



# PUBLIC NOTICE

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DA 12-208

Released: February 13, 2012

## CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS TO REFRESH THE RECORD REGARDING MISUSE OF INTERNET PROTOCOL RELAY SERVICE

### Pleading Cycle Established

CG Docket No. 12-38

CG Docket No. 03-123

**Comments Due: (21 days after publication in the Federal Register)**

### I. Background

By this Public Notice, we seek to refresh the record on several issues pertaining to misuse of Internet Protocol (IP) Relay Service, including issues that were initially raised in the *Further Notice of Proposed Rulemaking* released by the Commission on May 8, 2006.<sup>1</sup> IP Relay is a form of text-based telecommunications relay service (TRS) that uses the Internet to allow individuals with hearing and/or speech disabilities to communicate with other individuals.<sup>2</sup> We remain concerned that individuals who do not have a hearing or speech disability may be continuing to misuse IP Relay by, for example, calling merchants to place orders using fake, stolen, or otherwise invalid credit cards.<sup>3</sup> Such abuse not only

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<sup>1</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Relay Service and Video Relay Service*, CG Docket No. 03-123, Further Notice of Proposed Rulemaking, 21 FCC Rcd 5478 (2006) (2006 FNPRM). To target this rulemaking proceeding on the reform of IP Relay service, the Commission establishes a new docket, CG Docket No. 12-38. Comments and filings applicable to this proceeding that have heretofore been filed in CG Docket No. 03-123 will be incorporated by reference into new CG Docket No. 12-38.

<sup>2</sup> *Provision of Improved TRS 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 (2002) (*IP Relay Declaratory Ruling*) (recognizing IP Relay as a form of TRS). In an IP Relay call, the communication between the caller and the provider's communications assistant (CA) takes place via an Internet connection, and the leg of the call between the CA and the called party typically takes place over the public switched telephone network (PSTN). At present, the costs of providing IP Relay are reimbursed entirely from the Interstate TRS Fund (Fund), which is overseen by the Commission. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20162 at ¶ 40 (2007).

<sup>3</sup> The 2006 FNPM described a typical scenario involving fraudulent credit card purchases: “[A] person places an IP Relay call, usually from outside the United States, to a business located within the United States, places an order for goods (most often commodity items that can be quickly resold), pays with a stolen or fraudulent credit card, and

drains the TRS Fund that supports these services, but also harms legitimate consumers whose calls are rejected by individuals and businesses that have been the victims of such misuse.<sup>4</sup> We believe that a refreshed record will better enable the Commission to take timely and appropriate action to address these problems. In taking this action, we underscore the Commission's ongoing commitment to ensuring that the Internet-based TRS (iTRS) program provides the communication services intended by Congress in Section 225 of the Communications Act,<sup>5</sup> while eliminating fraud and abuse.

As the 2006 *FNPRM* explained, IP Relay affords users a degree of anonymity that can facilitate fraudulent activity. The *FNPRM* sought comment on ways to curb fraudulent calls via IP Relay, including requiring user registration and permitting relay providers to screen and terminate fraudulent IP Relay calls.

Since the 2006 *FNPRM* was adopted, the Commission has undertaken a number of measures to combat misuse of the IP Relay program. Most significantly, in June 2008, the Commission adopted a mandatory system in which users of iTRS, including IP Relay, are assigned ten-digit telephone numbers linked to the North American Numbering Plan and iTRS users with disabilities are registered with their provider of choice (default provider).<sup>6</sup> The Commission expressed its expectation that the registration of iTRS users with a default provider and the requirement for each user to provide a "Registered Location" would reduce the misuse of IP Relay. The Commission also sought comment on whether additional steps were needed to curtail illegitimate calls made through this service.<sup>7</sup>

In December 2008, the Commission adopted a second iTRS numbering Order addressing IP Relay and video relay service (VRS).<sup>8</sup> Among other things, the Commission:

- Directed iTRS providers to "implement a reasonable means of verifying registration and eligibility information,"<sup>9</sup> including the consumer's name and mailing address, before issuing the consumer a ten-digit telephone number.<sup>10</sup> The Commission provided the following examples of what such verification could include: "(1) sending a postcard to the mailing address provided by the consumer, for return to the default Internet-based

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arranges for the goods to be shipped to a location outside the United States." 2006 *FNPRM*, 21 FCC Rcd at 5481, ¶ 6 (footnote omitted).

<sup>4</sup> *Telecommunications Relay Service (TRS) Providers Must Make All Outbound Calls Requested by TRS Users and May Not "Block" Calls to Certain Numbers at the Request of Consumers*, Public Notice, 20 FCC Rcd 14717 (2005).

<sup>5</sup> 47 U.S.C. § 225.

<sup>6</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591 (2008) (*iTRS Numbering Order I*).

<sup>7</sup> *Id.* at 11626-11627, ¶¶ 94-95.

<sup>8</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, CC Docket No. 98-57, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791 (2008) (*iTRS Numbering Order II*). VRS uses video over a broadband Internet connection to allow a person who uses sign language to communicate with another party through a CA.

<sup>9</sup> *Id.* at 809, ¶ 38.

<sup>10</sup> *Id.* at 809, ¶ 37.

TRS provider; (2) in-person or on-camera ID checks during registration; or (3) other verification processes similar to those performed by voice telephone providers and other institutions (such as banks and credit card companies).”<sup>11</sup>

- Directed that such registration be accompanied by consumer education and outreach efforts designed to inform iTRS users of the importance of providing accurate registration information. The Commission noted its expectation that “these measures will reduce the misuse of Internet-based TRS by those who may take advantage of the anonymity currently afforded users, particularly IP Relay users, without unduly burdening legitimate Internet-based TRS consumers seeking to obtain ten-digit telephone numbers.”<sup>12</sup>
- Limited eligibility to receive ten-digit numbers for iTRS use to people who have a hearing or speech disability<sup>13</sup> and directed provider verification procedures to include a self-certification component requiring consumers to verify that they have a medically recognized hearing or speech disability necessitating their use of TRS.<sup>14</sup>

In April 2011, the Commission adopted several additional measures to combat relay fraud and abuse.<sup>15</sup> Among those measures that apply to IP Relay were a requirement for all TRS providers to submit to Commission-directed audits,<sup>16</sup> a mandate for iTRS providers to retain, for five years, call detail records and other records supporting claims for payment,<sup>17</sup> whistleblower protection rules for provider employees and contractors,<sup>18</sup> and a requirement that a senior executive of a TRS provider certify, under penalty of perjury, to the validity of minutes and data submitted to the TRS Fund administrator.<sup>19</sup>

Lastly, in July 2011, the Commission adopted new certification rules applicable to iTRS providers,<sup>20</sup> authorized on-site visits to the premises of applicants for iTRS certification and certified

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<sup>11</sup> *Id.* at 809, ¶ 38 (footnotes omitted).

<sup>12</sup> *Id.* at 809-810, ¶ 38. In October 2009, the Commission issued a Public Notice directing iTRS providers to take these various measures – *i.e.*, to register users, obtain their location information, and assign legitimate users ten-digit numbers – by November 12, 2009. *Consumer & Governmental Affairs Bureau Reminds Video Relay Service (VRS) and Internet Protocol (IP) Relay Service Providers of their Outreach Obligations and Clarifies their Call Handling Obligations for Unregistered Users after the November 12, 2009, Ten-Digit Numbering Registration Deadline*, CG Docket No. 03-123, WC Docket No. 05-196, Public Notice, 24 FCC Rcd 12877 (CGB 2009) (*iTRS Numbering Implementation Public Notice*).

<sup>13</sup> *Id.* at 807 ¶ 34.

<sup>14</sup> *Id.* at 809, ¶ 37.

<sup>15</sup> *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*).

<sup>16</sup> *Id.* at 5584, ¶ 84. The Commission noted that this policy would promote greater transparency and accountability in the compensation process.

<sup>17</sup> *Id.* at 5585, ¶ 87.

<sup>18</sup> *Id.* at 5577-79, ¶¶ 67-71.

<sup>19</sup> *Id.* at 5586-5587, ¶¶ 90-91.

<sup>20</sup> *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898 (2011).

iTRS providers to confirm compliance with Commission rules,<sup>21</sup> and set forth new requirements for providers to submit documentary evidence of their ability to comply with the Commission's TRS rules,<sup>22</sup> to provide annual updates to their certification application information,<sup>23</sup> and to certify, under penalty of perjury, as to the accuracy of their certification applications and their annual compliance filings to the Commission.<sup>24</sup>

## II. Refreshing the Record

Title IV of the Americans with Disabilities Act (ADA) mandates the provision of TRS for individuals with hearing and speech disabilities that is functionally equivalent to voice telephone services.<sup>25</sup> This functional equivalency standard has served as the touchstone for the Commission in determining how TRS providers must provide services to consumers: the goal is to have the features, functions, and capabilities of these services mirror voice telephone services as closely as possible. To this end, Commission rulings have characterized CAs as “transparent conduits” to a relay call, frequently equated the connection to a CA with accessing a dial tone,<sup>26</sup> and mandated confidentiality protections.<sup>27</sup> Calls that are not legitimate relay calls, however, are not entitled to these transparency and confidentiality protections.<sup>28</sup> Moreover, when there is concern that fraud or misuse infects a relay service, the

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<sup>21</sup> *Id.* at 10914-10915, ¶¶ 36-37.

<sup>22</sup> *Id.* at 10909-10913, ¶¶ 23-34.

<sup>23</sup> *Id.* at 10916, ¶ 40. The Commission also specified the types of information that must be filed with the Commission within 60 days of any substantive changes. *Id.* at 10917-10918, ¶¶ 44-48.

<sup>24</sup> *Id.* at 10923-10925, ¶¶ 62-67. The provision governing certification under penalty of perjury was adopted as an interim rule.

<sup>25</sup> See 47 U.S.C. §225(a)(3). See also S. Rep. No. 116, 101st Cong., 1st Sess. 77 (1989) (discussing the requirement for functional equivalency).

<sup>26</sup> See *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Report and Order and Request for Comments, 6 FCC Rcd 4657, 4659 at ¶13 (1991); *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, 5166 at ¶ 60 (2000) (reaching a CA to place the relay call is equivalent to picking up a phone and getting a dial tone; thus, this portion of the call is the first crucial step to making the TRS calling experience functionally equivalent to placing a voice call); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 90-571, CC Docket No. 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12534 at ¶ 154 (2004) (“This guidepost for the provision of TRS – that the relay service should be ‘functionally equivalent’ to voice telephone service – means, as we have stated, that the CA ‘serves as a *transparent conduit* between two people communicating through disparate modes.’ . . . It is because of this limited, transparent role of the CA that we have frequently stated that completion of the initial call to the TRS facility, and connecting to a CA, is equivalent to receiving a dial tone.”) (footnotes omitted; emphasis in original).

<sup>27</sup> Commission's rules require CAs to handle “any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so,” 47 C.F.R. § 64.604(a)(3)(ii), and further prohibit CAs from disclosing the content of any related conversation, regardless of content, 47 C.F.R. § 64.604(a)(2)(i), from keeping records of the content of any conversation beyond the duration of the call, *id.*, and from intentionally altering a relayed conversation. 47 C.F.R. § 64.604(a)(2)(ii).

<sup>28</sup> See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, 25 FCC Rcd 1868, 1872 at ¶ 8 (“If it becomes clear that what was set up as a VRS VCO [voice carry over] call is in fact a call between two voice telephone users, the call is no longer a TRS call compensable from the Fund.”); *VRS Fraud Order*, 26 FCC Rcd at 5565 n.109 (noting that, when a CA and an American Sign Language (ASL) user

Commission has an obligation to consider actions necessary to preserve the integrity and sustainability of the service.<sup>29</sup>

Despite the Commission's persistent efforts to combat the fraudulent use of IP Relay, we remain concerned that such misuse may persist. For example, although the Commission directed iTRS providers to implement reasonable methods to verify registration and eligibility information submitted by IP Relay users, the methods that providers currently are using may not be reasonable and may not be achieving the desired goal of ensuring that only eligible or qualified persons are using the service. Accordingly, the Commission may need to impose additional and more specific requirements with respect to both authenticating initial registrants and verifying users of the service in order to ensure that providers are in fact taking reasonable steps needed to curb IP Relay misuse. Such steps are necessary to protect the integrity of the IP Relay program so that this service remains a viable and a valuable communication tool for Americans who wish to use it. Therefore, we believe it is necessary to refresh the record in this proceeding to help the Commission better understand what additional tools are needed to aid the Commission in these efforts.

To this end, we seek additional comment to refresh the 2006 *FNPRM* record and regarding IP Relay generally on the following matters:

- The effectiveness of current measures to verify eligibility information for registration. In this regard, we ask commenters to provide information about methods of verification currently in use to authenticate the identity and eligibility of an individual seeking to obtain a ten-digit number. We specifically seek comment on the extent to which IP Relay providers are utilizing one or more of the following verification procedures when registering such individuals: (1) sending a postcard to the mailing address provided by the consumer, for return to the default IP Relay provider; (2) utilizing in-person or on-camera ID checks during registration; (3) utilizing verification processes similar to those performed by voice telephone providers and other institutions (such as banks and credit card companies); or (4) utilizing an alternative means of verification approved in advance by the Commission.<sup>30</sup> We ask providers to comment on the effectiveness of each of these or any other verification measures that they use to screen out illegitimate IP Relay users, as well as how they assess the effectiveness of such measures. We further ask whether individuals outside of the U.S. have been obtaining IP Relay access numbers or otherwise using this service unlawfully, as well as to what extent current provider practices enable or contribute to the registration of ineligible IP Relay users. We also seek input on what additional steps should be taken, or technology implemented, to prevent the registration and use of IP Relay by these and other ineligible individuals?

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utilize a privacy screen during a VRS call, communication is no longer possible, and therefore the call is no longer a legitimate TRS call and should be terminated); *id.* at 5566 n.120 (noting that, when a call is between two hearing parties who can utilize their own voices, the call is no longer a TRS call and should be terminated); *id.* at 5579, ¶ 71 (noting that, when relay calls are “made or arranged, in whole or in part, for the purpose of generating compensable minutes of use as a source of revenue. . . these calls are not, and have never been, considered relay calls to which TRS confidentiality protections apply.”).

<sup>29</sup> See generally *VRS Fraud Order*, 26 FCC Rcd at 5546-5552, ¶¶ 1-8.

<sup>30</sup> See *iTRS Numbering Order II*, 24 FCC Rcd at 807-810, ¶¶ 34-38; *VRS Fraud Declaratory Ruling*, 25 FCC Rcd at 1872, ¶ 9. See also 47 U.S.C. § 225(b)(1) (Making TRS available “to hearing-impaired and speech-impaired individuals in the United States.”).

- Other verification processes, such as commercial verification services, that are available and may be appropriate to more effectively screen out ineligible individuals who attempt to register as IP Relay users. For example, we note that the Commission has in place verification procedures for other programs, such as those recently adopted for Lifeline assistance.<sup>31</sup> Specifically, in light of evidence demonstrating that “consumer self-certification of program-based eligibility does not effectively prevent ineligible consumers from enrolling in Lifeline,”<sup>32</sup> the Commission amended its rules to require providers to confirm a consumer’s eligibility for Lifeline with documentation.<sup>33</sup> Would utilization of similar or analogous procedures be appropriate and necessary to verify eligibility in the IP Relay context? We seek specific comment on whether a database would be effective in this context, and on what types of documentation would be available and appropriate to establish the eligibility of registrants for IP Relay. Are there other governmental programs that may serve as a model for verifying the eligibility of individuals who seek to use IP Relay?
- Although the *iTRS Numbering Implementation Public Notice* directed providers to verify each caller’s registration prior to completing non-emergency calls, it also directed providers to handle a call from a newly registered user immediately, even if the provider had not completed the process of verifying the caller’s information, assigning the caller a new ten-digit number, and provisioning that number to the iTRS database.<sup>34</sup> Should the Commission continue to permit temporary authorization for a user to place IP Relay calls while verification of the caller is taking place, in light of the apparent misuse of IP Relay? Or should the Commission prohibit temporary authorization for this service (other than for the handling of emergency calls)?
- To the extent the Commission adopts specific user verification procedures, should it require IP Relay providers to revalidate all of their currently registered users?
- Whether IP Relay providers and their CAs should be given the discretion to determine, on a case-by-case basis, that a call is not a legitimate TRS call, and to block, terminate, or refuse to handle the non-TRS call.<sup>35</sup> Are there ways for an IP Relay provider and its CAs to determine when an IP Relay call is fraudulent through identifiable indicia?<sup>36</sup> If an

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<sup>31</sup> To eliminate waste, fraud, and abuse, the Commission established national criteria for determining Lifeline eligibility and adopted rules for Lifeline enrollment, including enhanced initial and annual certification requirements. *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, ¶¶ 97-148 (rel. Feb. 6, 2012).

<sup>32</sup> *Id.* at ¶ 98.

<sup>33</sup> *Id.* at ¶¶ 98-101 (requiring providers to confirm eligibility by accessing documentation in state or federal social services eligibility databases, where available, or by obtaining documentation from consumers demonstrating their participation in a qualifying federal program).

<sup>34</sup> *iTRS Numbering Implementation Public Notice*, 24 FCC Rcd at 12878-12879, citing *iTRS Numbering Order I*, 23 FCC Rcd at 11610, 11615-11616, ¶¶ 44, 60-63; *iTRS Numbering Order II*, 24 FCC Rcd at 803, 808-810, ¶¶ 25, 36-38.

<sup>35</sup> See 2006 FNPRM, 21 FCC Rcd at 5483, ¶ 12.

<sup>36</sup> In the 2006 FNPRM, we noted the following indicia: “that the caller will only pay via credit card; offers more than one credit card number for payment; will not identify him or herself or provide a company name; uses names in reverse (last name as first, first as last); does not negotiate price; will not agree to pay in advance via a check, bank wire, or bank draft; has few questions about the product and lacks knowledge about the product; refuses to call back

illegitimate call (*i.e.*, one that the CA has determined is not a TRS call) has been placed to a merchant, should the provider or CA be permitted to alert the merchant that the call is believed to be fraudulent, or take other steps to prevent the misuse of IP Relay?

- Whether advanced call tracking mechanisms – *e.g.*, geolocation systems – are available for the purpose of accurately determining whether a particular IP Relay call is originating from or terminating to an international location.<sup>37</sup> If available, can such call-tracking mechanisms identify international IP Relay calls, even when a party to the IP Relay call is attempting to disguise the IP Relay call as a domestic U.S. call by, for example, re-directing the call through a domestic IP address? We also seek comment on the extent to which providers are using tracking mechanisms to determine where IP Relay calls originate.
- At present, Commission rules require providers to maintain and submit various records of the relay calls for which they seek reimbursement.<sup>38</sup> However, the Commission’s rules also prohibit CAs from keeping records of the content of any conversation beyond the duration of a call.<sup>39</sup> For calls placed with IP Relay providers that are determined by a provider to be illegitimate, what documentation, if any, should the provider be required to maintain and submit to the Commission regarding such calls to facilitate better program oversight?<sup>40</sup>
- Whether more rigorous user authentication on a per-call basis should be employed to combat misuse of IP Relay. If so, what form would this take? Would such an approach enable providers to authenticate callers who dial-around to a different IP Relay provider more effectively? Would the use of a common resource, such as a third-party database or service, enable providers to authenticate dial-around callers more effectively? Would more rigorous user authentication on a per-call basis address current vulnerabilities to IP address spoofing? How could such an approach be extended to popular messaging services, such as AIM and Google Talk, that callers might use to access IP Relay?
- Under the Commission’s iTRS registration process, IP Relay users select a default relay provider for the handling of their IP Relay calls, but are permitted to dial-around to a different IP Relay provider at any time.<sup>41</sup> To what extent is this dial-around feature used or desirable for IP Relay calls? Under the Commission’s rules, IP Relay providers must

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using the state’s relay service; and changes the payment or delivery arrangements after an order has been approved.” *Id.* at 5483, ¶ 13. We request comment on the extent to which these indicia are still useful for determining whether IP Relay misuse is occurring, or whether other indicia may exist for this purpose.

<sup>37</sup> Since 2003, the Fund administrator has been directed to suspend payment to TRS providers for reimbursement of international IP Relay minutes. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Order, 18 FCC Rcd 12823, 12837 at ¶¶ 41-42 (CGB 2003) (confirming suspension of payment to TRS providers for reimbursement of international IP Relay minutes).

<sup>38</sup> 47 C.F.R. § 64.604(c)(5)(iii)(D). *See also VRS Fraud Order*, 26 FCC Rcd at 5579-5582, ¶¶ 72-79.

<sup>39</sup> 47 C.F.R. § 64.604(a)(2)(i).

<sup>40</sup> *See 2006 FNPRM*, 21 FCC Rcd at 5484, ¶ 15.

<sup>41</sup> *See iTRS Numbering Order I*, 23 FCC Rcd at 11609-11610, ¶ 43.

answer 85 percent of all calls within 10 seconds, averaged daily.<sup>42</sup> Does this rapid response time negate the need for a dial-around feature? To what extent is the dial-around feature contributing to relay misuse? If the Commission discontinues allowing the dial-around feature, should an exception be made for emergency calls?

- Whether providers maintain lists of illegitimate users whose numbers are blocked from using IP relay, and, if so, the approximate number of such users and the extent to which providers share this information with one another. Should the Commission require providers to share such information or to take additional measures to ensure that all providers have the same information, *e.g.*, by creating a central database of barred users and/or blocked numbers/addresses?
- The extent to which IP Relay fraud or misuse exists, and specifically, the extent to which it has worsened (or has been ameliorated) since the Commission adopted its iTRS numbering and user registration requirements. We also seek updated information on any patterns associated with such misuse – for example, whether it is more prevalent at specific times of the day, week, month, and year – as well as the nature of this misuse.
- Whether specific audit procedures, in addition to those that the Commission has already authorized,<sup>43</sup> are needed to identify and curb IP Relay misuse.
- The extent to which IP Relay is currently being used by consumers with and without disabilities, and whether it is meeting a need that is not fulfilled by other forms of relay, or other text-based services. When IP Relay was approved in 2002, IP-based captioned telephone relay service was not available to consumers and VRS was typically available in community settings only (*e.g.*, libraries, consumer organizations). In addition, purely text-based services such as on-line ordering and text messaging were not as commonly used as they are today. To what extent do other forms of relay services, as well as text messaging and other electronic messaging services, now serve as adequate or preferred alternatives to IP Relay?

### **Procedural Matters**

*Comments.* Pursuant to sections 1.415 and 1.419 of the Commission’s rules,<sup>44</sup> interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS); or (2) by filing paper copies. All filings should reference the docket numbers of this proceeding, **CG Docket No. 12-38 and CG Docket No. 03-123**.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, ECFS filers should include their full name, U.S. Postal Service mailing address, and CG Docket No. 12-38 and CG Docket No. 03-123.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by

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<sup>42</sup> See 47 C.F.R. § 64.604(b)(2)(ii).

<sup>43</sup> See 47 C.F.R. § 64.604(c)(5)(iii)(D)(6). See also *VRS Fraud Order*, 26 FCC Rcd at 5584, ¶ 84.

<sup>44</sup> 47 C.F.R. §§ 1.415, 1.419.

first class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes or boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

*Accessibility Information.* 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The comments filed in response to this Public Notice will be available via ECFS at: <http://fjallfoss.fcc.gov/ecfs2/>; you may search by docket number (CG Docket Nos. 03-123 and 12-38). Comments are also available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com). This *Public Notice* can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/>.

*Ex Parte Rules.* This proceeding will be treated as "permit-but-disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>45</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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<sup>45</sup> See 47 C.F.R. §§ 1.1200.

*Additional Information.* For further information, please contact Eliot Greenwald, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2235, (202) 418-2922 (TTY), or e-mail at [eliot.greenwald@fcc.gov](mailto:eliot.greenwald@fcc.gov).

By the Chief, Consumer & Governmental Affairs Bureau

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