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

In the Matter of	)	
Speech to Speech and Internet Protocol (ID)	)	CG Docket No. 08-15
Speech-to-Speech and Internet Protocol (IP)	)	CG DOCKET NO. 08-13
Speech-to-Speech Telecommunications Relay	)	
Services	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals with	Ĵ	
Hearing and Speech Disabilities	Ś	
fround and speech Disubilities	)	

ORDER

# Adopted: January 30, 2015

Released: January 30, 2015

By the Acting Chief, Consumer and Governmental Affairs Bureau:

1. In this Order, the Consumer and Governmental Affairs Bureau (CGB or Bureau) denies a request for clarification by AT&T Services, Inc. (AT&T) that its method of muting the voices of speech-to-speech relay service (STS) users prior to June 10, 2014, was in compliance with the Commission's STS Voice Muting Rule. At the same time, the Bureau finds good cause to grant AT&T a retroactive limited waiver of the STS Voice Muting Rule for the period from October 15, 2013, the date when the rule became effective, to June 10, 2014, the date when AT&T modified its platform to come into compliance with this rule.

# I. BACKGROUND

2. STS is a form of telecommunications relay service (TRS) that uses specially trained communications assistants (CAs) to repeat the words spoken by persons with speech disabilities to the other parties to a relayed call.<sup>1</sup> In 2013, the Commission adopted several mandatory minimum TRS standards applicable to  $STS^2$  to ensure that persons with speech disabilities have access to relay services that address their unique needs, in furtherance of the objectives of section 225 of the Act to provide relay services in a manner that is functionally equivalent to conventional voice telephone services.<sup>3</sup> One of

<sup>&</sup>lt;sup>1</sup> See 47 C.F.R. § 64.601(a)(30) (defining STS); see generally 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, 5148-51, ¶¶ 14-20 (2000) (adopting a mandate for carriers obligated to provide text-based forms of TRS over the public switched telephone network to also provide STS). The CAs are trained to understand the speech patterns of STS users. *Id.* at 5148, ¶ 20. Section 225(a)(3) of the Communications Act of 1934, as amended (Act) defines TRS as "services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communications services by wire or radio." 47 U.S.C. § 225(a)(3).

<sup>&</sup>lt;sup>2</sup> Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 08-15, 03-123, Report and Order, 28 FCC Rcd 10702, 10709-14, ¶¶ 15-24 & Appendix A (2013) (2013 STS Order).

<sup>&</sup>lt;sup>3</sup> *Id.* at 10702, ¶ 1; 47 U.S.C. § 225 (a)(3).

those measures is the STS Voice Muting Rule, which requires STS providers to offer STS users the option to have their voices muted so that the other party to the call will hear only the CA, and not the STS user's voice.<sup>4</sup> The Commission determined that this requirement would give more persons with speech disabilities the confidence to use STS because many such individuals are hesitant to allow the called party to hear their speech.<sup>5</sup> By minimizing disruption to the conversational flow of a call, the STS Voice Muting Rule also increases an STS user's ability to carry on a phone conversation that is functionally equivalent to a voice-to-voice call.<sup>6</sup> The new STS rule went into effect on October 15, 2013.<sup>7</sup>

3. On September 26, 2013, AT&T filed a petition requesting clarification, or, in the alternative, an expedited waiver, of the STS Voice Muting Rule as it applies to incoming calls to STS users who have not preselected the muting option in their user profiles.<sup>8</sup> AT&T explained that, at the time it filed its petition, AT&T muted the voices of STS users on an incoming STS call only if, before the call, the STS user had created a user profile with AT&T and had preselected the muting option on that profile.<sup>9</sup> The reason for this, AT&T explained, was that as a matter of practice, its relay platform facilitated STS calls by creating a conference bridge between the STS user, the voice party, and the CA.<sup>10</sup> If the STS user preselected the muting option on his or her user profile, the CA could configure the conference bridge in advance of connecting the call to ensure muting of the STS user's voice.<sup>11</sup> However, once the CA established the conference bridge, the CA could not mute the voice of the STS user's voice on an incoming call when the user had not preselected muting on his or her user profile was to "drop" the user from the conference bridge and then have the CA add that individual back to the call – by calling back the user and using a second conference bridge.<sup>13</sup>

4. In its petition, AT&T requested clarification that dropping the STS user from the conference bridge and adding the STS user back to allow for voice muting in this manner complies with the STS Voice Muting Rule.<sup>14</sup> In the alternative, AT&T sought a twelve-month expedited waiver of the STS Voice Muting Rule for incoming calls that had to be handled in this manner in order to enable call muting where it was not part of the STS user's profile.<sup>15</sup> AT&T sought this limited waiver so that it could continue using its temporary method while working on modifications to its existing platform to eliminate

<sup>5</sup> 2013 STS Order, 28 FCC Rcd at 10712, ¶ 19.

<sup>6</sup> Id.

<sup>7</sup> 78 Fed. Reg. 49693 (Aug. 15, 2013) (specifying an effective date of October 15, 2013).

<sup>8</sup> AT&T Services, Inc., Request for Clarification, or in The Alternative, Petition for Expedited Waiver, CG Docket Nos. 08-15, 03-123 (filed Sept. 26, 2013) (AT&T Petition).

<sup>9</sup> *Id.* at 1. Some STS providers, including AT&T, provide STS users with the option of establishing a user profile. The Further Notice of Proposed Rulemaking (FNPRM) included in the *2013 STS Order* sought comment on whether STS providers should be required to make STS user profiles immediately available to an STS CA each time an STS user places a call. *2013 STS Order*, 28 FCC Rcd at 10723, ¶ 41.

<sup>10</sup> AT&T Petition at 2.

<sup>11</sup> *Id.* at 3.

<sup>12</sup> *Id*.

- <sup>13</sup> *Id.* at 4.
- <sup>14</sup> *Id.* at 2-5.

<sup>15</sup> *Id.* at 5-8.

<sup>&</sup>lt;sup>4</sup> 47 C.F.R. § 64.604(a)(1)(viii); 2013 STS Order, 28 FCC Rcd at 10712, ¶ 19.

the need to drop and call back STS users who had not preselected the voice muting option in their caller profiles.<sup>16</sup> AT&T announced its intention to achieve such modification by adding a "hold" function to its STS platform, which would allow activation of the voice muting option without relying on the call-back method.<sup>17</sup> AT&T contended that there is good cause to grant its request because it would be inequitable to impose the STS Voice Muting Rule on AT&T without giving it the opportunity to modify its relay platform to come into compliance.<sup>18</sup> AT&T also asserted that few STS users would be impacted during the limited time for which AT&T sought a waiver.<sup>19</sup>

5. On November 14, 2013, CGB issued a public notice seeking comments on AT&T's petition for waiver.<sup>20</sup> No parties filed comments in response to this notice.

6. On May 21, 2014, AT&T filed an *Ex Parte* letter to describe the various actions it had taken to design, develop, test, and implement a new "hold" function for use during STS calls to allow activation of the voice muting option without requiring a call-back on incoming calls for users who had not preselected muting in their user profiles.<sup>21</sup> It explained that implementation of the new muting option required "[c]ore software changes to AT&T's relay platform" that were "complicated by the fact that activating STS muting after call set-up deviated from the basic assumptions built into AT&T's relay platform" and by "other planned software releases."<sup>22</sup> Subsequently, on June 12, 2014, AT&T filed a second *Ex Parte* letter informing the Commission that "[a]fter resolving some discrepancies discovered during field testing, AT&T deployed the new STS voice muting solution in all call centers on June 10, 2014."<sup>23</sup> Consequently, AT&T now seeks a retroactive limited waiver of the STS Voice Muting Rule from October 15, 2013 to June 10, 2014.<sup>24</sup>

### II. DISCUSSION

### A. Request for Clarification

7. We first consider AT&T's request for clarification of the STS Voice Muting Rule.<sup>25</sup> AT&T argues that because the Commission's rule requires that STS users be given the option of muting their voices but does not prescribe how providers are to comply with this requirement, AT&T's procedure of dropping the STS user from the conference bridge and then adding the user back in with the user's voice muted complied with the STS Voice Muting Rule.<sup>26</sup> In this regard, AT&T tries to argue that its call

<sup>17</sup> *Id.* at 6-7.

<sup>18</sup> *Id.* at 6.

<sup>19</sup> *Id.* at 7. AT&T reported that less than 1% of the users who created profiles selected voice muting as an option, which according to AT&T, suggested that muting may not be a priority for STS users. *Id.* AT&T added that fewer than 10% of all STS calls are incoming. *Id.* 

<sup>20</sup> Request for Comment on Petition filed by AT&T Services, Inc. Regarding the Provision of Muting for Speech-to-Speech Telephone Services, CG Docket Nos. 08-15, 03-123, Public Notice, 28 FCC Rcd 15770 (2013).

<sup>21</sup> Letter from Vonda T. Long-Dillard to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 08-15, 03-123, at 1-2 (May 21, 2014) (AT&T May 21, 2014 *Ex Parte*).

<sup>22</sup> Id.

<sup>23</sup> Letter from Vonda T. Long-Dillard to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 08-15, 03-123, at 1 (June 12, 2014) (AT&T June 12, 2014 *Ex Parte*).

<sup>24</sup> Id.

 $^{26}$  *Id.* at 4.

<sup>&</sup>lt;sup>16</sup> *Id.* at 6.

<sup>&</sup>lt;sup>25</sup> AT&T Petition at 2-5.

muting procedure was not in violation of the Bureau's and Commission's prior directives generally prohibiting call-back arrangements.<sup>27</sup> In both the 2005 TRS Marketing Practices PN<sup>28</sup> and the 2005 Speed of Answer Order,<sup>29</sup> the Bureau and the Commission, respectively, concluded that requiring a TRS user to leave a call-back message with a TRS provider to have his or her call completed violates the speed-of-answer requirements and the functional equivalency mandate to handle relay calls in the same manner as voice telephone calls.<sup>30</sup> In its petition, AT&T argues that disconnecting and calling back an STS user for the purpose of enabling the user's voice to be muted was not in violation of these call-back prohibitions because this did not affect the ability of the user to reach a CA, who was prepared to handle the call when it came into the TRS center; thus AT&T concludes, the speed-of answer was not affected.<sup>31</sup>

8. We do not agree with AT&T that its prior call muting configuration for STS calls complied with the Commission's rules or was consistent with the above call-back orders. At issue is whether dropping an STS user from the conference bridge and then adding that user back to a call (with the user's voice muted) can result in a communications service that is functionally equivalent to voice communications service, as required by section 225(a)(3) of the Act.<sup>32</sup> We conclude that such procedure would not be functionally equivalent and disagree with AT&T that this "would not affect the ability of a[n] STS user to reach a CA prepared to handle an outgoing or incoming call."<sup>33</sup>

9. In the 2005 TRS Marketing Practices PN, the Bureau clarified that call-back arrangements are generally prohibited, concluding that such arrangements were not consistent with the functional equivalency mandate because asking "the caller to leave certain information so that the provider can call the consumer back when the provider is able (or desires) to place the call . . . relieves the provider of its central obligation to be available when a caller desires to make a TRS call, and permits the

<sup>29</sup> Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, CC Docket No. 98-67, Report and Order, 20 FCC Rcd 13165 (2005) (2005 Speed of Answer Order).

 $^{30}$  2005 TRS Marketing Practices PN, 20 FCC Rcd at 1473-75; 2005 Speed of Answer Order, 20 FCC Rcd at 13177, ¶¶ 23-24. The Commission's speed of answer rules obligate TRS providers to answer calls within a specified period of time. For STS, these rules require providers to "answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network." 47 C.F.R. § 64.604(b)(2)(ii). Speed of answer for STS calls must be measured on a daily basis. *Id.* § 64.604(b)(2).

<sup>31</sup> AT&T Petition at 5. AT&T tries to make the argument that the 2005 TRS Marketing Practices PN only prohibited call-backs if these were "the *only* means by which a TRS user may reach a CA." *Id.* at 4 (emphasis added, footnote omitted). However, that interpretation is invalid. Following the 2005 TRS Marketing Practices PN, the 2005 Speed of Answer Order made the ban on call-backs absolute. Specifically, effective January 1, 2006, that order stated, "providers may not use a call back arrangement, including one that gives the consumer the choice of waiting for a CA or having the provider call the consumer back when a CA is available." 2005 Speed of Answer Order, 20 FCC Rcd at 13177, ¶ 23. In any event, individuals seeking to mute their incoming calls on a call-by-call basis (*i.e.*, rather than through their profiles) in fact had no way to complete their calls other than through AT&T's call-back procedure prior to June 10, 2014. In other words, for that set of users, call-backs were not optional.

<sup>32</sup> 47 U.S.C. § 225(a)(3); *see also* 47 U.S.C. § 225(d)(1)(A) (mandating the Commission to prescribe regulations that "establish functional requirements, guidelines, and operational procedures for telecommunications relay services").

<sup>&</sup>lt;sup>27</sup> *Id.* at 4-5.

<sup>&</sup>lt;sup>28</sup> Federal Communications Commission Clarifies that Certain Telecommunications Relay Services (TRS) Marketing and Call Handling Practices are Improper and Reminds that Video Relay Service (VRS) May Not be Used as a Video Remote Interpreting Service, CC Docket No. 98-67, CG Docket No. 03-123, Public Notice, 20 FCC Rcd 1471(CGB 2005) (2005 TRS Marketing Practices PN).

<sup>&</sup>lt;sup>33</sup> See AT&T Petition at 5.

provider, and not the caller, to ultimately be in control of when a TRS call is placed."<sup>34</sup> In the 2005 Speed of Answer Order, the Commission reaffirmed that "call backs are inconsistent with functional equivalency and the notion that TRS is a service whereby a consumer, in reaching a CA, reaches the equivalent of a 'dial tone,' and therefore the ability to immediately have his or her outgoing call placed."<sup>35</sup> Just as a consumer who uses voice communication does not expect a call to be disconnected and reconnected before a conversation may begin, an STS user also should not be required to have the call disconnected and reconnected prior to the beginning of the conversation as a precondition of selecting the muting option, if that option would provide more functionally equivalent communication for that user. In other words, the need to disconnect and reconnect the call is not functionally equivalent to having a "dial tone" and being able to place the call without interruption.<sup>36</sup>

10. Although in the 2005 Speed of Answer Order the Commission recognized one "narrow exception" that permitted a call-back where a call is inadvertently disconnected because of its reliance on the Internet,<sup>37</sup> the AT&T configuration discussed herein is different from this exception. The 2005 Speed of Answer Order was addressing a situation in which the disconnection was inadvertent due to the limitations of Internet technology at the time when the order was adopted. Under those circumstances, a call-back to the consumer enabled the immediate resumption of a disconnected call.<sup>38</sup> By contrast, the prior AT&T configuration discussed herein resulted in an intentional disconnection and call-back whenever a consumer who had not preselected call muting on his or her profile wanted such muting on an incoming call.<sup>39</sup>

11. For these reasons, we conclude that AT&T's procedure of dropping the STS user from

<sup>37</sup> 2005 Speed of Answer Order, 20 FCC Rcd at 13177, ¶ 23, n.79.

<sup>&</sup>lt;sup>34</sup> 2005 TRS Marketing Practices PN, 20 FCC Rcd at 1474. The Bureau carved out a temporary exception to this "no call-back" rule for those situations in which a provider gave a video relay service (VRS) caller the choice of waiting for a CA or having the provider call back the consumer when a CA became available to handle a VRS call. VRS is a form of TRS that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through a CA using video transmissions over the Internet. 47 C.F.R. § 64.601(a)(40). The Bureau justified this carve-out because the requirement for TRS calls to be answered within a specified period of time – *i.e.*, the speed-of-answer requirement (47 C.F.R. § 64.604(b)(2)) – had been waived for VRS at the time the 2005 TRS Marketing Practices PN was issued. See 2005 TRS Marketing Practices PN, 20 FCC Rcd at 1474-75, n.16; see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, Order, 17 FCC Rcd 157, 163, ¶ 16 (CCB 2001) (waiving speed-ofanswer requirements for VRS). The Commission later eliminated this exception to the call-back prohibition in the 2005 Speed of Answer Order because it adopted a speed-of-answer requirement for VRS in that order. Since this aspect of the 2005 TRS Marketing Practices PN was very specifically targeted to address the handling of VRS calls, we do not consider this carve-out to be relevant to the situation now under consideration.

<sup>&</sup>lt;sup>35</sup> 2005 Speed of Answer Order, 20 FCC Rcd at 13177, ¶ 24.

 $<sup>^{36}</sup>$  *Id.* We note that this situation is different from web and wireless applications used for Internet Protocol captioned telephone service (IP CTS) where the user initiates the call by using the application to send an electronic message to the IP CTS provider, and the CA calls the user in response to such message. The user sending the electronic message is the equivalent of calling the provider, and is therefore permissible so long as the CA responds to the user within the time permitted by the speed of answer requirements. In the case of STS, however, the call has already been set up and must then be disconnected and reconnected by the CA calling back the STS user. IP CTS is a telecommunications relay service that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an Internet Protocol-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying." 47 C.F.R. § 64.601(a)(16).

<sup>&</sup>lt;sup>38</sup> See id.

<sup>&</sup>lt;sup>39</sup> AT&T Petition at 4.

the conference bridge and then adding the user back in with the user's voice muted did not provide functionally equivalent communication service for STS users. We therefore deny AT&T's request for clarification that this procedure was in compliance with the STS Voice Muting Rule.

## **B.** Petition for Waiver

12. We now turn to AT&T's alternative request for a temporary waiver of the STS Voice Muting Rule.<sup>40</sup> A Commission rule may be waived for "good cause shown."<sup>41</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>42</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>43</sup> Waiver of a Commission rule is therefore appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.<sup>44</sup> Applying these standards to the instant petition, we find good cause has been demonstrated to grant AT&T's request for a retroactive limited waiver of the STS Voice Muting Rule for the period from October 15, 2013, the effective date of the STS Voice Muting Rule, to June 10, 2014, the date when AT&T reports that it came into compliance with the rule.

13. The Commission's underlying goal in adopting the STS Voice Muting Rule was to enhance the ability of an STS user to carry on a phone conversation that is functionally equivalent to a voice-to-voice call.<sup>45</sup> AT&T requests a rule waiver to allow for its temporary use of the call-back method for activating the voice muting option for incoming calls to STS users who had not preselected muting on their user profiles, for the period from October 15, 2013, to June 10, 2014. AT&T reports that during this eight month period, it worked on a modification of its relay platform to add a "hold" function that would eliminate the need for such call-backs.<sup>46</sup> Because TRS calls are not compensable unless the provider complies with all of the Commission's rules,<sup>47</sup> we take action on AT&T's waiver request in part to resolve any question as to whether the STS calls handled by AT&T during the period covered by the waiver request were compensable.

14. We believe that AT&T has made a persuasive case that special circumstances made it technically infeasible for it to come into compliance with the Commission's STS Voice Muting Rule at the time it became effective, and thus find good cause to grant the limited waiver requested by AT&T. Specifically, we are convinced that AT&T has described with particularity the technical difficulties that it encountered with respect to modifying its platform to enable an STS user's voice on an incoming call to be muted when the user had not preselected muting in his or her profile, without the need for AT&T to drop the user from the conference bridge and then call back the user.<sup>48</sup> In addition, we recognize AT&T's

<sup>&</sup>lt;sup>40</sup> *Id.* at 5-8; AT&T May 21, 2014 *Ex Parte* at 2; AT&T June 12, 2014 *Ex Parte* at 1.

<sup>&</sup>lt;sup>41</sup> 47 C.F.R. § 1.3.

<sup>&</sup>lt;sup>42</sup> See Northeast Cellular Tel. Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>&</sup>lt;sup>43</sup> See WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (WAIT Radio), cert. denied, 409 U.S. 1027 (1972); Northeast Cellular, 897 F.2d at 1166.

<sup>&</sup>lt;sup>44</sup> See Northeast Cellular, 897 F.2d at 1166.

<sup>&</sup>lt;sup>45</sup> 2013 STS Order, 28 FCC Rcd at 10712, ¶ 19.

<sup>&</sup>lt;sup>46</sup> AT&T Petition at 6; AT&T May 21, 2014 *Ex Parte* at 2; AT&T June 12, 2014 *Ex Parte* at 1.

<sup>&</sup>lt;sup>47</sup> See 47 C.F.R. § 64.604(c)(5)(iii)(D)(5) (requiring the chief executive officer, chief financial officer, or other senior executive of a TRS provider to certify that "[t]he TRS calls for which compensation is sought were handled in compliance with Section 225 of the Communications Act and the Commission's rules and orders...").

<sup>&</sup>lt;sup>48</sup> AT&T Petition at 2-4.

considerable efforts, notwithstanding these technical difficulties, to design and develop a new muting function to achieve compliance with the STS Voice Muting Rule, which now places the voice caller on "hold" while the STS user speaks.<sup>49</sup> In light of these technical difficulties and AT&T's effort to overcome them, we find that considerations of hardship and equity warrant the grant of a waiver in these special circumstances.<sup>50</sup> Furthermore, we are persuaded, based on the information provided by AT&T, that the time needed to design, develop, test, and implement the new muting function was reasonable, and we specifically find credible AT&T's claims that it needed until June 10, 2014 to complete and deploy this platform revision.<sup>51</sup>

15. For these reasons, we find that strict compliance with the Voice Muting Rule would be inconsistent with the public interest and that good cause to grant the requested waiver has been shown. We therefore grant AT&T a retroactive waiver of the STS Voice Muting Rule for the period from October 15, 2013, until June 10, 2014, for incoming calls to STS users who had not preselected muting in their caller profiles but who nevertheless wanted their voices muted.

### III. ORDERING CLAUSES

16. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 225, and sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.141, 0.361, 1.3, this Order is ADOPTED.

17. IT IS FURTHER ORDERED that the Request for Clarification, or in the Alternative, Petition for Limited Waiver, filed by AT&T Services, Inc. on September 26, 2013, IS GRANTED to the extent described herein and IS OTHERWISE DENIED.

18. IT IS FURTHER ORDERED that the limited waiver of section 64.604(a)(1)(viii) of the Commission's rules, 47 C.F.R. § 64.604(a)(1)(viii), SHALL BE EFFECTIVE retroactively as of October 15, 2013, and SHALL EXPIRE as of June 10, 2014.

<sup>&</sup>lt;sup>49</sup> AT&T May 21, 2014 *Ex Parte* at 1-2.

<sup>&</sup>lt;sup>50</sup> See WAIT Radio, 418 F.2d at 1159; Northeast Cellular, 897 F.2d at 1166.

<sup>&</sup>lt;sup>51</sup> AT&T May 21, 2014 *Ex Parte* at 2. Specifically, AT&T describes the following steps involved in the creation and implementation of the new muting feature: "[a]ttempted PBX solution/[a]rchitecture of software solution"; "[r]eview & documentation of architecture, dependencies, and troubleshooting policies"; "[d]esign & documentation of CA user interface implications"; "[a]ccessibility review"; "[f]eature development, software modifications and change control"; "[u]nit & regression test cycles"; "[c]reation of CA training"; "CA training"; "[s]ystematic deployment across two server farms." *Id.; see also* AT&T June 12, 2014 *Ex Parte* at 1 (stating that "[a]fter resolving some discrepancies discovered during field testing, AT&T deployed the new STS voice muting solution in all call centers on June 10, 2014").

19. 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 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

Kris Anne Monteith Acting Chief Consumer and Governmental Affairs Bureau