

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

| | | |
|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| Structure and Practices of the Video Relay Service Program |) | CG Docket No. 10-51 |
| |) | |
| Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities |) | CG Docket No. 03-123 |
| |) | |
| |) | |

ORDER

Adopted: April 30, 2012

Released: April 30, 2012

By the Acting Chief, Consumer and Governmental Affairs Bureau:

1. Under section 64.604(c)(5)(iii)(E) and (H) of the Commission’s rules,¹ the Interstate Telecommunications Relay Services (TRS) Fund (Fund) administrator² is required to file TRS payment formulas and revenue requirements with the Commission on May 1 of each year, to be effective the following July 1. In this Order, the Consumer and Governmental Affairs Bureau, pursuant to delegated authority,³ waives this May 1, 2012 Fund administrator filing requirement for video relay service (VRS) payment formulas and revenue requirements pending further guidance. As indicated in the *2011 TRS Rate Order* for VRS, we anticipate that the current interim rates will remain in place pending the completion of the current proceeding on reforming the structure and practices in the VRS market.⁴

2. Generally, the Commission’s rules may be waived for good cause shown.⁵ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁶ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁷ Waiver of the

¹ 47 C.F.R. § 64.604(c)(5)(iii)(E), (H).

² The Fund administrator currently is the Rolka Loube Saltzer Associates (RLSA).

³ See 47 C.F.R. §§ 0.141, 0.361.

⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*; CG Docket No. 10-51 Order, 26 FCC Rcd 9972, 9980-81, ¶23 (2011) (“We adopt the current interim rates and compensation structure for VRS to be effective until the Commission completes its review of the compensation method and market structure for VRS”). See also *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Further Notice of Proposed Rulemaking, 26 FCC Rcd 17367 (2011).

⁵ 47 C.F.R. § 1.3 (“Any provision of the rules may be waived by the Commission on its own motion . . . if good cause therefor is shown”).

⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.⁸

3. As noted above, the Commission is currently considering an appropriate rate structure for VRS, and we anticipate retaining the current interim rates pending the conclusion of that proceeding. In this context, we find that requiring the Fund administrator to meet the May 1, 2012 filing deadline for VRS payment formulas and revenue requirements would impose an undue burden on the Fund administrator. We therefore extend the May 1, 2012 Fund administrator filing requirement for VRS payment formulas and revenue requirements pending further guidance.

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i)–(j), 225, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)–(j), 225, and 303(r), and sections 0.361, 1.3, and 64.604(c)(5)(iii) of the Commission's rules, 47 C.F.R. §§ 0.361, 1.3, and 64.604(c)(5)(iii), this Order IS ADOPTED.

5. IT IS FURTHER ORDERED that the Fund administrator's May 1, 2012 filing deadline for VRS payment formulas and revenue requirements, pursuant to section 64.604(c)(5)(iii)(E) and (H) of the Commission's rules, 47 C.F.R. § 64.604(c)(5)(iii)(E), (H), IS EXTENDED as provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Acting Chief
Consumer and Governmental Affairs Bureau

⁸ *Northeast Cellular*, 897 F.2d at 1166.