

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

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

ORDER

Adopted: May 14, 2020

Released: May 14, 2020

By the Chief, Consumer and Governmental Affairs Bureau:

1. With this Order, on our own motion, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission) extends through June 30, 2020, the temporary waivers recently granted by the Bureau of certain rules governing the Telecommunications Relay Service (TRS).1 On our own motion, we also temporarily waive two additional TRS rules to facilitate the ability of Internet Protocol Relay (IP Relay) service providers to offer service from home workstations during the national COVID-19 emergency2 and of registered Video Relay Service (VRS) users to make calls from outside the United States, effective from the release date of this Order through June 30, 2020.3

2. Extension of Previously Granted Waivers. In the March 16 TRS Waiver Order and the April 3 TRS Waiver Order, the Bureau found good cause to temporarily waive certain rules governing TRS to ensure the uninterrupted availability of TRS during the extraordinary circumstances presented by the COVID-19 pandemic. We found that increased TRS traffic levels and reduced call center staffing severely challenged TRS providers' ability to answer and process all TRS calls and the ability of persons with speech and hearing disabilities to communicate using TRS. Those orders are effective through May

1 See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program, CG Docket Nos. 03-123 and 10-51, Order, DA 20-281, paras. 3-5 (CGB rel. Mar. 16, 2020) (temporarily waiving multiple TRS rules to ensure continued services at increased demand levels during COVID-19 emergency) (March 16 TRS Waiver Order); Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program, CG Docket Nos. 03-123 and 10-51, Order, DA 20-378 (CGB rel. Apr. 3, 2020) (temporarily waiving rule restricting VRS providers from contracting for interpretation services with non-VRS certified entities during COVID-19 emergency) (April 3 TRS Waiver Order).

2 See 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 See 47 CFR § 1.3 (providing for suspension, amendment, or waiver of Commission rules, in whole or in part, on the Commission's own motion or pursuant to a petition, for good cause shown). Good cause may be found if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest. Northeast Cellular Tel. Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see also WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972).

15, 2020.<sup>4</sup> We noted that we would continue to monitor this situation and address in a further order any necessary extension of this relief.<sup>5</sup>

3. At this time, the national emergency continues, and “stay-at-home” and “social distancing” restrictions remain in effect in many state and local jurisdictions, with uncertain timetables for their removal.<sup>6</sup> Federal, state, and local governments are still engaged in planning how they will allow schools, businesses, and localities to reopen. TRS providers, which report continuing higher levels of calling and longer call durations, assert that the waivers granted by the Bureau “have been essential to ensuring uninterrupted service for hundreds of thousands of Americans with hearing loss during the current COVID-19 crisis.”<sup>7</sup> Given the absence of material change in the circumstances justifying grant of these waivers, the absence of any evidence of abuse, and the vital importance of providing robust, reliable TRS for persons who are deaf, hard of hearing, or deafblind, or have speech disabilities, and consistent with other Commission actions related to the pandemic,<sup>8</sup> we find good cause to extend the previously-granted TRS rule waivers through June 30, 2020.

4. *IP Relay 911 Waiver.* We grant a temporary waiver of a provision of the emergency call handling rules for IP Relay.<sup>9</sup> Section 9.14(b)(2)(v) of the Commission’s rules provides that, when an Internet-based TRS provider is handling a 911 call, and one or both “legs” of the call are disconnected, the provider must immediately reestablish contact with a 911 caller and/or the Public Safety Answering Point (PSAP), as applicable, and resume handling the call.<sup>10</sup> Like other TRS providers, the current IP Relay provider is seeking to meet the exigencies of the COVID-19 emergency by moving its communications assistants (CAs) from call centers to home workstations.<sup>11</sup> However, due to the way that IP Relay service is currently configured, CAs working at home may not have access to the technical capabilities needed to reestablish both legs of a call.

5. We find good cause to waive section 9.14(b)(2)(v) during this emergency period, to address the technical issues faced by IP Relay CAs working at home, as we do not believe the waiver will pose any increased risk to the safety of IP Relay users. The reconnection requirement was adopted in 2008, before the Commission required the assignment of 10-digit telephone numbers to IP Relay users.<sup>12</sup>

<sup>4</sup> *March 16 TRS Waiver Order* at para. 1; *April 3 TRS Waiver Order* at para. 1.

<sup>5</sup> *March 16 TRS Waiver Order* at para. 8.

<sup>6</sup> See, e.g., White House Briefings, Guidelines for Opening Up America Again (Apr. 16, 2020) (proposing a three-phased approach to recovery from the COVID-19 pandemic), <https://www.whitehouse.gov/openingamerica/>.

<sup>7</sup> Letter from Angela E. Giancarlo, Counsel for Sorenson Communications LLC and CaptionCall LLC, to Marlene H. Dortch, FCC, CG Docket Nos. 13-24 and 03-123, at 1 (filed May 1, 2020).

<sup>8</sup> See *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Order, DA 20-462 (WCB rel. Apr. 29, 2020) (waiving until June 30, 2020, certain requirements for consumers seeking to qualify for the Lifeline program); “Chairman Pai Extends Keep Americans Connected Pledge Through End of June Due to Ongoing COVID-19 Pandemic,” News Release (rel. Apr. 30, 2020) (extending the FCC Keep Americans Connected Pledge from May 12 to June 30, 2020), <https://www.fcc.gov/document/chairman-pai-extends-keep-americans-connected-pledge-through-june-30>.

<sup>9</sup> IP Relay is a form of TRS “that permits an individual with a hearing or a speech disability to communicate in text using an Internet Protocol-enabled device via the Internet, rather than using a text telephone (TTY) and the public switched telephone network.” 47 CFR § 64.601(a)(20). There is currently only one provider of IP Relay service.

<sup>10</sup> 47 CFR § 9.14(b)(2)(v) (formerly section 64.605(a)(2)(v)). Call-handling rules for TRS 911 calls were relocated to part 9 from part 64 of the Commission’s rules in 2019. *Implementation of Kari’s Law and Section 506 of RAY BAUM’s Act; Inquiry Concerning Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules*, PS Docket Nos. 18-261 and 17-239 and GN Docket No. 11-117, Report and Order, 34 FCC Rcd 6607, 6687-90, paras. 207-16 (2019).

<sup>11</sup> See *March 16 TRS Waiver Order* at para. 2.

Because IP Relay providers are required to transmit that number to the PSAP at the initiation of a 911 call,<sup>13</sup> the PSAP is able to immediately reconnect a disconnected IP Relay call, “render[ing] it unnecessary for the [IP Relay] provider to be involved in reconnecting disconnected 911 calls.”<sup>14</sup>

6. *International VRS Calls.* To ensure that all registered Video Relay Service (VRS) users have access to service during the COVID-19 emergency, we modify the previously granted temporary waiver of section 64.604(a)(7) of the Commission’s rules, which generally prohibits compensation for VRS calls originating from a foreign IP address.<sup>15</sup> The rule only exempts calls placed to the United States by U.S. residents who preregister with their default VRS providers, before leaving the country, to make such calls for a specified period of up to 4 weeks.<sup>16</sup> In the *March 16 TRS Waiver Order*, we temporarily waived this rule with respect to registered VRS users who preregistered and overstayed their specified period of travel.<sup>17</sup> We now extend this waiver to cover registered VRS users who left the United States on or before the date of this Order without first preregistering for international calling with their default VRS provider. As a result of the pandemic, it appears that there are some registered VRS users who traveled abroad without preregistering to use VRS while away, who have no ready means to return to the United States, and who now have a need to communicate with family, friends, and other contacts in the United States even though their original travel plans did not contemplate making VRS calls. Given the applicability of other safeguards against fraud and abuse, whereby VRS providers can confirm the identity of callers even if they did not pre-register to make international calls to the United States before leaving the United

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<sup>12</sup> See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities; E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order, 23 FCC Rcd 5255 (2008) (adopting the reconnection rule); 47 CFR § 64.611 (number assignment requirements).

<sup>13</sup> 47 CFR § 9.14(c)(2)(iii).

<sup>14</sup> *Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 691, 710, para. 39 (2019). In granting a temporary waiver of the reconnection requirement, in analogous circumstances, for providers of certain kinds of Internet Protocol Captioned Telephone Service (IP CTS), the Commission found that circumstances had changed since the rule was adopted, and that transmission of a user’s telephone number to the PSAP enables a disconnected 911 call to be reconnected more quickly and effectively by the PSAP than by the TRS provider. *Id.* at 714, paras. 49-50.

<sup>15</sup> 47 CFR § 64.604(a)(7). VRS enables people with hearing or speech disabilities who use American Sign Language (ASL) to communicate by video with voice telephone users. *Id.* § 64.601(a)(47).

<sup>16</sup> See *id.* § 64.604(a)(7). The Report and Order adopting the rule explained that the time period permitted would be no more than four weeks. *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5564, para. 32 n.105 (2011) (*2011 VRS Fraud Prevention Order*).

<sup>17</sup> See *March 16 TRS Waiver Order* at para. 5.

States, we believe that modifying the previously granted emergency waiver to cover such users will not cause an appreciably increased risk of unauthorized international VRS calling.<sup>18</sup>

7. Accordingly, we find good cause to modify the previously granted temporary waiver of the international calling prohibition to permit VRS users to place calls to the United States from abroad during the emergency waiver period, as long as the user is registered in the TRS-URD, and the call is otherwise compensable by the TRS Fund.

8. We remain committed to the integrity of the TRS program, to guarding against waste, fraud, and abuse, and to ensuring that funds disbursed through the TRS program are used for appropriate purposes. We find that the overwhelming public interest in ensuring the continued availability of TRS services during this national emergency justifies grant of the temporary waivers of sections 9.14(b)(2)(v) and 64.604(a)(7) and to allow these waivers and those granted in the *March 16 TRS Waiver Order* and *April 3 TRS Waiver Order* to remain in effect through June 30, 2020. The Bureau will continue to monitor the emergency situation and will consider and take additional actions as warranted. In the event that the circumstances described in this Order appear likely to persist beyond the expiration of the current waiver period, we will address in a further order any necessary extension of any of the temporary waivers granted in the *March 16 TRS Waiver Order*, the *April 3 TRS Waiver Order*, and this Order.

9. *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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY).

10. *Additional Information.* For further information regarding this item, 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](mailto:William.Wallace@fcc.gov).

11. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 225, and sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, sections 9.14(b)(2)(v) and 64.604(a)(7) of the Commission's rules are WAIVED to the extent described herein, and the temporary waivers granted in the *March 16 TRS Waiver Order*, the *April 3 TRS Waiver Order*, and this Order shall remain in effect through June 30, 2020.

12. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre, Chief  
Consumer and Governmental Affairs Bureau

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<sup>18</sup> The international calling prohibition was adopted to ensure that only known VRS users would be able to make international calls from abroad to the United States. *2011 VRS Fraud Prevention Order*, 26 FCC Rcd at 5564, para. 32 (citing examples of fraudulent VRS calls placed from international points, e.g., by individuals with little or no fluency in ASL, and in which no conversations were relayed). Since the adoption of this rule, the Commission has required preregistration of all VRS users in a central database, the TRS User Registration Database (TRS-URD), where their identity and residence in the United States must be verified by the administrator. See 47 CFR § 64.611 (TRS-URD requirements). This user registration requirement, with stringent vetting of the registrants by the TRS-URD administrator, provides additional assurance that fraudulent VRS calls from outside of the United States would be recognized as such by the VRS provider and the TRS Fund administrator. See also 47 CFR §§ 64.604(c)(iii)(D)-(L) (requiring the submission of call data with payment requests and providing for review of all such requests).