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

In the Matter of	)	
	)	
Structure and Practices of the Video Relay Service Program	)	CG Docket No. 10-51
	)	
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
	)	
	)	

ORDER ON RECONSIDERATION AND ORDER SUSPENDING COMPLIANCE DEADLINE

Adopted: March 3, 2020 **Released: March 3, 2020**

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. Video relay service (VRS), a form of telecommunications relay service (TRS), enables people with hearing or speech disabilities who use American Sign Language (ASL) to employ video equipment to communicate with voice telephone users.[1] To ensure that consumers can communicate and port their service between VRS providers, the Commission requires VRS providers to ensure their services are interoperable and portable and has delegated rulemaking authority to the Consumer and Governmental Affairs Bureau to adopt technical standards. In 2017, the Bureau adopted two such standards: (1) a VRS provider-to-provider communications standard, the VRS Provider Interoperability Profile; and (2) a VRS provider-to-user-device communications standard, the Interoperability Profile for Relay User Equipment (RUE Profile). Although VRS providers have successfully implemented the Provider Interoperability Profile, for technical and other reasons the mandate to implement the RUE Profile has never taken effect.

2. In response to a petition filed by one VRS provider and supported by others as well as a coalition of consumer advocates, we now reconsider the Bureau-adopted rule mandating implementation of the RUE Profile. Given the unfinished status of that standard, as well as the successes achieved to date in ensuring interoperability and portability among VRS providers, we find that requiring compliance with the RUE Profile at this time will not provide additional benefits sufficient to justify the cost of compliance. Upon completion of the standards development process for the RUE Profile or an appropriate substitute standard, should one be developed, the Bureau will reinitiate a rulemaking for the purpose of incorporating the standard by reference. To allow time for completion of that process, we suspend until further notice the April 29, 2020 deadline for compliance with the Commission-adopted rule mandating VRS provider interoperability with the VRS access technology reference platform (VATRP), a user software product designed to enable VRS interoperability testing.

[1] 47 CFR § 64.601(a)(47) (defining VRS); *see also* 47 U.S.C. § 225(a)(3) (defining TRS).

II. BACKGROUND

3. In the *2013 VRS Reform Order*, the Commission amended its rules to codify and clarify VRS providers' obligations to ensure the interoperability and portability of their services and user devices with one another and with off-the-shelf user devices.[2] This interoperability rule ensures that VRS users can make and receive VRS and direct video calls irrespective of the VRS providers serving the calling and called parties, and that registered users can switch to a different default VRS provider without changing their VRS devices or software.[3]

4. The Commission delegated rulemaking authority to the Bureau to improve interoperability by adopting technical standards developed under the auspices of a voluntary, consensus standard organization.[4] In addition, to enable VRS providers and others to assess the interoperability of their VRS platforms, devices, and software by testing themselves against a common, standards-compliant example of VRS user software, the Commission directed the development of a universal testing tool, the VATRP.[5] Compliance with the technical standards incorporated in the Commission's rules and interoperability with the VATRP (when activated) are prerequisites for a VRS provider to receive compensation from the TRS Fund.[6]

5. In August 2016, the Bureau proposed to incorporate into the VRS interoperability rule two technical standards:[7] (1) a VRS provider-to-provider communications standard, US Video Relay Service Provider Interoperability Profile (VRS Provider Interoperability Profile);[8] and (2) a VRS provider-to-user-device communications standard, the RUE Profile.[9] In January 2017, the Bureau issued a Report and Order adopting both technical standards.[10] Compliance with the RUE Profile, however, was required only for connections between VRS provider platforms and the VATRP for the purpose of interoperability testing.[11] In addition, the Bureau incorporated by reference a standard xCard export

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[2] *Structure and Practices of the Video Relay Service Program*; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8639-40, paras. 40-42 (2013) (*2013 VRS Reform Order*).

[3] *Id.* at 8639-40; 47 CFR § 64.621(a)(1)-(2).

[4] *2013 VRS Reform Order*, 28 FCC Rcd at 8643, para. 49. The Commission tasked the Chief Technology Officer and the Chief of the Office of Engineering and Technology with coordinating Commission support for and participation in the development of such technical standards and directed CGB to consult with them in conducting its rulemakings. *Id*. at 8642-43, paras. 48-49.

[5] *Id.* at 8644-47, paras. 53-61; *see* 47 CFR § 64.601(a)(47) (defining the VATRP).

[6] *2013 VRS Reform Order*, 28 FCC Rcd at 8644, 8646, paras. 51, 58; 47 CFR § 64.621(b)(3).

[7] *Structure and Practices of the Video Relay Service Program et al.*, Further Notice of Proposed Rulemaking, 31 FCC Rcd 8777 (CGB 2016) (*2016 Bureau Interoperability FNPRM*).

[8] US Video Relay Service (VRS) Provider Interoperability Profile, Version 15, SIP Forum Document Number: VRS US Providers Profile TWG-6-1.0 (Oct. 14, 2015) (Provider Interoperability Profile).

[9] Interoperability Profile for Relay User Equipment (July 20, 2016) (RUE Profile), https://datatracker.ietf.org/doc/draft-vrs-rue-dispatch/.

[10] *Structure and Practices of the Video Relay Service Program*; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 687 (CGB 2017) (*2017 Bureau Interoperability R&O*); *see also* 47 CFR § 64.621(b).

[11] *2017 Bureau Interoperability R&O*, 32 FCC Rcd at 691-92, paras. 11-14; 47 CFR § 64.621(b). However, the rule adopted by the Bureau requires compliance with IETF RFC 6351, one of the technical standards included in the RUE Profile, with respect to all user access technology.

interface to enable consumers, when changing their default VRS providers, to port their contact lists in xCard SML format.[12] The Bureau sought additional comment on whether to mandate broader application of the RUE Profile standard to other user devices and software.[13]

6. In May 2017, Sorenson Communications, LLC (Sorenson) filed a petition for reconsideration of the RUE Profile requirement, or alternatively, suspension of the April 27, 2018 compliance deadline.[14] Among other things, Sorenson questions whether the RUE Profile and VATRP are needed to test interoperability, claims that VRS providers' compliance costs were not sufficiently considered, and contends the Bureau lacked authority to adopt the RUE Profile, asserting that it was not developed by a "voluntary consensus standard organization."[15] Sorenson also contends that the RUE Profile and VATRP are incomplete, arguing, for example, that they do not sufficiently address communications security and users' ability to update registered locations for 911 purposes.[16] Various VRS providers and a coalition of consumer advocacy organizations filed comments or reply comments.[17]

7. The mandate to comply with the RUE Profile has never taken effect. In April 2018, the Bureau suspended the RUE Profile compliance deadline until April 29, 2019.[18] Later, in response to a joint request from the five VRS providers,[19] the Bureau further extended the compliance deadline until

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[12] *See* 47 CFR § 64.621(b)(2), (c)(2)(ii) (referencing IETF RFC 6351). The RUE Profile also includes the xCard specification; however, as noted above, the mandate for compliance with the RUE Profile was limited to connections between VRS providers and devices using the VATRP. The Bureau incorporated the xCard standard by reference as a distinct technical standard to ensure its universal implementation in VRS access technology. *2017 Bureau Interoperability R&O*, 32 FCC Rcd at 692-93, paras. 15-16.

[13] *2017 Bureau Interoperability R&O*, 32 FCC Rcd at 691-92, 694-95, paras. 11-14, 22-25.

[14] Sorenson, Petition for Partial Reconsideration, or in the Alternative, Suspension of the RUE Implementation Deadline, CG Docket Nos. 10-51 and 03-123 (filed May 30, 2017) (Sorenson Petition).

[15] *Id*. at 4-13, 17-18.

[16] *Id*. at 14-17.

[17] *See* Comments of ZVRS Holding Company, ZVRS, and Purple Communications (filed Aug. 7, 2017) (supporting the petition while urging the Commission to improve interoperability through other efforts); Comments of ASL Services Holdings, LLC dba GlobalVRS (filed Aug. 7, 2017) (urging the Commission to address the issues raised in the petition); Reply Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, Association of Late-Deafened Adults, Inc., Cerebral Palsy and Deaf Organization, and Deaf Seniors of America (filed Aug. 17, 2017) (Consumer Groups 2017 Reply Comments) (stating continued interoperability concerns but not objecting to a "brief and finite delay" in RUE Profile and VATRP implementation if necessary to address claimed technical and functional flaws); Reply Comments of Convo Communications, LLC (filed Aug. 17, 2017) (urging the Commission to refrain from requiring compliance with the RUE Profile at that time); Reply Comments of Sorenson Communications, LLC (filed Aug. 17, 2017); Reply Comments of ZVRS Holding Company, ZVRS, and Purple Communications (filed Aug. 17, 2017).

[18] *Structure and Practices of the Video Relay Service Program*; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Order, 33 FCC Rcd 4042 (CGB 2018) (*First Compliance Deadline Extension Order*).

[19] Petition of ASL Services Holdings, LLC dba GlobalVRS, CSDVRS,LLC dba ZVRS, Convo Communications, LLC, Purple Communications, Inc., and Sorenson Communications, LLC for Suspension of the Rue Profile and Video Access Technology Reference Platform Implementation Deadline, CG Docket No. 10-51 and 03-123 (filed Feb. 8, 2019), https://ecfsapi.fcc.gov/file/10208235450041/Joint%20Provider%20Pet%20for%20Suspension%20of%20RUE%20Deadline%20v7(final).pdf (Joint VRS Providers Petition). The VRS providers, as well as other parties, filed a number of additional ex parte submissions expressing various views on this matter in CG Docket Nos. 10-51 and 03-123. *See*, *e.g.*, Letter from Gabrielle Joseph, ASL Services Holdings, LLC, dba GlobalVRS (GlobalVRS), Jeff Rosen, Convo Communications, LLC (Convo), Michael Maddix, Sorenson, and Gregory Hlibok, ZVRS Holding Company

(continued….)

April 29, 2020. Meanwhile, the Commission's contractor, MITRE Corporation, revised the RUE Profile and VATRP in an effort to address areas of concern identified by VRS providers. In February 2019, MITRE submitted the revised version of the RUE Profile to the Internet Engineering Task Force (IETF) for review by an IETF-sponsored working group, and this review process has not yet been completed.[20]

8. During these suspension periods, Sorenson's petition for reconsideration has remained pending. On December 5, 2019, Sorenson requested the Commission to stay indefinitely the enforcement of VRS provider obligations to comply with the RUE Profile and interoperate with the VATRP.[21]

III. ORDER ON RECONSIDERATION

9. The Bureau reconsiders its 2017 decision incorporating the RUE Profile and deletes the interoperability rule's reference to that standard. The record indicates that there are limited benefits to be gained from implementing the current version of the RUE Profile, which is undergoing review by a standards development organization, and based on the current record we cannot say at this time that such limited benefits outweigh the costs of implementation.

10. *Benefits*. On the benefit side, the record indicates that the need for a mandatory provider-to-device technical standard to ensure objective interoperability testing is not as critical as appeared to be the case when this rulemaking began. In 2013, when the Commission delegated authority to the Bureau to adopt VRS technical standards, interoperability could not be assured due to the absence of any applicable standards,[22] and there were disputes among providers over who was responsible for alleged

(Continued from previous page)
(ZVRS) (collectively, VRS Providers), to Marlene H. Dortch, FCC (filed Oct. 17, 2018) (VRS Providers Oct. 17, 2018 *Ex Parte* Letter); Letter from Tamar E. Finn and Danielle Burt, Morgan Lewis & Bockius LLP, to Marlene H. Dortch, on behalf of Telecommunications for Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Cerebral Palsy and Deaf Organization (CPDO), Deaf Seniors of America (DSA), and the Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing at Gallaudet University (RERC-Gallaudet) (filed Oct. 31, 2018) (Consumer Groups and RERC Oct. 31, 2018 *Ex Parte* Letter); Letter from VRS Providers to Marlene H. Dortch (filed Nov. 2, 2018) (VRS Providers Nov. 2, 2018 *Ex Parte* Letter); Letter from VRS Providers to Marlene H. Dortch (filed Nov. 21, 2018) (VRS Providers Nov. 21, 2018 *Ex Parte* Letter); Letter from VRS Providers to Marlene H. Dortch (filed Dec. 19, 2018); Letter from Julie A. Veach, Harris, Wiltshire & Grannis, LLP, to Michael Carowitz, FCC, on behalf of Sorenson (filed Mar. 4, 2019) (Sorenson Mar. 4, 2019 *Ex Parte* Letter); Letter from VRS Providers to Marlene H. Dortch (filed Mar. 18, 2019) (VRS Providers Mar. 18, 2019 *Ex Parte* Letter); Letter from Henning Shulzrinne, Columbia University, Brian Rosen, and Paul Kyzivat to Marlene H. Dortch (filed Mar. 19, 2019) (Shulzrinne *et al*. Mar. 19, 2019 *Ex Parte* Letter); Letter from Gerard Buckley, President, National Technical Institute for the Deaf, Rochester Institute of Technology (RIT), and Gary Behrn, Director, Center on Access Technology, RIT, to Marlene H. Dortch (filed Mar. 20, 2019) (RIT/NTID Mar. 20, 2019 *Ex Parte*); Letter from Tamar E. Finn and Danielle Burt to Marlene H. Dortch, on behalf of TDI, NAD, American Association of the DeafBlind, DSA, CPDO, Registry of Interpreters for the Deaf, Inc., Gallaudet University Alumni Association, Hearing Loss Association of America, American Deafness and Rehabilitation Association, Northern Virginia Resource Center for Deaf and Hard of Hearing Persons, and RERC-Gallaudet (filed Mar. 22, 2019) (Consumer Groups and RERC Mar. 22, 2019 *Ex Parte* Letter).

[20] *See* IETF, *Datatracker, Interoperability Profile for Relay User Equipment*, https://datatracker.ietf.org/doc/draft-rosen-rue/history (last visited Feb. 27, 2020); https://datatracker.ietf.org/wg/rum/history (last visited Feb. 27, 2020).

[21] Sorenson, Petition for Stay of the RUE Profile and VATRP Compliance Obligations, CG Docket Nos. 10-51 & 03-123 (filed Dec. 5, 2019) (Sorenson Stay Petition); *see also* Letter from Gabrielle Joseph, GlobalVRS, to Marlene H. Dortch (filed Dec. 18, 2019) (supporting a stay until the RUE Profile and VATRP are fully developed); Comments of Convo Communications, LLC (filed Dec. 18, 2019) (supporting stay); Letter from Tamar E. Finn and Danielle Burt to Marlene H. Dortch, on behalf of TDI, NAD, CPDO, and Association of Late-Deafened Adults (filed Dec. 23, 2019) (Consumer Groups Dec. 23, 2019 *Ex Parte* Letter) (urging that any stay be limited to a specific time period).

[22] *See, e.g.*, *2013 VRS Reform Order*, 28 FCC Rcd at 8640, para. 42 n.112 (citing VRS provider comments asserting the need for interoperability standards).

failures of interoperability.[23] More recently, however, the record indicates substantial improvement. For example, the other technical standards adopted in 2017—the Provider Interoperability Profile and the xCard standard for porting consumer contact lists—appear to have been implemented successfully.[24] Further, VRS providers now work together to ensure interoperability through an informal process in which engineers from each company collaborate on interoperability testing and information exchange.[25] In addition, MITRE has established a testing laboratory environment that enables effective testing of interoperability using provider-supplied user devices and software.[26] In short, even though (due to the Bureau's suspension orders) compliance with a provider-to-user-device technical standard has not been required to date, processes to implement the substance of the Commission's current interoperability and portability rules are in place and have produced positive results.

11. More fundamentally, the RUE Profile remains a work in progress. The version of the RUE Profile adopted by the Bureau in 2017, while made publicly available through the IETF, did not complete the formal standards development process of that organization. A revised version has been submitted to the IETF for consideration under the IETF's formal process, but the IETF working group has not yet completed its review. No benefit can be gained by enforcing compliance with a technical standard that is not ready to be implemented.

12. *Costs*. The record indicates that implementation of the RUE Profile at this time would require VRS providers to incur substantial costs. Sorenson estimates that its costs would be at least {[ ]} for the original version of the RUE Profile, and {[ ]} for the revised version.[27] In addition, Sorenson estimates that supporting and managing VRS customers who use the VATRP would cost {[ ]} annually.[28] We expect that other VRS providers would face similar costs, and those providers agree with Sorenson that implementation costs would be substantial.[29] In addition to these implementation costs, which could result in increased TRS funding requirements, RUE Profile compliance may impose additional indirect costs that are difficult to quantify, including, e.g., costs caused by unforeseen technical problems and security issues arising out of consumer use of the VATRP,[30] as well as potential opportunity costs due to the diversion of engineering and research resources from technical improvements that may offer greater benefit to consumers.[31]

13. In light of the VRS providers' and MITRE's success in implementing VRS interoperability standards and establishing a testing process, and the unfinished status of the RUE Profile and VATRP, we conclude on reconsideration that mandating compliance at this time with the RUE

[23] *See, e.g.*, *id*. at 8644, para. 53 & n.134.

[24] *See, e.g.*, VRS Providers Nov. 2, 2018 *Ex Parte* Letter at 2; VRS Providers Mar. 18, 2019 *Ex Parte* Letter at 2.

[25] *See, e.g.*, VRS Providers Nov. 2, 2018 *Ex Parte* Letter at 2; VRS Providers Mar. 18, 2019 *Ex Parte* Letter at 2.

[26] VRS Providers Mar. 18, 2019 *Ex Parte* Letter at 2 ("MITRE, as the National Test Lab, also regularly tests providers' endpoints for interoperability and provides the results to the Commission.").

[27] Sorenson Mar. 4, 2019 *Ex Parte* Letter at 5 (confidential version). In this Order, confidential information is set off by brackets and will be redacted from the publicly available version of the Order.

[28] *Id*.

[29] VRS Providers Oct. 17, 2018 *Ex Parte* Letter at 3.

[30] *See, e.g.*, Sorenson Mar. 4, 2019 *Ex Parte* Letter at 5-8 (detailing numerous security and technical concerns, including, e.g., potential hacking of VRS provider platforms and costs incurred in diagnosing and fixing technical issues of VATRP-using customers).

[31] *See, e.g.*, Consumer Groups and RERC Mar. 22, 2019 *Ex Parte* Letter (noting "an apparent mismatch between consumer priorities, features that have been deemed important in the RUE Specification by its developers, and features that have been deemed important by the providers").

Profile for the limited purpose of ensuring interoperability with the VATRP can produce no benefits sufficient to justify the costs of implementation.

14. Some commenters argue that, given the importance of achieving full interoperability, we should retain the RUE Profile in our rules and merely suspend the compliance deadline for a finite period, as we have in the past.[32] However, we have no way of predicting when the IETF standards process to review the RUE Profile will be completed. Further, the VRS providers have recently launched a parallel standards development project in a different organization, the SIP Forum. We anticipate that the finished product of either process is unlikely to be the same standard that is currently referenced in the rule. We conclude that it would not serve the public interest to maintain a deadline for compliance with a version of a standard that is unlikely ever to be implemented.

15. However, we are mindful that, in amending its rules to codify VRS providers' interoperability and portability obligations, the Commission clearly stated its expectation that VRS interoperability technical standards should specifically address "access technology," i.e., provider-issued equipment, software, or other technology that can be used to make and receive a VRS call.[33] Therefore, we concur with the view of many commenters that work should continue on the development of VRS technical standards for the interoperability and portability of user devices and software, as well as for the encryption and authentication of video communications and the communication of a user's registered location for purposes of 911 calling.[34] Therefore, we will maintain this docket as an open proceeding, to allow for consideration of new or updated technical standards, including further consideration of provider-to-device standards, should they be submitted for our consideration. Upon the submission of appropriate standards on these matters, whether developed by the IETF or other voluntary consensus standards organizations, the Bureau will exercise its delegated authority to consider incorporating them into the TRS rules.[35]

IV. ORDER SUSPENDING COMPLIANCE DEADLINE

16. In addition to reconsidering the incorporation of the RUE Profile into the Commission's rules, we suspend until further notice the April 29, 2020 deadline for compliance with the requirement for providers to ensure interoperability with the VATRP.[36] Because the VATRP interoperability requirement

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[32] *See* Consumer Groups 2017 Reply Comments at 7; Consumer Groups Dec. 23, 2019 *Ex Parte* Letter at 2.

[33] *See, e.g.*, *2013 VRS Reform Order*, 28 FCC Rcd at 8641, para. 43 ("[T]he development of interoperability and portability standards and the availability of a VRS access technology reference platform will improve the efficiency of the program by making it far easier for providers to design VRS access technologies to the appropriate standard, and to test their compliance with those standards prior to deployment."); *id*. at 8644, para. 53 ("The record indicates that the lack of clearly defined interoperability and portability standards has made it difficult for providers to determine whether VRS access technologies—theirs or a competitor[']s—are, in fact, compliant with our requirements.").

[34] *See, e.g.*, Consumer Groups and RERC Oct. 31, 2018 *Ex Parte* Letter at 2-4; VRS Providers Mar. 18, 2019 *Ex Parte* Letter at 2. The version of the RUE Profile submitted for consideration by the IETF includes provisions on encryption and geolocation. *See, e.g.*, Shulzrinne *et al*. Mar. 19, 2019 *Ex Parte* Letter at 2. Similarly, encryption, authentication, and 911 location are addressed in proposed updates to the VRS Provider Interoperability Profile recently submitted by VRS providers to the SIP Forum. Letter from Julie A. Veach, Counsel for Sorenson, to Marlene H. Veach, FCC Secretary at 2 (filed Dec. 20, 2019).

[35] *See 2013 VRS Reform Order*, 28 FCC Rcd at 8643, para. 49.

[36] *See* 47 CFR § 64.621(a)(3). As a legal matter, our reconsideration of the Bureau's 2017 amendment incorporating the RUE Profile results in the text of section 64.621(a)(3) reverting to the text adopted by the Commission in 2013, which provides, in part, that "all VRS providers must ensure that their VRS access technologies and their video communication service platform are interoperable with the VRS Access Technology Reference Platform." *See id*. § 64.621(a)(3)(2016); *infra* Appendix B.

was adopted by the full Commission in the *2013 VRS Reform Order*, it is final and is no longer subject to reconsideration.[37] Accordingly, to the extent that Sorenson's petition requests reconsideration of the mandate to implement the VATRP, it comes too late, and is therefore dismissed.[38] However, the Bureau-established compliance deadline for this requirement is subject to waiver or suspension by the Bureau for "good cause shown."[39] Good cause exists when particular facts would make strict compliance inconsistent with the public interest.[40] The Commission may also take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[41]

17. We find good cause to suspend the deadline for VRS provider compliance with the VATRP interoperability rule. The primary purpose of the VATRP is to enable VRS providers to ensure that "any VRS access technology they develop or deploy is fully compliant with [the Commission's] interoperability and portability requirements."[42] To achieve this purpose, there must be an access technology standard—in other words, a standard governing user devices and software—with which VRS providers must comply. Given that the standard for provider-device interoperability is currently "in flux,"[43] we conclude that, assuming interoperability with the VATRP is feasible in the absence of a settled, mandatory provider-to-device standard, the purpose of the rule would not be served by requiring such interoperability prior to the completion of the standards development processes currently underway.[44] Therefore, we conclude that suspension of the VATRP compliance deadline is consistent with the public interest.

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[37] *See 2013 VRS Reform Order*, 28 FCC Rcd at 8646, para. 58; 47 U.S.C. § 405(a) ("A petition for reconsideration must be filed within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of."); *see also* 47 CFR § 1.429(d).

[38] *See* 47 CFR § 1.429(l).

[39] *Id*. § 1.3 (providing for suspension, amendment, or waiver of Commission rules, in whole or in part, for good cause shown). As discussed above, in the *2016 Bureau Interoperability FNPRM*, the Bureau set a compliance deadline of April 27, 2018, which has been extended twice, to April 29, 2019, and April 29, 2020.

[40] *Northeast Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C.Cir.1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C.Cir.1969)). While this line of cases concerns the Commission's authority to waive its rules, the same good cause basis and corresponding standard equally apply to a determination to suspend the Commission rules or any part thereof. *See, e.g.*, *Closed Captioning of Video Programming, Order Suspending Effective Date*, 24 FCC Rcd 14777 (2009) (finding good cause to suspend a provision of the Commission's closed captioning rules in order to permit resolution of an apparent conflict with certain statutory provisions).

[41] *See WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

[42] *2013 VRS Reform Order*, 28 FCC Rcd at 8644, para. 53.

[43] *See* Sorenson Stay Petition at 13. We also note, based on the record to date, that the current version of the VATRP is usable only with Microsoft Windows operating systems, which the record indicates is not the operating system most commonly used by VRS consumers at present. *See, e.g.*, VRS Providers Nov. 21, 2018 *Ex Parte* Letter at 4. Versions of the VATRP that can be downloaded to Apple PCs or Apple or Android mobile phones have not yet been developed. The Commission directed that the VATRP be usable on commonly available off-the-shelf operating systems, such as Microsoft Windows, Apple MacOS, Apple iOS, and Google Android (*2013 VRS Reform Order*, 28 FCC Rcd at 8645, para. 55 & n.141).

[44] Moreover, requiring such compliance in the absence of a provider-device standard is likely to increase the difficulty and costs involved in ensuring compliance. For example, additional costs would be imposed on VRS providers to undertake substantial engineering work, which would need to be repeated upon the completion of a revised standard. *See* Sorenson Stay Petition at 13.

V. PROCEDURAL MATTERS

18. *Congressional Review Act*. The Commission will send a copy of this Order on Reconsideration to Congress and the Government Accountability Office pursuant to the Congressional Review Act.[45]

19. *Paperwork Reduction Act Analysis*. This document does not contain new or modified or proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA).[46] Therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.[47]

20. *Regulatory Flexibility Act (RFA)*. In the Order on Reconsideration, because we are reversing a rule amendment and not adopting any new requirements, our present action is not an RFA matter.[48] We therefore conclude and certify that no Final Regulatory Flexibility Analysis is required under the RFA, as amended.[49] The Order on Reconsideration will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the Federal Register.[50]

21. 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 and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

VI. ORDERING CLAUSES

22. 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), (j), 225, and sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, the petition for reconsideration filed by Sorenson Communications, LLC, is GRANTED in part and DISMISSED in part.

23. IT IS FURTHER ORDERED that the Order on Reconsideration SHALL BE EFFECTIVE 30 days after publication in the Federal Register.

24. IT IS FURTHER ORDERED that Sorenson's Petition for Stay is granted in part and otherwise dismissed as moot.

25. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), the Order Suspending Compliance Deadline is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre,
Chief
Consumer and Governmental Affairs Bureau

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[45] *See* 5 U.S.C. § 801(a)(1)(A).

[46] Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3520 (2016).

[47] 44 U.S.C. § 3506(c)(4).

[48] *See* 5 U.S.C. § 604.

[49] *See* 5 U.S.C. §§ 601-612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[50] 5 U.S.C. § 605(b).

APPENDIX A

Final Rules

The Federal Communications Commission amends Title 47 of the Code of Federal Regulations as follows:

Part 64 - MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: [INSERT CURRENT AUTHORITY CITATION]

2. Amend section 64.621 by revising paragraphs (a)(3) and (c)(2) to read as follows:

§ 64.621 Interoperability and portability.

(a) *General obligations of VRS providers.*

* * * * *

(3) All VRS providers must ensure that their VRS access technologies and their video communication service platforms are interoperable with the VRS Access Technology Reference Platform, including for point-to-point calls. No VRS provider shall be compensated for minutes of use involving their VRS access technologies or video communication service platforms that are not interoperable with the VRS Access Technology Reference Platform.

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(c) *Incorporation by reference.* * * *

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(2) The following standards are available from the Internet Engineering Task Force (IETF) Secretariat, 5177 Brandin Court, Fremont, CA 94538, 510-492-4080.

(i) Internet Engineering Task Force (IETF) Request for Comments (RFC) 6351, xCard: vCard XML Representation (August 2011) https://tools.ietf.org/html/rfc6351

(ii) [Reserved]