



PUBLIC NOTICE

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU PROVIDES GUIDANCE ON FILING REQUESTS FOR WAIVER OF NEW REQUIREMENTS ADOPTED IN THE VIDEO RELAY SERVICES FRAUD ORDER

CG Docket No. 10-51

On April 6, 2011, the Commission released a Report and Order adopting new rules designed to eliminate fraud and abuse in the provision of video relay service (VRS).¹ Among the measures taken in the *VRS Fraud Order and FNPRM* is the adoption of a rule prohibiting revenue sharing arrangements for communications assistant (CA) and call center functions between entities eligible for compensation from the Fund and non-eligible entities (subcontractors).² This new rule will become effective on June 1, 2011.³

In the *VRS Fraud Order and FNPRM*, the Commission stated that it would consider requests for a temporary waiver of the new requirements to give entities that are now offering services through an arrangement with an eligible VRS provider⁴ “an opportunity to continue to provide VRS as a subcontractor with an eligible provider until such time as they obtain certification under new procedures to be adopted pursuant to the accompanying FNPRM.”⁵ Both eligible VRS providers seeking to continue to use subcontractors to provide VRS,⁶ and subcontractors seeking to continue to provide VRS through an

¹ See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545 (2011) (*VRS Fraud Order and FNPRM*).

² *Id.* at 5574, ¶ 58; 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii).

³ Most of the rules adopted in the *VRS Fraud Order and FNPRM* become effective 30 days after the summary of these rules was published in the Federal Register, which occurred on May 2, 2011. The rule prohibiting VRS CAs from relaying calls from their homes, 47 C.F.R. § 64.604(b)(4)(iii), will become effective on August 30, 2011 (120 days after the date of the Federal Register publication).

⁴ An eligible provider is an entity that meets the Commission’s eligibility requirements to provide Internet-based telecommunications relay service (TRS) and receive compensation from the Interstate TRS Fund. See 47 C.F.R. § 64.604(c)(5)(iii)(F)(1-4) (provider eligibility rules); see generally *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration, 20 FCC Rcd 20577 (2005).

⁵ *VRS Fraud Order and FNPRM*. 26 FCC Rcd at 5575, ¶ 62 (emphasis added).

⁶ An eligible provider must identify in its waiver request the subcontractor(s) that it seeks to continue to use to provide service, and may also seek waiver on the subcontractor’s behalf. In such case, the subcontractor need not seek a separate waiver.

arrangement with an eligible VRS provider, may seek a waiver of the new requirements pertaining to revenue sharing arrangements.⁷ If a waiver is granted, the eligible provider will be permitted to continue providing service using a subcontractor(s) consistent with the terms of the waiver granted.

Entities seeking to avoid a disruption in their eligibility to provide VRS due to noncompliance with the Commission's new requirements must file their requests for a waiver on or before May 24, 2011 so as to provide Commission staff sufficient time to review and take action on the waiver request by June 1, 2011. Requests for waiver filed after May 24, 2011 will be addressed as expeditiously as possible, but may not be resolved before the effective date of the new rules.

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

For further information, please contact Gregory Hlibok, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 559-5158 (video/voice), (202) 418-0431 (TTY), or e-mail at Gregory.Hlibok@fcc.gov.

Action by the Chief, Consumer and Governmental Affairs Bureau

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⁷ A subcontractor that is granted a waiver will be eligible to continue providing service through its eligible provider.