

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

In the Matter of
Misuse of Internet Protocol (IP) Relay Service
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities
CG Docket No. 12-38
CG Docket No. 03-123

ORDER

Adopted: June 10, 2015

Released: June 10, 2015

By the Acting Chief, Consumer and Governmental Affairs Bureau:

1. By this Order, the Consumer and Governmental Affairs Bureau (Bureau) extends the previously granted waiver of the requirement that providers of Internet Protocol Relay (IP Relay) service handle 911 calls initiated by callers who have been registered but not verified by an IP Relay provider. We conclude that the waiver extension is necessary to prevent the resumption of a harmful practice while the Commission considers how to address this issue on a permanent basis. Therefore, this waiver, which expired on April 29, 2015, is extended retroactively to April 29, 2015, and will remain in effect until such time as the Commission resolves whether to adopt a permanent prohibition against the handling of 911 calls from callers whose registration information has not been verified prior to placement of the call.

2. Background. IP Relay service is a form of text-based telecommunications relay service (TRS) "that permits an individual with a hearing or speech disability to communicate in text using an Internet-Protocol enabled device via the Internet, rather than using a text telephone (TTY) and the public switched telephone network." As the Bureau has previously recounted, the Commission has taken numerous measures since the inception of IP Relay service to combat the misuse of this service, in response to concerns that individuals who are not deaf, hard-of-hearing, deaf-blind, and who do not have speech disabilities were using the anonymity of IP Relay service to engage in fraudulent activities, such

1 47 C.F.R. § 64.601(a)(17); see also 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 person who is deaf, hard-of-hearing, deaf-blind, or who has a speech disability and the provider's communication assistant (CA) is conveyed in text via an Internet connection, and communication between the CA and the hearing party is conveyed verbally over the public switched telephone network.

2 See Misuse Of Internet Protocol (IP) Relay Service; Telecommunications Relay Services And Speech-To-Speech Services For Individuals With Hearing And Speech Disabilities, CG Docket Nos. 12-38, 03-123, Order, 29 FCC Rcd 4807, 4808-09, ¶¶ 2-4 (CGB 2014) (IP Relay Swatting Order).

3 Because a CA handling IP Relay calls receives only text-based communications over the Internet and cannot see the caller, fraudsters tend to use the anonymity of this form of relay to hide their identity, as well as the fact that they are calling from a location outside the United States.

as calling merchants and placing orders using fake, stolen, or otherwise invalid credit cards.<sup>4</sup> Most relevant to this Order, in 2008, among other actions, the Commission directed IP Relay providers to register users and use a reasonable means of verifying their registration and eligibility information.<sup>5</sup> At the same time, the Commission also adopted a policy requiring IP Relay providers, to the extent technically feasible, to allow new users to make and receive calls immediately upon supplying their registration information, even if the provider had not yet completed verification of registration information.<sup>6</sup> However, in the 2012 *IP Relay Misuse Order*, in order to curb the continued abuse of IP Relay service, the Commission terminated that policy and prohibited providers from temporarily authorizing IP Relay users to make non-emergency calls prior to the provider verifying the user's registration information.<sup>7</sup> Instead, the *IP Relay Misuse Order* required IP Relay providers to verify new IP Relay registrants before handling non-emergency IP Relay calls made by the registrant.<sup>8</sup> However, the Commission continued to require IP Relay providers to handle emergency calls to 911 placed by users who submitted registration information, pending its verification, to ensure that 911 calls placed by such individuals could reach their destination.<sup>9</sup>

3. In the 2014 *IP Relay Swatting Order*, the Bureau *sua sponte* granted an interim waiver of the requirement that IP Relay providers handle 911 calls placed by users who have been registered but not yet verified by an IP Relay provider.<sup>10</sup> The Bureau granted this waiver after receiving information from Sprint, an IP Relay provider, about an increase of unverified registrants using IP Relay service to hide their identities in order to place calls to 911, in an attempt to trick Public Safety Answering Points (PSAPs) into dispatching emergency services based on false reports of emergency situations, a practice known as "swatting."<sup>11</sup> Sprint explained that these callers provide very little information to the PSAP and hang up quickly, but not before the need to dispatch emergency personnel has been triggered, potentially causing alarm and even danger for the targeted residents and emergency service personnel and wasting the limited resources of emergency responders.<sup>12</sup> Sprint noted that, in its experience, calls to 911 from unregistered users are not legitimate and urged the Commission to permit IP Relay providers to block such calls.<sup>13</sup> Based on this information, the Bureau concluded there was good cause to waive for one year

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<sup>4</sup> See, e.g., *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*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket Nos. 03-123, 98-57, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791 (2008) (*iTRS Numbering Order II*); *Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 12-38, 03-123, First Report and Order, 27 FCC Rcd 7866 (2012) (*IP Relay Misuse Order*).

<sup>5</sup> *iTRS Numbering Order II*, 24 FCC Rcd at 809, ¶ 38.

<sup>6</sup> *Id.* at 803, ¶ 25. The Commission adopted this policy in response to comments by a coalition of consumer groups concerned that eligible IP Relay users would be cut off from service during the transition to a new ten-digit numbering system for IP Relay service and the new registration system. See *IP Relay Swatting Order*, 29 FCC Rcd at 4808, ¶ 3 (citing *iTRS Numbering Order II*, 24 FCC Rcd at 803, ¶ 25).

<sup>7</sup> *IP Relay Misuse Order*, 27 FCC Rcd at 7871-73, ¶¶ 11-13.

<sup>8</sup> *Id.* at 7872, ¶ 13.

<sup>9</sup> *Id.*, ¶ 13 & n.53.

<sup>10</sup> *IP Relay Swatting Order*, 29 FCC Rcd at 4807, ¶ 1.

<sup>11</sup> *Id.* at 4809, ¶ 5. This mischief has been referred to as "swatting" because these calls at times have required the dispatch of police special weapons and tactical teams (SWAT teams). *Id.*

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

<sup>13</sup> *Id.* at 4809-10, ¶ 5.

the requirement that IP Relay providers allow newly registered users to place emergency 911 calls immediately, before completing the verification of such individuals.<sup>14</sup>

4. The waiver granted in the *IP Relay Swatting Order* expired on April 29, 2015.<sup>15</sup> On April 30, 2015, Sprint filed a request that the waiver be extended “until the Commission addresses this matter on a permanent basis.”<sup>16</sup>

5. *Discussion.* Generally, the Commission’s rules may be waived for good cause shown.<sup>17</sup> The Bureau determines that the public interest will be served and good cause exists to extend the waiver until such time as the Commission resolves whether to adopt a permanent prohibition against the handling of 911 calls initiated by individuals who have been registered but not verified by an IP Relay provider. Specifically, we find that it is very likely that the use of IP Relay service to engage in swatting would resume if the waiver is not extended. Sprint informs the Commission that, during the time the waiver was in effect and Sprint was not handling 911 calls by unverified registrants, swatting calls made using IP Relay service were completely eliminated.<sup>18</sup> As a result, the waiver also eliminated the threats to safety of life and property and waste of law enforcement resources caused by such calls.<sup>19</sup> For these reasons, Sprint believes that the waiver “has proven to be the correct decision and the absolute solution to the swatting problem,” and that “the public is clearly safer today with the waiver in effect.”<sup>20</sup> Additionally, Sprint maintains that, based on its experience, it “cannot imagine any circumstance in which [an unverified] user of IP Relay services, in a true emergency situation, would suddenly adopt a new way of calling 911.”<sup>21</sup> Sprint concludes that a failure to extend the waiver “will result in a rash of new swatting calls” and urges the Commission to extend the current waiver “until the Commission has an opportunity to address this matter on a permanent basis.”<sup>22</sup>

6. Given the danger to the public and first responders posed by spoofed 911 calls via IP Relay service, the evident efficacy of the waiver in eliminating such calls, and the likelihood that such calls would resume absent a waiver extension, we find that the public interest will be served and good cause exists to extend the waiver granted in the *IP Relay Swatting Order*. Additionally, for the reasons

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<sup>14</sup> *Id.* at 4809-10, ¶¶ 5-6.

<sup>15</sup> *Id.* at 4807, ¶ 1 (stating that the waiver granted in the Order “will remain in effect for one year”).

<sup>16</sup> Sprint Corporation, Request for Extension of Interim Waiver, CG Docket Nos. 12-38, 03-123 (filed Apr. 30, 2015) (Sprint Waiver Extension Request). Although Sprint was remiss in filing its Waiver Extension Request after the original waiver had expired, the Bureau finds that the strong public interest need to prevent swatting weighs in favor of applying the effective date of the waiver extension retroactively to the expiration date of the original waiver. Nevertheless, the Bureau cautions Sprint that the late filing of a waiver request, which deprives the Bureau and the Commission of a reasonable amount of time to consider and act on the extension request prior to the expiration of the waiver, disregards the Commission’s processes and can undermine the public interest.

<sup>17</sup> 47 C.F.R. § 1.3. See, e.g., *Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability; Embarq Petition for Waiver of Deadline*, WC Docket No. 07-244, CC Docket No. 95-116, Order, 23 FCC Rcd 2425, 2427, ¶¶ 5-7 (2008); see also *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

<sup>18</sup> Sprint Waiver Extension Request at 4.

<sup>19</sup> *Id.* (stating that the waiver “has reduced threats to safety of life and property” and that “rather than focusing energy and resources investigating swatting incidents, these resources are being properly allocated to protect and serve the public”); see also *IP Relay Swatting Order*, 29 FCC Rcd at 4809, ¶ 5 (noting that swatting calls “have the potential to cause alarm and even danger for the targeted residents and emergency service personnel, in addition to wasting the limited resources of emergency responders”).

<sup>20</sup> Sprint Waiver Extension Request at 4.

<sup>21</sup> *Id.* at 2.

<sup>22</sup> *Id.* at 4.

identified in the *IP Relay Swatting Order* and supported by Sprint in its waiver extension request, we find that the facts before the Commission continue to indicate that it is unlikely that a user who has not been verified, and for whom IP Relay is therefore not the user's customary way of making telephone calls, will seek to use IP Relay service for legitimate calls to 911.<sup>23</sup> Accordingly, the waiver extension will apply retroactively to April 29, 2015, and will remain in effect until such time as the Commission resolves whether to adopt a permanent prohibition against the handling of 911 calls from callers whose registration information has not yet been verified. The Bureau takes this action because of the potential and immediate dangers associated with allowing the guest user policy for 911 calls to come back into effect while the Commission proceeds with a rulemaking proceeding on this and other issues addressing the provision of IP Relay service. We emphasize, however, that notwithstanding the extension of this waiver with respect to placement of calls by *unverified* users, a provider must continue to ensure that registered, *verified* IP Relay users can place 911 calls through IP Relay service in accordance with the TRS rules.<sup>24</sup>

7. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1, 4(i), 4(j), 5, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 155, 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, that the waiver of the requirement that IP Relay providers must handle 911 calls initiated by registered users pending their verification IS EXTENDED as provided herein.

8. IT IS FURTHER ORDERED that the extended waiver of the requirement that IP Relay providers handle 911 calls initiated by registered users pending their verification SHALL BE EFFECTIVE as of April 29, 2015, and SHALL REMAIN IN EFFECT until the effective date of a Commission order addressing whether to adopt a permanent prohibition against the handling of 911 calls initiated by unverified users.

9. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This Order may be downloaded from <http://www.fcc.gov/encyclopedia/telecommunications-relay-services-trs>.

#### FEDERAL COMMUNICATIONS COMMISSION

Alison Kutler  
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<sup>23</sup> See *IP Relay Swatting Order*, 29 FCC Rcd at 4810, ¶ 6 (noting that a survey conducted by the Commission's former Emergency Access Advisory Committee (EAAC) in 2011 revealed that "the overwhelming majority of relay consumers, including consumers of IP Relay [service], typically utilize the communication technologies that they routinely use when placing emergency calls" and that "it is far less likely that a newly registered IP Relay user who has not yet been verified will use this service to place a legitimate 911 call during the guest period in an emergency, when they need to think fast to obtain swift 911 assistance").

<sup>24</sup> See 47 C.F.R. § 64.605(b).