

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
E911 Requirements for IP-Enabled Service
Providers
Structure and Practices of the Video Relay Service
Program
CG Docket No. 03-123
WC Docket No. 05-196
CG Docket No. 10-51

ORDER

Adopted: April 2, 2010

Released: April 2, 2010

By the Chief, Consumer and Governmental Affairs Bureau, and the Deputy Chief, Wireline Competition Bureau:

1. In this Order, the Consumer and Governmental Affairs Bureau and the Wireline Competition Bureau (the Bureaus) grant a four-month extension of the waiver regarding treatment of toll free numbers in the Internet-based Telecommunications Relay Service (TRS) numbering directory (iTRS Directory), consistent with the request of the TDI Coalition, consumer groups representing deaf and hard-of-hearing individuals. This waiver extension will ensure that calls to users of Video Relay Service (VRS) and Internet Protocol (IP) Relay continue to be routed without disruption while the Commission considers general issues regarding the use of toll free numbers for Internet-based TRS (iTRS) services.

2. In the iTRS Toll Free Waiver Order, the Bureaus waived, for a period of four months, that portion of the Toll Free Clarification Public Notice that stated that toll free numbers and ten-digit geographic numbers should not be directed to the same Uniform Resource Identifier (URI) in the iTRS Directory. Also, the Bureaus directed any iTRS providers that had removed working, assigned toll free

1 See TDI Coalition Request to Extend Waiver, CG Docket No. 03-123, WC Docket No. 05-196 (filed Mar. 29, 2010) (seeking a one-year extension); see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123; E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196, Order, 24 FCC Rcd 14342 (Wireline Comp. Bur. and Consumer & Gov't Affairs Bur. 2009) (iTRS Toll Free Waiver Order).

2 Although IP captioned telephone service is a third iTRS service, it is not currently subject to the E911 and ten-digit telephone numbering requirements that the Commission adopted with respect to VRS and IP Relay. See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123; E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11592-93, para. 1 n.5 (2008) (First Internet-based TRS Order).

3 See iTRS Toll Free Waiver Order, 24 FCC Rcd at 14342, para. 1; see also Clarification Regarding the Use of Toll Free Numbers for Internet-Based Telecommunications Relay Services, CG Docket No. 03-123, CC Docket No. 98-67, WC Docket No. 05-196, Public Notice, 24 FCC Rcd 10626 (2009) (Toll Free Clarification Public Notice).

numbers from the iTRS Directory to reinstate those toll free numbers to the iTRS Directory.⁴ The waiver will expire on April 4, 2010. We therefore extend the waiver for an additional four months, until August 4, 2010, to allow the Commission further time to consider the full range of issues involved with toll free numbers for iTRS, and to make sure that calling based on toll free numbers is not disrupted in the meantime.

3. In the *iTRS Toll Free Waiver Order*, the Bureaus determined that there was good cause to waive temporarily the requirement in the *Toll Free Clarification Public Notice*, as iTRS users were experiencing dialing difficulties for point-to-point and certain dial-around calls.⁵ The Bureaus concluded that a waiver was necessary to avoid any possible service disruption while the Commission considers the range of toll free issues that have evolved since the issuance of the *First Internet-based TRS Order* in 2008. The Commission continues to consider the legal, policy and operational issues involved with the current use of toll free numbers for iTRS, as well as possible steps to ensure seamless access to iTRS for deaf and hard-of-hearing consumers. Moreover, we find that there continues to be good cause for the waiver. Information in the record demonstrates that, should the waiver expire, iTRS users would very likely experience service disruption and inability to reach one another through point-to-point calls using toll free numbers.⁶ Finally, we note that consumer groups have been working to educate deaf and hard-of-hearing consumers on the role of ten-digit local numbers and toll free numbers, and we encourage continued outreach and education efforts.⁷

4. We note that the TDI Coalition requests a one-year extension. At this time, we do not think that such a lengthy extension will be necessary, and so grant a second four-month extension.

5. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1, 4(i), 4(j), 225, 251(e), and 255 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 225, 251(e), and 255, and sections 0.91, 0.141, 0.291, 0.361, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.141, 0.291, 0.361, 1.3, that this Order is ADOPTED, and that the Commission's requirement that toll free numbers and ten-digit geographic numbers not be directed to the same URI in the iTRS Directory is waived until August 4, 2010.

⁴ See *iTRS Toll Free Waiver Order*, 24 FCC Rcd at 14342-43, paras. 1-2.

⁵ See *id.* at 14344-45, para. 5.

⁶ See Letter from Eliot J. Greenwald, Counsel to Telecommunications for the Deaf and Hard of Hearing, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, WC Docket No. 05-196, CG Docket No. 10-51 at 2 (filed Mar. 11, 2010) ("In order to avoid any disruption of service and to prevent any consumer inability to make point-to-point video calls to iTRS toll free numbers, the Commission must extend the waiver that was granted on December 4, 2009 in Order DA 09- 2543. This waiver is currently set to expire on April 4, 2010 and will need to be extended..."); see also TDI Coalition Request to Extend Waiver at 2 ("[I]t is necessary for the Bureaus to extend the waiver until the Commission can issue a notice of proposed rulemaking on the issues, adopt new rules, and provide for a reasonable implementation time.").

⁷ See Letter from Rosaline Crawford, Director, National Association of the Deaf Law and Advocacy Center, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, CC Docket 98-67, WC Docket No. 05-196 at 1 (filed Jan. 13, 2010) (stating that consumer groups will be publishing information on why local numbers are superior to toll free numbers and encouraging consumers to use their local numbers and discontinue use of their toll free numbers); see also *iTRS Toll Free Waiver Order*, 24 FCC Rcd at 14345, para. 6 (encouraging consumer outreach and education efforts on toll free numbers during the waiver period).

6. IT IS FURTHER ORDERED that the Request to Extend Waiver filed by the TDI Coalition on March 29, 2010, is granted to the extent described herein, and is otherwise denied.

7. 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 and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This Order can also be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro/trs.html#orders>.

FEDERAL COMMUNICATIONS COMMISSION

Joel Gurin
Chief
Consumer and Governmental Affairs Bureau

Donald K. Stockdale, Jr.
Deputy Chief
Wireline Competition Bureau