

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

In the Matter of	)	
	)	
Petition for Waiver of Rules Requiring Support of	)	GN Docket No. 15-178
TTY Technology	)	
	)	
Competitive Carriers Association	)	
	)	
	)	
	)	

**ORDER**

**Adopted: April 20, 2016**

**Released: April 20, 2016**

By the Chiefs, Consumer and Governmental Affairs Bureau, Public Safety and Homeland Security Bureau, Wireless Telecommunications Bureau, and Wireline Competition Bureau:

**I. SUMMARY**

1. By this Order, the Consumer and Governmental Affairs Bureau, the Public Safety and Homeland Security Bureau, the Wireless Telecommunications Bureau, and the Wireline Competition Bureau (Bureaus) of the Federal Communications Commission (FCC or Commission) grant the Competitive Carriers Association (CCA) members a temporary, limited waiver of the Commission’s requirements to support text telephony (TTY) technology on wireless networks to the extent that they use Internet Protocol (IP) technologies. This waiver expires December 31, 2017, or upon the effective date of Commission rules providing for alternative IP-based wireless accessibility solutions, whichever is earlier.

**II. BACKGROUND**

2. On November 3, 2015, CCA filed a petition for declaratory ruling, or in the alternative, for a waiver of the Commission’s TTY-related requirements for its IP-enabled wireless services.<sup>1</sup> On April 8, 2016, CCA filed a revised version of its petition for waiver.<sup>2</sup> This Order addresses CCA’s waiver request – the most recent in a series of requests for such waivers, each of which has been granted subject to certain conditions.<sup>3</sup>

<sup>1</sup> Petition of Competitive Carriers Association for Declaratory Ruling or, in the Alternative, for a Waiver (filed Nov. 3, 2015) (CCA Petition).

<sup>2</sup> Revised Petition of Competitive Carriers Association for a Waiver (filed Apr. 8, 2016) (Revised CCA Petition).

<sup>3</sup> See *In the Matter of Petition for Waiver of Rules Requiring Support of TTY Technology*, Order, 30 FCC Rcd 10855 (CGB PSHSB WTB WCB 2015) (*AT&T TTY-RTT Transition Waiver Order*); Order, 30 FCC Rcd 12755 (CGB PSHSB WTB WCB 2015) (*Verizon TTY-RTT Transition Waiver Order*); Order, 30 FCC Rcd 14404 (CGB PSHSB WTB WCB 2015) (*Cellular South TTY-RTT Transition Waiver Order*), modified, Letter Order, 31 FCC Rcd 201 (CGB PSHSB WTB WCB 2016) (*Cellular South TTY-RTT Transition Waiver Modification Letter*). Action on CCA’s petition for declaratory ruling, to the extent it is not mooted by this Order, is deferred to a later time.

## A. TTY Requirements

3. A TTY is a “machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system,” using a legacy transmission technology called 5-level Baudot.<sup>4</sup> Individuals who are deaf, hard of hearing, deaf-blind, and speech disabled began relying on TTY technology in the 1970s as the only means by which they could send and receive text communications over the telephone network.<sup>5</sup> In response, the Commission has since adopted requirements for TTY technology to be supported by telecommunications and advanced communications services and devices.<sup>6</sup>

4. The Commission’s rules contain several requirements for compatibility with TTY technology. Section 20.18(c) of the Commission’s rules requires covered Commercial Mobile Radio Services (CMRS) providers to be capable of transmitting 911 calls from individuals who are deaf, hard of hearing, or speech disabled, through means other than mobile radio handsets, such as TTY technology.<sup>7</sup> Section 64.603 requires common carriers, including VoIP providers, to offer 711 abbreviated dialing access to traditional telecommunications relay services (TRS) via a voice telephone or TTY.<sup>8</sup> Additionally, sections 6.3(b), 7.3(b), and 14.21(d) generally require that telecommunications services and equipment and advanced communication services and equipment be capable of TTY connectability and TTY signal compatibility.<sup>9</sup>

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<sup>4</sup> 47 C.F.R. § 64.601(a)(33).

<sup>5</sup> Harry G. Lang, *A Phone of Our Own: The Deaf Insurrection Against Ma Bell* 1-8, 116-29 (2000).

<sup>6</sup> *See, e.g.*, 47 C.F.R. §§ 6.3(b), 6.5, 7.3(b), 7.5, 14.20, 14.21(d), 20.18(c), 64.603. These rules were adopted pursuant to various sections of the Communications Act. *See, e.g.*, 47 U.S.C. §§ 225 (requiring telecommunications relay services), 255 (requiring access to telecommunications products and services), 617 (requiring access to advanced communications products and services).

<sup>7</sup> 47 C.F.R. § 20.18(c).

<sup>8</sup> *See IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket No. 03-123 CC Docket No. 92-105, Order and Public Notice Seeking Comment, 22 FCC Rcd 18319, 18320, para. 1 (2007). *See generally* 47 C.F.R. §§ 64.601(1), (15), 64.603; *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Second Report and Order, 15 FCC Rcd 15188, 15191, para. 3 (2000) (*711 Order*). TRS are “telephone transmission 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 communication services by wire or radio.” *See* 47 U.S.C. § 225(a)(3). The Commission adopted 711 dialing access so that TRS users could initiate a relay call, anywhere in the United States, without having to remember and dial different 7- and 10-digit toll free numbers when traveling from state to state. *711 Order*, 15 FCC Rcd at 15191, para. 3.

<sup>9</sup> 47 C.F.R. §§ 6.3(b), 7.3(b), 14.21(d). For example, telecommunications, voicemail, and interactive menu services, as well as the equipment used with these services, must be compatible with peripheral devices and specialized customer premises equipment commonly used by individuals with disabilities to achieve accessibility to telecommunications services, if readily achievable. *Id.* §§ 6.3(b), 6.5, 7.3(b), 7.5. Such compatibility is defined to include ensuring TTY connectability and TTY signal compatibility. *Id.* §§ 6.3(b)(3)-(4), 7.3(b)(3)-(4). Similarly, advanced communications services and equipment must ensure TTY connectability and TTY signal compatibility, unless compliance is not achievable. *Id.* §§ 14.20, 14.21(a), (d)(3)-(4).

## B. Earlier Waiver Petitions

5. On June 12, 2015, AT&T filed a petition requesting that the Commission initiate a rulemaking proceeding to authorize the substitution of a newer form of text communication, real-time text (RTT), as an alternative accessibility solution to TTY technology for use in the IP-based environment.<sup>10</sup> AT&T simultaneously requested that the Commission temporarily waive the Commission's requirements to support TTY technology for wireless devices and services on Voice over Internet Protocol (VoIP) networks "during the pendency of the rulemaking and until RTT is fully deployed to allow [AT&T] to offer VoIP services that do not reliably support TTY."<sup>11</sup> AT&T's request cited a number of limitations characteristic of TTY technology on an IP platform, including "packet loss, distortion caused by echo cancellation and compression techniques, and bandwidth issues," that can impede or prevent the delivery of TTY messages on IP-based networks.<sup>12</sup>

6. On October 6, 2015, the Bureaus issued an order granting AT&T's petition for waiver. The Bureaus based this determination on reports of technical challenges to reliable TTY transmissions over IP networks, the history of declining TTY use with wireless services, and the long-term benefits of allowing the development and deployment of VoIP services using wireless technologies, together with new IP-based accessibility solutions that can enable the use of these technologies by people with disabilities.<sup>13</sup> However, because individuals with disabilities will be unable to access innovative IP-based wireless technologies during the waiver period, the Bureaus imposed certain conditions on the grant of the waiver.<sup>14</sup> The conditions described in the *AT&T TTY-RTT Transition Waiver Order*, as well as the reasons for imposing them, are similar to those adopted in earlier orders waiving the TTY requirements for emergency calling with respect to digital wireless services.<sup>15</sup>

7. In the *AT&T TTY-RTT Transition Waiver Order*, the Bureaus also concluded that additional information would be needed in order to determine whether to grant comparable waivers to other parties during their rollout of IP-based wireless technologies.<sup>16</sup> The Bureaus instructed any carrier or service provider seeking a waiver similar to that granted to AT&T to file a request describing the wireless services it provides, explaining the difficulties it has encountered or expects to encounter in providing connectivity to TTY devices over wireless IP networks, stating the extent to which it expects that it will be able to deploy accessible text alternatives to TTY technology by December 31, 2017, and committing to compliance with the reporting requirements and other conditions stated in the *AT&T TTY-RTT Transition Waiver Order*.<sup>17</sup> The Bureaus indicated that they would look most favorably on waiver requests that also specify with sufficient particularity the following: (1) steps the carrier is taking or intends to take to ensure that the accessibility text alternatives that it intends to deploy will be accessible to people with communication disabilities, interoperable with other IP-based wireless text services, and

<sup>10</sup> Petition of AT&T Services, Inc. for Rulemaking, PS Docket Nos. 11-153 and 10-255, WC Docket No. 04-36, CG Docket Nos. 03-123 and 10-213 (filed June 12, 2015).

<sup>11</sup> AT&T Petition for Waiver, PS Docket Nos. 11-153, 10-255, WC Docket No. 04-36, CG Docket Nos. 03-123, 10-213 at 2 (filed June 12, 2015).

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10858-62, paras. 9-16.

<sup>14</sup> *Id.* at 10862-63, para. 17. Consumers who currently rely on TTYs will not have the ability to access next-generation wireless networks for the duration of the waiver. *Id.*

<sup>15</sup> *Id.*; see also, e.g., *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, RM-8143, Memorandum Opinion and Order, 12 FCC Rcd 22665 (1997); Order, 12 FCC Rcd 20224 (WTB 1997); Order, 14 FCC Rcd 694 (WTB 1998).

<sup>16</sup> *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10865-66, para. 22.

<sup>17</sup> *Id.* The Bureaus stated that, to the extent that an applicant believes it will require a longer waiver period, it should provide a detailed justification for such additional period. *Id.* at 10865, n.88.

backward compatible with TTYs; and (2) well-documented timetables and milestones regarding the implementation of these capabilities.<sup>18</sup> The Bureaus cautioned that they anticipated that all conditions imposed by the *AT&T TTY-RTT Transition Waiver Order* with respect to AT&T would be applied to waivers granted to other parties.<sup>19</sup>

8. Subsequently, on November 13, 2015, the Bureaus granted Verizon a waiver of wireless TTY requirements, with conditions similar to those imposed by the *AT&T TTY-RTT Transition Waiver Order*. In addition, the Bureaus required Verizon to file with the Commission, within 90 days of the date of the Order, a preliminary report describing, with greater specificity than was provided in its petition, its initial plans for meeting its commitment to develop and deploy RTT or an alternative text-based solution that is accessible, interoperable with other carriers' accessibility solutions, and backward compatible with TTY technology.<sup>20</sup> This additional condition was imposed to obtain specific evidence of Verizon's plans to develop and deploy an interoperable accessibility solution for the IP environment during the waiver period. On December 18, 2015, in response to a request from Cellular South for a similar waiver, the Bureaus granted Cellular South a waiver with conditions that were virtually the same as those of the *Verizon TTY-RTT Transition Waiver Order*.<sup>21</sup>

### C. CCA's Petition

9. CCA seeks a declaratory ruling "that it is not currently achievable or readily achievable to provide IP-based LTE and Wi-Fi-based mobile wireless services that are compatible with a [TTY] device."<sup>22</sup> In the alternative, CCA requests that its members be granted "a waiver identical to that recently granted to AT&T."<sup>23</sup> CCA describes itself as "the nation's leading association for competitive wireless providers and stakeholders across the United States," with a membership that "includes more than 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers" and "approximately 200 associate members consisting of small businesses, vendors, and suppliers that serve carriers of all sizes."<sup>24</sup> CCA states that "CCA and its members are strongly committed to accessibility, and are working to develop and implement Real-Time Text ("RTT") or other IP-based text alternatives."<sup>25</sup> CCA contends that "grant of a waiver would be in keeping with the statutory goal of replacing legacy TTY technology with more effective means of accessing 911, while also having little to no impact on the ability of deaf and hard-of-hearing consumers to access 911 services over IP-based wireless services."<sup>26</sup>

10. On April 8, 2016, CCA filed a revised petition for a waiver on behalf of its members. In the revised petition, CCA states:

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<sup>18</sup> *Id.* at 10865-66, para. 22.

<sup>19</sup> *Id.*

<sup>20</sup> *Verizon TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 12759, para. 13.

<sup>21</sup> *Cellular South TTY-RTT Transition Waiver Order*, 30 FCC Rcd 14404. The *Cellular South TTY-RTT Transition Waiver Order* was modified on January 15, 2016, to amend the compliance date for the condition requiring customer notification regarding the limitations of TTY technology when used with IP-based wireless services. Because Cellular South stated it would not implement IP-based wireless calling until the summer of 2016, the compliance date for that condition was changed from the original date, 30 days after release of the Order, to a new compliance date, 20 days prior to the date that Cellular South commences the provision of IP-based wireless calling services. See *Cellular South TTY-RTT Transition Waiver Modification Letter* at 2.

<sup>22</sup> CCA Petition at 3.

<sup>23</sup> *Id.* at 3.

<sup>24</sup> *Id.* at 3-4.

<sup>25</sup> *Id.* at 3.

<sup>26</sup> *Id.* at 14-15.

CCA, on behalf of its participating members, agrees to meet substantially [the] same conditions [set out in the *AT&T TTY-RTT Transition Waiver Order*], as applied and clarified in subsequent waivers. Specifically: (1) no later than twenty days prior to the roll-out of IP-based wireless calling, or within sixty days of the effective date of the waiver, whichever is later, CCA's participating members will commence providing customer notification of the absence of TTY capabilities for 911 calling over IP-based networks, and inform customers of alternative means of reaching 911, which will continue throughout the waiver period; and, (2) once every six months, CCA will file with the Commission, and make available to their participating members' customers, reports detailing participating members' progress toward implementing RTT.<sup>27</sup>

11. In addition, CCA states that, on behalf of its participating members, it "likewise agrees to organize or file" a preliminary report similar to that required of Verizon and Cellular South, providing specific evidence of its members' plans for developing and deploying an alternative accessibility solution. CCA states that this report would detail "ongoing coordination with other carriers working to develop RTT, educational efforts regarding RTT, and implementation plans that will facilitate RTT."<sup>28</sup>

12. Noting that the Commission "has required AT&T, Verizon, and Cellular South to deploy their RTT, or other IP-based, accessible text solution by December 31, 2017," CCA requests additional time for RTT deployment by its members.<sup>29</sup> CCA claims that "[b]ecause of their size and dominance of the technical ecosystem, development of a fully interoperable and backwards-compatible solution, will necessarily be driven by AT&T and Verizon," that "it is unlikely that, at this point in RTT development, [CCA members] will be involved in the process of developing these standards and manufacture cycles," and that "there is little certainty with regard to the intricacies of establishing RTT interoperability or backwards compatibility, and whether smaller carriers will have the appropriate devices and resources to achieve deployment under the current timeframe."<sup>30</sup> Therefore, CCA requests that the Commission allow its nationwide carrier members, T-Mobile USA, Inc., and Sprint, until June 30, 2018, and its other participating members until June 30, 2019, to deploy RTT.<sup>31</sup>

### III. DISCUSSION

13. A Commission rule may be waived for "good cause shown."<sup>32</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>33</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>34</sup> Such a waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.<sup>35</sup>

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<sup>27</sup> CCA Revised Petition at 5-6 (footnotes omitted).

<sup>28</sup> *Id.* at 6.

<sup>29</sup> *Id.* at 7.

<sup>30</sup> *Id.* at 7-8.

<sup>31</sup> *Id.* at 8-9.

<sup>32</sup> 47 C.F.R. § 1.3.

<sup>33</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>34</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>35</sup> *Northeast Cellular*, 897 F.2d at 1166.

14. We find that, based on CCA's representations, good cause has been demonstrated to grant CCA members temporary waivers of the rules requiring that TTY technology be supported for IP-based wireless services.<sup>36</sup> Specifically, we are persuaded that the members of CCA, to the extent that they offer (or will offer) IP-based wireless service, are similarly situated to AT&T, Verizon, and Cellular South with respect to their need for a waiver.<sup>37</sup> As holds true for those companies and for the reasons enumerated in the *AT&T TTY-RTT Transition Waiver Order*, we are persuaded that the Commission's goals of ensuring access to communications services specifically for individuals with disabilities and more broadly for the general public will be best served by granting a temporary limited waiver of the Commission's TTY requirements for CCA members' wireless IP offerings, subject to the conditions set forth in this Order.<sup>38</sup>

15. We note that, while we believe that the service providers that have been granted waivers to date have not implemented WiFi calling and VoLTE-only wireless networks (for which TTY connectivity cannot be reliably achieved) before being granted waivers of our TTY connectivity rules, the Commission has not received such assurances from the members of CCA.<sup>39</sup> Even where a waiver request is pending due to technical issues with compliance, waiver applicants have an obligation to comply with all applicable regulations prior to being granted a waiver. Where a waiver applicant seeks a *nunc pro tunc* waiver after failing to comply, the Commission has required applicants to demonstrate that they exercised reasonable diligence in attempting to comply.<sup>40</sup> Notwithstanding our lack of such assurances in this instance, given that the record indicates it is unlikely that significant harm will immediately result from such noncompliance,<sup>41</sup> we will grant temporary waivers as discussed below.

16. It is important, however, for the Commission to be able to determine which providers are covered by any waivers granted. In this regard, CCA suggests:

[A]ny carrier that needs a waiver, if deemed necessary, should be granted that waiver conditioned upon that carrier notifying the Commission of its intention to meet the requirements set out in the *AT&T Waiver Order*. This will provide a streamlined way for the Commission to track to

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<sup>36</sup> The rules subject to this waiver include sections 6.5, 7.5, 14.20, 14.21, 20.18(c) and 64.603 of the Commission's rules. 47 C.F.R. §§ 6.5, 7.5, 14.20, 14.21, 20.18(c), 64.603. See *supra* note 5.

<sup>37</sup> See *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10866, para. 23.

<sup>38</sup> See *id.* at 10858-62, paras. 8-16. As we clarified in the *AT&T RTT-TTY Transition Waiver Order* (*id.* at 10861, para. 13 n.47), we remind CCA that nothing in this Order waives or otherwise limits its members' obligations under section 214(a) of the Act, pursuant to which "[n]o carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby." 47 U.S.C. § 214(a).

<sup>39</sup> AT&T reportedly deferred its deployment of a Wi-Fi calling service in order to first obtain a waiver of the TTY support requirements. AT&T Petition at 3. Similarly, Verizon sought and received a waiver of these requirements before its scheduled transition to a VoLTE-only network. AT&T Petition at 2 & n.3, citing *Verizon Moving to VoLTE Everywhere, but Traditional Network Important to IoT, CFO Says*, Communications Daily (May 20, 2015). Cellular South, which also was granted such a waiver, does not plan to commence IP-based wireless calling until this summer. *Cellular South TTY-RTT Transition Waiver Modification Letter* at 2.

<sup>40</sup> See, e.g., *Blanca Tel. Co. v. FCC*, 743 F.3d 860 (D.C. Cir. 2014) (affirming the Commission's denial of *nunc pro tunc* waivers of hearing aid compatibility rules to non-complying carriers that failed to show they exercised reasonable diligence in attempting to meet compliance deadline set by the Commission).

<sup>41</sup> See *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10859-61, 10866, paras. 10-13, 23 (explaining that, due to the very low level of wireless usage of TTYs, as well as other factors, grant of a waiver is unlikely to cause significant harm to consumers who rely on text for access to wireless networks, and, given these factors, finding that enforcement of the TTY support requirements "would impose significant burdens on carriers and service providers, while offering very limited, unreliable benefits to consumers and the public interest").

which carriers the waiver applies, and to ensure that carriers meet their commitments.<sup>42</sup>

17. To this end, we require CCA members that seek the benefit of the waiver granted by this Order to identify themselves to the Commission no later than July 19, 2016, and to affirm that, as CCA has represented, they are aware of the commitments stated in CCA's revised petition. CCA members that do not "opt in" to receive protection under this waiver order by that date must submit a separate waiver request, with an appropriate showing of justification, in order to obtain a waiver of the TTY support rules.

18. Our conclusion that granting waivers to CCA members serves the public interest is premised on their plans to follow the same notification and reporting practices as other waiver grantees. In its revised petition, after noting that the *AT&T TTY-RTT Transition Waiver Order* contemplated that the conditions stated in that order will also apply to other parties granted waivers, CCA states that, on behalf of its participating members, it plans to meet substantially those same conditions, as applied and clarified in subsequent waivers. Thus, our understanding is that CCA's participating members that take advantage of this waiver will do the following:

- First, at least 20 days prior to the date that a provider's provision of IP-based wireless calling services commences, or within 60 days after the date of this Order,<sup>43</sup> whichever is later, CCA's participating members will commence providing customer notification of the absence of TTY capabilities for 911 calling over IP-based networks, and inform customers of alternative means of reaching 911,<sup>44</sup> which will continue throughout the waiver period. Such notification will be made through effective and accessible channels of communication, including via the service provider's website, billing statements, promotional materials, communications with national consumer organizations, and other effective means of communications. The notice will be prominently placed and in plain language on the CCA member's website and in the materials described above.<sup>45</sup>
- Second, once every six months, CCA will file with the Commission on behalf of its members, and members will make available to their participating members' customers using the same channels described above, reports detailing participating members' progress toward implementing RTT.<sup>46</sup> The first of these reports will be provided on October 20, 2016. The report will identify each CCA member on whose behalf it is filed and convey accurately and with the required level of detail the progress and status, including an estimated timetable, of the selected accessibility solutions for each CCA member covered by the report. These reports will include, but not be limited to, information on interoperability with the technologies deployed or to be deployed by other service providers, backward compatibility with TTYs, and efforts by CCA members to

<sup>42</sup> CCA Petition at 16; *see also* CCA Revised Petition at 5.

<sup>43</sup> CCA states: "These notifications would be rolled out over time. Web and text-based notifications can be implemented more quickly; materials accompanying billing statements or in printed materials require a longer lead time to implement." CCA Revised Petition at 5. Although our prior waiver orders allowed carriers only 30 days to provide such notifications, we agree that 60 days is a reasonable period for CCA's participating members, allowing them greater flexibility in light of their varying capabilities and the wide variety of circumstances under which they will have to provide such notifications.

<sup>44</sup> These alternatives should include, without limitation, TTY capability over the PSTN, various forms of PSTN-based and IP-based TRS, and text-to-911 (where available). To the extent that a covered CCA member begins to make RTT available, it must ensure that all 911 calls made by persons seeking emergency assistance using this technology are delivered in accordance with the obligations of all telecommunications carriers, including wireless carriers, to transmit 911 calls to the appropriate PSAP or local emergency authority. *See* 47 CFR §§ 64.3000, 64.3001; *see also AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10863-64, para. 18 & n.71.

<sup>45</sup> *See AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10863-64, para. 18 & n.71.

<sup>46</sup> *See id.* at 10864, para. 19 & n.72.

ensure delivery of 911 calls to the appropriate PSAP.<sup>47</sup> Any obstacles to achieving such interoperability and backward compatibility with TTY will be described in detail, as well as the steps being taken to overcome them.

- Third, CCA will file on behalf of its participating members, by July 19, 2016, a preliminary report with the Commission describing, with greater specificity than is provided in the CCA Petition, each CCA member's initial plans for meeting the commitment to develop and deploy RTT or an alternative text-based solution that is accessible, interoperable with other carriers' accessibility solutions, and backward compatible with TTY technology. The report will identify each CCA member on whose behalf it is filed and will convey accurately and with the required level of detail, as indicated above, each CCA member's plans for developing and deploying an accessibility solution.

19. *Waiver Duration.* At this time, we are not prepared to grant CCA's request for its members to have additional time to deploy an RTT solution, beyond the time granted in the waivers awarded to AT&T, Verizon, and Cellular South. We acknowledge CCA's concerns about the possible need for smaller carriers to have added time, given what CCA characterizes as the lesser role that these carriers are expected to play in the standards setting process for RTT, as well as their lack of certainty about the intricacies of achieving interoperability and backward compatibility with TTYs.<sup>48</sup> We further understand that the Commission has granted additional time for Tier II and Tier III wireless carriers in other contexts.<sup>49</sup> However, we believe that consideration of the merits of granting such additional time is best left to the full Commission, which will have the benefit of complete record on this issue through the pending RTT rulemaking proceeding, or to subsequent consideration by the Bureaus in light of that record.

20. Given that several carriers have reported to the Commission that deployment of RTT by December 31, 2017 is feasible, we therefore apply the same timeline for the expiration of CCA's waivers as we have applied to all other carriers, subject to possible adjustment in light of the RTT proceeding. Accordingly, in this order, we determine that the waiver granted to CCA and its members shall expire on the sooner of December 31, 2017, or the effective date of rules providing for alternative IP-based accessibility solutions.<sup>50</sup>

21. In conclusion, we believe that CCA has shown good cause for the Commission to waive temporarily its rules requiring that TTY technology be supported for covered CCA members' IP-based wireless services. We thus grant the temporary waiver until December 31, 2017, or until the effective date of rules providing for alternative IP-based wireless accessibility solutions, whichever is earlier, to those CCA members that submit a filing by July 19, 2016, identifying themselves and acknowledging CCA's commitment on their behalf to follow the procedures described herein. This waiver does not affect requirements for the support of TTY technology for any wireline services or for any wireless services not offered on an IP network.<sup>51</sup>

#### IV. ORDERING CLAUSES

22. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), 225, 255, and 617 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 225,

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<sup>47</sup> See *id.* at 10863-64, paras. 18-19. Additionally, each covered CCA member should continue to coordinate with PSAPs on implementing text-to-911 service.

<sup>48</sup> CCA Revised Petition at 7-8.

<sup>49</sup> *Id.* at 8 (citations omitted).

<sup>50</sup> See *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10865, para. 21.

<sup>51</sup> See *id.* at 10866, para. 23.



255, 716, and sections 0.91, 0.131, 0.141, 0.191, 0.291, 0.361, 0.392, 0.331, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.131, 0.141, 0.191, 0.291, 0.361, 0.392, 0.331, 1.3, this Order is ADOPTED.

23. IT IS FURTHER ORDERED that CCA's petition for waiver filed on November 3, 2015, and its revised petition filed April 8, 2016, ARE GRANTED to the extent described herein.

24. IT IS FURTHER ORDERED that the temporary waiver of sections 6.5, 7.5, 14.20, 20.18(c), and 64.603 of the Commission's rules, 47 C.F.R. §§ 6.5, 7.5, 14.20, 20.18, 64.603, and any other Commission rules that require support of TTY technology as an accessible solution for VoIP networks, SHALL BE EFFECTIVE upon release, as to any CCA member that identifies itself and affirms CCA's commitment on its behalf to follow the procedures described herein, and SHALL EXPIRE December 31, 2017, or upon the effective date of rules providing for alternative IP-based accessibility solutions, whichever is earlier.

25. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to: <mailto:fcc504@fcc.gov>, or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

FEDERAL COMMUNICATIONS COMMISSION

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