

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 )
)
Comcast Corporation )
)

ORDER

Adopted: July 20, 2018

Released: July 20, 2018

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) grants a temporary, limited waiver to Comcast Corporation (Comcast) of the Commission's requirements to support text telephony (TTY) technology over Internet protocol (IP)-based wireless services.1 This waiver expires on June 30, 2021.

II. BACKGROUND

2. The Commission's rules require defined classes of communications service providers and manufacturers to support TTY technology to (1) call 911 emergency services,2 (2) utilize telecommunications relay services (TRS),3 and (3) access telecommunications and advanced communications services.4 Presently, these obligations are waived for IP-based wireless services provided by AT&T, Verizon, Cellular South, the Competitive Carriers Association (CCA), the Iowa Independent Telephone Companies (ITC), and TracFone Wireless, Inc.5 Because, during the waiver period, individuals with disabilities are unable to access IP-based wireless technologies, each of the waivers granted to date has been conditioned on a commitment by the grantee to (1) provide notification

1 Comcast Corporation, Petition for Waiver, GN Docket No. 15-178 (filed Jan. 25, 2018) (Comcast Petition for Waiver).

2 47 CFR § 20.18(c).

3 47 CFR § 64.603.

4 47 CFR §§ 6.3(b), 6.5, 7.3(b), 7.5, 14.20, 14.21(d).

5 See 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); 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); Order, 31 FCC Rcd 3778 (CGB PSHSB WTC WCB 2016) (CCA TTY-RTT Transition Waiver Order); Order, 32 FCC Rcd 529 (CGB 2017) (Iowa ITC TTY-RTT Transition Waiver Order); Order, 32 FCC Rcd 6675 (CGB 2017) (TracFone TTY Support Waiver Order); Petition for Extension of Waiver of Rules Requiring Support of TTY Technology, Order, 32 FCC Rcd 10470 (CGB 2017) (TracFone Waiver Extension).

to customers as to the absence of TTY capabilities for 911 calling over IP-based networks and information on alternative ways to make these calls; and (2) file periodic reports with the Commission describing the grantee's progress toward implementing a newer form of text communication, real-time text (RTT), as an alternative accessibility solution to TTY technology.<sup>6</sup>

3. On December 16, 2016, the Commission released the *RTT Report and Order* amending the TTY support rules to permit wireless service providers to fulfill their obligations under those rules by supporting RTT in lieu of TTY technology.<sup>7</sup> In the order, the Commission set initial RTT implementation dates for wireless service providers and manufacturers and extended the expiration dates for all previously granted waivers to the earliest RTT implementation date applicable to each affected provider.<sup>8</sup>

4. *Comcast Petition.* Comcast states that it is a reseller of commercial mobile radio service (CMRS) over Verizon's network and plans to offer a smartphone calling feature that will give its users the ability to make and receive voice calls over a Wi-Fi connection in certain circumstances.<sup>9</sup> Stating that it is unclear whether TTY can be reliably supported over wireless IP networks, Comcast seeks a temporary waiver of the TTY requirements, consistent with the relief previously granted to other providers, to afford Comcast the flexibility to more expeditiously offer IP-based wireless calling capabilities to its end users.<sup>10</sup> Comcast adds that although it is working to expedite deployment of an RTT solution, "out of an abundance of caution" it seeks a waiver until June 30, 2021, the compliance deadline established by the Commission for resellers.<sup>11</sup> Comcast commits to comply with the waiver conditions imposed on prior waiver recipients for the duration of the waiver period.<sup>12</sup>

### III. DISCUSSION

5. A Commission rule may be waived for "good cause shown."<sup>13</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>14</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>15</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>16</sup> Applicants for waivers

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<sup>6</sup> See, e.g., *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10863-64, paras. 18-19. In some cases, petitioners were required to file an initial report describing their plans to implement RTT. See, e.g., *CCA TTY-RTT Transition Waiver Order*, 31 FCC Rcd at 3784, paras. 17-18.

<sup>7</sup> See *Transition from TTY to Real-Time Text Technology; Petition for Rulemaking to Update the Commission's Rules for Access to Support the Transition from TTY to Real-Time Text Technology, and Petition for Waiver of Rules Requiring Support of TTY Technology*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 13568 (2016) (*RTT Report and Order*).

<sup>8</sup> *Id.* at 13602-04, paras. 66-71. The Commission established different implementation timelines for Tier I and non-Tier I CMRS providers. See *id.* at 13602, para. 66.

<sup>9</sup> Comcast Petition for Waiver at 2 n.4.

<sup>10</sup> *Id.* at 2.

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

<sup>12</sup> *Id.* at 3, 6-7. Specifically, Comcast agrees to apprise customers of any limitations related to TTY technology on its calling platform, to file a report with the Commission, and to inform its customers regarding its progress toward and the availability of new IP-based accessibility solutions. *Id.* at 6.

<sup>13</sup> 47 CFR § 1.3.

<sup>14</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>15</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>16</sup> *Northeast Cellular*, 897 F.2d at 1166.

of the TTY support rules also must describe the wireless services they provide, explain the difficulties posed by supporting TTY technology over wireless IP networks, and state their expectations as to their deployment of accessible text alternatives to TTY technology, as well as a commitment to achieving compliance with the reporting requirements and other specified conditions.<sup>17</sup>

6. We find that, based on Comcast's representations, good cause has been demonstrated to grant Comcast temporary waiver of the Commission's rules requiring that TTY technology be supported for IP-based wireless services.<sup>18</sup> Specifically, we are persuaded that Comcast, to the extent that it offers (or will offer) IP-based wireless service, is similarly situated to the other providers granted waivers, with respect to its need for a waiver. As holds true for those providers and for the reasons enumerated in the first in the series of our TTY waiver orders, 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 Comcast's wireless IP offerings, subject to the conditions set forth in this Order.<sup>19</sup>

7. *Waiver Conditions.* TTY transition waivers granted to wireless providers generally have been conditioned on a commitment by the grantee to (1) provide notification to customers as to the absence of TTY capabilities for 911 calling over IP-based networks and information on alternative ways to make these calls; and (2) file periodic reports with the Commission describing the grantee's progress toward implementing RTT.<sup>20</sup> We apply these two conditions to the waiver granted to Comcast.<sup>21</sup> Specifically, within thirty days of the effective date of this waiver order and throughout the waiver period, Comcast must apprise its customers through effective and accessible channels of communication, including via Comcast's website, billing statements, promotional materials, communications with national consumer organizations, and other effective means of communications, that (1) TTY technology will not be supported for calls to 911 services over IP-based wireless services; and (2) there are alternative public switched telecommunications network (PSTN)-based and IP-based accessibility solutions for people with communication disabilities for such calls. As part of meeting the first condition, to the extent that Comcast begins to make RTT available, Comcast also 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.<sup>22</sup> The required notification must be prominently placed and in plain language on Comcast's website and in the materials described above. It must further include a listing of text-based alternatives to 911, including, but not limited to, TTY capability over the PSTN, various forms of PSTN-

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<sup>17</sup> See *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10865-66, para. 22 (setting forth these criteria for waiver applicants).

<sup>18</sup> The rules subject to this waiver include sections 6.5, 7.5, 14.20, 20.18(c), and 64.603 of the Commission's rules. 47 CFR §§ 6.5, 7.5, 14.20, 20.18(c), 64.603; *see also id.* §§ 6.3(b), 7.3(b), 14.21(d) (providing definitions and performance objectives regarding TTY support).

<sup>19</sup> See *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10858-62, paras. 8-16.

<sup>20</sup> See, e.g., *id.* at 10863-64, paras. 18-19.

<sup>21</sup> See Comcast Petition for Waiver at 3, 6-7 (agreeing to comply with these conditions). Although the *AT&T TTY-RTT Transition Waiver Order* stated that waiver requests would be viewed most favorably if they specified with particularity the steps taken by the carrier to ensure accessible and interoperable text alternatives, including timetables and milestones for such implementation, *id.*, the Bureau concluded in the *Iowa ITC TTY-RTT Transition Waiver Order*, that in light of the Commission's adoption of the *RTT Report and Order*, which provides guidance and timetables on implementation of RTT, the provision of such information is no longer necessary. *Iowa ITC TTY-RTT Transition Waiver Order*, 32 FCC Rcd at 531-32, 533, paras. 9, 11 & nn.24, 34. For the same reason, we conclude that an initial report is unnecessary in this instance.

<sup>22</sup> 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.

based and IP-based TRS, and text-to-911 (where available).<sup>23</sup> The provision of this information is necessary to ensure that, during the waiver period, there is no expectation on the part of consumers with disabilities that TTY technology will be supported by Comcast's IP-based wireless services, and to ensure that these consumers know that alternative accessible telecommunications options exist.

8. Second, every six months, Comcast shall file with the Commission, and make available to their customers using the same channels described above, reports detailing their progress toward implementing RTT.<sup>24</sup> The first such report shall be filed on January 16, 2019. This report shall include information on the availability to Comcast's customers of an RTT solution developed by Comcast's underlying carriers and the progress and status of Comcast's RTT solutions.<sup>25</sup>

9. *Waiver Duration.* In the *RTT Report and Order*, in which the Commission amended its rules to provide for the deployment of RTT as an alternative accessibility solution, the Commission set an initial RTT implementation date of June 30, 2021 for all resellers of CMRS, regardless of whether the underlying carrier is a Tier I provider, noting that such entities "may not be able to support RTT . . . until after the technology has been implemented by both Tier I and non-Tier I facilities-based CMRS providers."<sup>26</sup> Because Comcast is a reseller of Verizon's CMRS,<sup>27</sup> we set June 30, 2021, as the expiration date for Comcast's waiver, in accordance with the Commission's policy in the *RTT Report and Order*.<sup>28</sup>

#### IV. ORDERING CLAUSES

10. 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), (j), 225, 255, 716, and sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, this Order is ADOPTED.

11. IT IS FURTHER ORDERED that Comcast's Petition for Waiver filed on January 25, 2018, IS GRANTED to the extent described herein.

12. 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 voice over IP networks, SHALL BE EFFECTIVE upon release, and SHALL EXPIRE on June 30, 2021.

<sup>23</sup> See *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10863-64, para. 18.

<sup>24</sup> See *id.*

<sup>25</sup> See *id.*; *TracFone Waiver Extension*, 32 FCC Rcd at 10473, para. 9 (likewise approving a waiver for a reseller of CMRS). Comcast's progress reports should indicate the extent to which RTT solutions are available from its underlying carriers, in addition to providing information on its own progress toward implementing RTT solutions. See *id.* at 10473, para. 9 n. 31. Details on the progress of Comcast's RTT solutions should address, among other things, achieving interoperability with RTT technologies deployed by other service providers, backward compatibility with TTYs, including any obstacles to achieving such interoperability and backward compatibility, as well as the steps being taken to overcome them, and efforts to ensure the delivery of 911 calls to the appropriate PSAP. See, e.g., *AT&T TTY-RTT Transition Waiver Order*, 30 FCC Rcd at 10863-64, paras. 18-19; *TracFone Waiver Extension*, 32 FCC Rcd at 10473, para. 9.

<sup>26</sup> *RTT Report and Order*, 31 FCC Rcd at 13602, paras. 66 n.249, 67.

<sup>27</sup> Comcast Petition for Waiver at 2 n.4, 3 & n.6.

<sup>28</sup> See *RTT Report and Order*, 31 FCC Rcd at 13604, para. 71. This expiration date is based on Comcast's representation that it is operating as a reseller. With respect to wireless services, if any, that Comcast may provide as a facilities-based service provider, the waiver granted herein, to the extent applicable, will expire on June 30, 2020, the earliest RTT implementation date for non-Tier I service providers. *Id.* at 13602, 13604, paras. 66, 71; see Comcast Petition for Waiver at 1 (seeking a waiver "of any Commission rules that obligate a service provider to support text telephony ('TTY') technology when it provides an Internet protocol ('IP')-based wireless calling functionality, whether as a facilities-based carrier or as a reseller") (emphasis added).

13. 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 & Governmental Affairs Bureau at (202) 418-0530 (voice), (844) 432-2275 (videophone), or (202) 418-0432 (TTY).

FEDERAL COMMUNICATIONS COMMISSION

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