



PUBLIC NOTICE

Federal Communications Commission
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DA 20-427

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION FOR EMERGENCY WAIVER AND DECLARATORY RULING OF TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC., ET AL.

CG Docket Nos. 03-123, 10-51, and 10-210

Comment Date: May 4, 2020

Reply Comment Date: May 11, 2020

The Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission) seeks comment on a Petition for Emergency Waiver and Declaratory Ruling filed by Telecommunications for the Deaf and Hard of Hearing, Inc., and eight other consumer advocacy groups (Consumer Groups).¹ The Consumer Groups ask the Commission to (1) temporarily waive the Telecommunications Relay Services (TRS) user registration and per-call validation rules to the extent necessary to ensure that all persons with hearing and speech disabilities can communicate via TRS during the novel coronavirus (COVID-19) pandemic;² and (2) issue a declaratory ruling that TRS providers can receive compensation from the TRS Fund for the distribution of software used for TRS access by deaf-blind individuals, including those who do not qualify as low-income individuals under the National Deaf-Blind Equipment Distribution Program (NDBEDP).³

Filing Requirements. Interested parties may file comments on or before the date indicated on the first page of this document.⁴ All filings must reference CG Docket Nos. 03-123, 10-51, and 10-210. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.

¹ Petition for Emergency Waiver and Declaratory Ruling of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), American Association of the Deaf-Blind (AADB), National Association of the Deaf (NAD), Hearing Loss Association of America (HLAA), Association of Late-Deafened Adults (ALDA), Cerebral Palsy and Deaf Organization (CPADO), American Deafness and Rehabilitation Association (ADARA), Deaf Seniors of America (DSA), and Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University (DHH-RERC), CG Docket Nos. 03-123, 10-51, 10-210 (filed Apr. 2, 2020), <https://ecfsapi.fcc.gov/file/1040206364837/2020.04.02%20TDI%20AADB%20et%20al.%20Relay%20Emergency%20Waiver%20and%20Declaratory%20Ruling%20Petition.pdf> (Consumer Groups Petition).

² Consumer Groups Petition at 2-5 (citing 47 CFR § 64.611); *see also* Executive Office of the President, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

³ Consumer Groups Petition at 5-7; *see* 47 CFR § 64.610 (establishing NDBEDP).

⁴ *See* 47 CFR §§ 1.1, 1.45, 1.49.

⁵ *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- **Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings at the Commission's headquarters. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.**

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY).

Additional Information. For further information regarding this Notice, please contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716 or by e-mail to William.Wallace@fcc.gov.

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⁶ 47 CFR §§ 1.1200 *et seq.*