropriate PSAP).

⁵⁴ Verizon notes that, in order to route a "nomadic" 711 call placed by an interconnected VoIP customer in the manner prescribed by section 64.604(a)(4), the TRS provider must have a means of identifying the call as a VoIP call and have access to a database that can associate the caller's phone number with a geographic location, or alternatively, the TRS provider must receive the caller's Registered Location from the interconnected VoIP provider. Reply Comments of Verizon at 3.

⁵⁵ See, *e.g.*, Reply Comments of Verizon at 3 (upon completing the 711-dialed call to an appropriate PSAP, the TRS provider must have a means of transmitting the caller's address or location to the PSAP "either directly or by applying a 'pseudo-ANI' to signal the ALI database to check a third party's database of Registered Location."); Reply Comments of Qwest at 6-7 (discussing need for TRS provider to "interface" with a third party database to route 711-dialed calls and possibly to "tap into a VoIP provider's database" or "make use of a 911 database operator's database" to process 711-dialed emergency calls).

⁵⁶ See, *e.g.*, Comments of NENA at 3 (noting that NENA, the VON Coalition, and other entities recently hosted a two-day meeting on automatic location of nomadic and mobile emergency callers and discussing remaining unresolved issues).

calls as efficiently as possible.⁵⁷ Further, during this period, TRS providers are instructed to continue to take steps to remind individuals with hearing or speech disabilities to dial 911 directly (as a text-to-text, TTY-to-TTY call) in an emergency, whether using a PSTN-based service or interconnected VoIP service, rather than making a TRS call via 711 in an emergency.⁵⁸ We also expect TRS providers will continue to collaborate with industry stakeholders in order to address any remaining issues, such that a further extension of this waiver will be unnecessary.

IV. CONCLUSION

18. In this *Order*, we extend and modify the waivers granted by the Bureau in the *October 2007 Order and Notice* as they apply to interconnected VoIP providers and traditional TRS providers. First, we grant interconnected VoIP providers a waiver until March 31, 2009, of the requirement to route 711-dialed calls to an appropriate relay center, but only in the context of 711-dialed calls in which the calling party's telephone number may not reflect his or her geographic location (because the caller is using a "non-geographically relevant" telephone number or a "nomadic" interconnected VoIP service). In doing so, we grant, to the extent described herein, the petition for extension of time filed by Qwest Communications Corporation.⁵⁹ Second, we grant traditional TRS providers an extension of time, until March 31, 2009, to fulfill their obligation to implement a system to automatically and immediately call an appropriate PSAP when receiving an emergency 711-dialed call via an interconnected VoIP service. During the pendency of these waivers, TRS providers that cannot automatically and immediately route to an appropriate PSAP the outbound leg of an emergency 711-dialed call placed via TTY by an interconnected VoIP user, as required by section 64.604(a)(4), must implement a manual system for doing so, to the extent feasible, that accomplishes the proper routing of emergency 711-dialed calls as efficiently as possible.

V. ORDERING CLAUSES

19. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, and 225, and Sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.141, 0.316 & 1.3, this *Order* IS ADOPTED.

20. IT IS FURTHER ORDERED that interconnected VoIP providers ARE GRANTED a waiver, until March 31, 2009, of the requirement to route 711-dialed calls to an appropriate relay center, but only in the context of 711-dialed calls in which the calling party is using a non-geographically relevant telephone number or a nomadic interconnected VoIP service.

21. IT IS FURTHER ORDERED that the State TRS Providers ARE GRANTED an extension of time, until March 31, 2009, to implement a system, as set forth in section 64.604(a)(4) of the Commission's rules, 47 C.F.R. § 64.604(a)(4), to automatically and immediately call an appropriate PSAP when receiving an emergency 711-dialed call via an interconnected VoIP service.

22. IT IS FURTHER ORDERED that the Qwest Communications Corporation Petition for an Extension of Time to Implement VoIP 711-Dialing in a Nomadic Context IS GRANTED to the extent described herein.

23. IT IS FURTHER ORDERED that the Petition of Verizon for Extension of Waiver IS GRANTED to the extent described herein.

⁵⁷ *October 2007 Order and Notice*, 22 FCC Red at 15324-25, para. 15.

⁵⁸ *Id.*

⁵⁹ See *Qwest Communications Corporation Petition for an Extension of Time to Implement VoIP 711-Dialing in a Nomadic Context* (filed March 7, 2008) (*Qwest Petition*).

24. IT IS FURTHER ORDERED that this *Order* SHALL BE effective upon release.

25. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This document can also be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb.dro>.

FEDERAL COMMUNICATIONS COMMISSION

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