



Federal Communications Commission
Washington, D.C. 20554

July 20, 2018

DA 18-755

Donald L. Herman, Jr.
Herman & Whiteaker, LLC
6720 B Rockledge Drive, Suite 150
Bethesda, MD 20817

Re: Petition for Waiver of Rules Requiring Support of TTY Technology, GN Docket No. 15-178

Dear Mr. Herman:

By this letter, the Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission (FCC or Commission) determines that the temporary, limited waiver of the Commission's text telephony (TTY) support requirements granted to members of the Competitive Carrier Association (CCA) on April 20, 2016, continues to apply to Upper Midwest Wireless, LLC (UMW).¹ We provide this letter in response to UMW's request for such clarification, submitted because UMW is no longer a member of CCA.²

On April 20, 2016, CGB, the Public Safety and Homeland Security Bureau, the Wireless Telecommunications Bureau, and the Wireline Competition Bureau (Bureaus) granted CCA members a temporary waiver, with respect to the provision of Internet Protocol (IP) based wireless service, of the Commission rules requiring support for text telephony (TTY) technology.³ For CCA members to receive the benefit of this waiver, the Bureaus required each of CCA's members to "opt in" to the waiver by identifying themselves to the Commission no later than July 19, 2016, and by affirming their awareness of CCA's commitments on which the waiver was conditioned.⁴ Specifically, the *CCA Waiver Order* required each of CCA's participating members to commit to: (1) providing customer notification regarding lack of support for TTY 911 calling over IP-based networks and the availability of alternative means of reaching 911; and (2) participating in a semi-annual report to the Commission by CCA regarding CCA members' progress toward implementing RTT technology.⁵

¹ See *Petition for Waiver of Rules Requiring Support of TTY Technology; Competitive Carrier Association*, Order, 30 FCC Rcd 3778, 3778, para. 1 (CGB PSHSB, WTB, WCB 2016) (*CCA Waiver Order*); see also *Transition from TTY to Real-Time Text Technology et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 13568, 13602, para. 66 (2016) (modifying the expiration dates for waivers of TTY requirements).

² Letter from Donald L. Herman, Jr., Counsel for Upper Midwest Wireless, LLC to Marlene H. Dortch, Secretary, FCC, GN Docket No. 15-178, at 2 n.4 (filed Apr. 20, 2018) (UMW Letter).

³ The rules subject to the 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.

⁴ *CCA Waiver Order*, 31 FCC Rcd at 3784, para. 17.

⁵ *Id.* at 3784-85, para. 18. CCA members are required to make this report available to their customers.

UMW followed the specified procedure for opting into the TTY waiver,⁶ and was included in CCA's reports of members' progress toward implementing real-time text (RTT) technology.⁷ Based on UMW's Letter, we conclude that the circumstances that led to UMW's request for coverage under the waiver have not changed.⁸ Further, UMW represents that it complied with the waiver conditions while a CCA member, and we accept UMW's commitment to continue to do so as a separate entity, including by independently submitting the semi-annual progress reports that were previously submitted by CCA on its behalf.⁹ On this basis, we conclude that the finding of good cause and the grant of waiver in the *CCA Waiver Order* continue to apply to UMW, notwithstanding the change in CCA's membership status.

Accordingly, 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, 255, 716, and sections 0.141, and 0.361 of the Commission's rules, 47 CFR §§ 0.141, 0.361, CGB determines that the *CCA Waiver Order* continues to apply to UMW.

Sincerely,

Patrick Webre
Chief
Consumer and Governmental Affairs Bureau

⁶ Competitive Carriers Association Preliminary Report, GN Docket No. 15-178, Attach at 37 (filed July 19, 2016) (UMW opt-in).

⁷ See, e.g., CCA First Progress Report, GN Docket No. 15-178, Attach. at 1-2 (filed Oct. 20, 2016); CCA Second Progress Report, GN Docket No. 15-178, Attach. at 1-2 (filed Apr. 20, 2017); CCA Third Progress Report, GN Docket No. 15-178, Attach. at 1-2 (filed Oct. 20, 2017). Each of these reports detailed the RTT deployment status of CCA's members, which included UMW at those times.

⁸ UMW Letter at 1-2.

⁹ UMW Letter at 2 (adopting CCA's April 2018 progress report by reference, notwithstanding its departure from the association). Under the current circumstances, we allow UMW Letter's to serve as UMW's most recent progress report, due on April 20, 2018.