

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

In the Matter of
Telecommunications Relay Services and Speech-
to-Speech Services for Individuals with Hearing
and Speech Disabilities
CG Docket No. 03-123

ORDER

Adopted: October 8, 2021

Released: October 8, 2021

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) conditionally grants the request of the General Services Administration (GSA) for partial waiver of the user registration requirements for two types of telecommunications relay service (TRS) supported by the Interstate TRS Fund: Internet Protocol Relay Service (IP Relay) and Internet Protocol Captioned Telephone Service (IP CTS). This conditional waiver applies only to the provision of IP Relay and IP CTS to federal government employees and on-premises contractors (collectively, federal workers). As a condition of these waivers, we require providers of IP Relay and IP CTS to federal workers to follow an alternative registration process similar to the "enterprise" registration process currently applicable, under the Commission's rules, to video relay service (VRS) another form of Internet-based TRS.

1 General Services Administration (GSA), Petition for a Waiver, CG Docket No. 03-123 (filed Mar. 11, 2021), https://ecfsapi.fcc.gov/file/1031150110993/FCC%20Waiver%20Request_March%202021_signed.pdf (GSA Petition); see also Supplemental Support for GSA's Petition for a Waiver, CG Docket No. 03-123 (filed May 17, 2021), https://ecfsapi.fcc.gov/file/105170757628895/DocuSign_additional_support.docx.pdf (GSA Supplement); Additional Supplemental Support for GSA's Petition for a Waiver, CG Docket No. 03-123 (filed Aug. 13, 2021), https://ecfsapi.fcc.gov/file/108141947327776/second%20additional%20support.docx.pdf (GSA Second Supplement).

2 TRS enables a person who is deaf, hard of hearing, or deafblind or has a speech disability to communicate by telephone or other device through the telephone system. 47 CFR § 64.601(a)(42); see also id. § 64.604(c)(5)(iii) (establishing the TRS Fund).

3 See 47 CFR § 64.611(a) (requirement for registration of IP Relay users); id. § 64.611(j)(1)-(2) (requirements for registration of IP CTS users and transmission of registration data to the TRS User Registration Database); id. § 64.615(a)(6) (prohibiting IP CTS providers from registering, or seeking compensation for service to, users whose identity has not been verified by the TRS User Registration Database). IP CTS is a form of TRS that permits individuals who have difficulty hearing to use a telephone and an Internet Protocol-enabled device via the Internet to simultaneously listen to and read captions of what the other party is saying. Id. § 64.601(a)(22). IP Relay is a form of text-based TRS that uses the Internet to enable individuals with hearing or speech disabilities to communicate with other individuals. Id. § 64.601(a)(23).

4 See id. § 64.611(a)(6).

II. BACKGROUND

2. Section 225 of the Communications Act of 1934, as amended (the Act), directs the Commission to ensure that telecommunications relay services are available, “to the extent possible, and in the most efficient manner,” to individuals “in the United States” who are deaf, hard of hearing, or deafblind or have a speech disability,⁵ a class of beneficiaries that includes many U.S. government employees. Pursuant to the Telecommunications Accessibility Enhancement Act of 1988 (TAEA),⁶ GSA has an overlapping obligation to ensure that the federal government’s telecommunications system is “fully accessible” to individuals with hearing and speech disabilities, including federal government employees, “for communications with and within federal agencies.”⁷ In addition, GSA must maintain “a directory of TTY’s and other devices used by federal agencies” to ensure access to the federal telecommunications system and must publish access numbers for such devices in federal agency directories.⁸

3. For many years, GSA has fulfilled its TAEA obligation in large part by contracting with a single vendor to provide various types of commercial relay services, which are collectively known as “FedRelay.”⁹ To document the fulfillment of GSA’s statutory obligation, the FedRelay contractor has maintained a detailed inventory of both the users and the relay services provided.¹⁰

4. *Transitioning federal workers from FedRelay to TRS.* In considering how to proceed after the expiration of the current FedRelay contract on November 15, 2021,¹¹ GSA approved a plan to transition federal government relay service users to TRS “in lieu of re-competing the duplicative Fed Relay contract.”¹² While FedRelay has a single provider, TRS allows users a choice of providers,

⁵ 47 U.S.C. § 225(b)(1); *see also id.* § 225(a)(3) (defining TRS as “telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio”). To achieve functional equivalency, the Commission’s rules contain operational, technical, and functional minimum standards that govern the provision of TRS. *See* 47 CFR § 64.604 *et seq.*

⁶ Pub. L. No. 100-542, 100 Stat. 2721 (Oct. 28, 1988) (now codified at 40 U.S.C. § 18102).

⁷ *Id.* § 3; 40 U.S.C. § 18102(a).

⁸ 40 U.S.C. § 18102(c), (d).

⁹ GSA Petition at 2; *see also* 40 U.S.C. § 18102(b) (directing GSA to “provide for the continuation of the existing federal relay system”).

¹⁰ GSA Supplement at 1; *see also* 40 U.S.C. § 18102(c) (requiring GSA to maintain a directory of the devices used by federal agencies to comply with GSA’s telecommunications access regulations).

¹¹ *See* U.S. General Services Administration, Federal Relay (FedRelay), Update to the FedRelay Transition, <https://www.gsa.gov/technology/technology-purchasing-programs/telecommunications-and-network-services/federal-relay-fedrelay> (last visited Oct. 6, 2021).

¹² GSA Petition at 3. GSA notes that two FedRelay services, relay conference captioning and video remote interpreting service, are not fully replaceable by TRS. *Id.* Relay conference captioning provides real-time captioning over the Internet for teleconference calls, web conferences, and meetings. *See* Federal Relay, Relay Conference Captioning, <https://www.federalrelay.us/rcc/> (last visited Oct. 6, 2021). Video remote interpreting allows two or more people in a meeting to connect with a sign language interpreter by video over the Internet. *See* Federal Relay, What is Video Remote Interpreting (VRI), <https://www.federalrelay.us/vri/> (last visited Oct. 6, 2021). Independently of FedRelay, GSA explains, services that are equivalent to these two FedRelay services “are available to federal government users through the Multiple Award Schedule (MAS) Language Interpretation Services Special Item Number (SIN) 541930, at comparable or lower prices.” GSA Petition at 3. Although the FedRelay versions of relay conference captioning and video remote interpreting will not be available after November 15, 2021, equivalent services will continue to be available to federal users through this alternative vehicle.

creating incentives for innovation and more rapid service updates.¹³ Further, GSA’s market research indicated that federal government workers would prefer to use the same relay services at work as they use at home.¹⁴ In addition, “[a]necdotal evidence indicated” that some eligible federal employees use personally obtained TRS, in lieu of FedRelay services, to accomplish federal government work.¹⁵

5. *TRS User Registration Requirements.* To prevent waste, fraud, and abuse involving the provision of TRS to ineligible users, the Commission has adopted user registration requirements for each of the three forms of Internet-based TRS—IP CTS, IP Relay, and VRS. There are differences in the rules applicable to each service. Under the IP CTS registration rules, before requesting compensation for service to a new user, a service provider must obtain the consumer’s full name, date of birth, last four digits of the consumer’s social security number, full residential address, and telephone number.¹⁶ In addition, the IP CTS provider must obtain a written certification from the consumer (1) affirming that the consumer has a hearing loss necessitating use of captioned telephone service, (2) acknowledging that the captioning is provided by a live communications assistant and is funded through a federal program, and (3) affirming that the consumer will not permit persons not registered to use the service to make captioned calls on the consumer’s registered service or device.¹⁷ Further, once the Commission’s TRS User Registration Database (User Database) has been activated for inclusion of IP CTS user data, IP CTS providers must transmit this information for entry in and verification by the User Database.¹⁸

6. Providers of IP Relay also are required to register each user of that service, but they are not required to transmit registration data to the User Database.¹⁹ IP Relay providers must verify the accuracy of registration information, including the consumer’s name and mailing address, before issuing the consumer a ten-digit telephone number. The verification procedures must also include a self-

¹³ GSA Petition at 3.

¹⁴ *Id.* at 7; GSA Supplement at 1 (reporting that GSA’s market research showed that federal government workers are better served by use of TRS).

¹⁵ GSA Petition at 3.

¹⁶ 47 CFR § 64.611(j)(1)(i).

¹⁷ *Id.* § 64.611(j)(1)(v); see also *Misuse of Internet Protocol (IP) 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 and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13420, 13449-450, paras. 64-65 (2013) (*2013 IP CTS Registration Order*) (adopting registration and self-certification requirements for IP CTS).

¹⁸ 47 CFR § 64.611(j)(2). The User Database, a centralized system of user registration records, currently contains registration information for VRS users. A primary purpose of the User Database is to help ensure that TRS is provided only to registered users whose eligibility has been established in accordance with program rules and whose identities have been verified based on uniform criteria. See *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, 8651, 8653-56, paras. 72, 78-86 (2013) (*2013 VRS Reform Order*), vacated in part, *Sorenson Communications, Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. 2014). Under the rule requiring IP CTS providers to submit information to the User Database, adopted in 2019, IP CTS providers must submit registration data to the User Database for existing users within one year following notice from the Commission that the User Database is ready to accept such information. 47 CFR § 64.611(j)(2)(iv); see also *Misuse of Internet Protocol (IP) 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, 696-98, paras. 13-15 (2019) (*2019 IP CTS User Database Order*). The required notice for commencing IP CTS data submission has not yet been published.

¹⁹ 47 CFR § 64.611(a)(1), (2).

certification component requiring consumers to verify that they have a medically recognized hearing or speech disability necessitating their use of IP Relay.²⁰

7. Providers of VRS are subject to user registration requirements similar to those applicable to IP CTS providers. However, when providing VRS to businesses, government agencies, and other organizations, VRS providers are allowed to use a simpler “enterprise” registration process, whereby the provider collects information from the business or agency (and transmits such information to the User Database) regarding the specific devices that the enterprise makes available to employees and others needing to use TRS but does not need to collect the detailed user information or certifications applicable to individual registrations.²¹ There is currently no analogous rule permitting “enterprise” registration of IP CTS or IP Relay users.

8. *GSA Petition.* On March 11, 2021, GSA filed a petition seeking waiver of the Commission’s user registration rules for IP CTS and IP Relay services provided to federal workers. Terminating the FedRelay contract does not end GSA’s obligation under TAEA to ensure that the federal telecommunications system is “fully accessible” to individuals with hearing and speech disabilities “for communications with and within federal agencies.”²² In theory, GSA might instruct all eligible users to register individually (or use existing accounts, if already individually registered) for each form of TRS a user requires. However, to carry out the statutory mandate of TAEA, GSA and other federal agencies must be able to track federal government use of relay services, and TRS providers are under no obligation to separately identify federal government users.²³ Therefore, GSA contends, if every federal user were to register individually with a TRS provider, rather than through agency channels, GSA and federal agencies would lack access to the information they need to confirm that the government’s telecommunications system is fully accessible to eligible government users with hearing or speech disabilities and to maintain the directory of access devices and access numbers.²⁴

9. Further, GSA explains, agencies are subject to a variety of restrictions on the collection, use and disclosure of personally identifiable information (PII), which would make aggregating registration information for individual employees burdensome and impractical.²⁵ In addition, individual user registration requirements may preclude some federal employees from being able to access these forms of TRS due to national security restrictions on the release of PII.²⁶

10. As an alternative to an individual registration process, GSA requests that the Commission allow registration of federal government users for IP CTS and IP Relay via a procedure similar to the

²⁰ *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, CC Docket No. 98-67, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, 809, para. 37 (2008).

²¹ 47 CFR § 64.611(a)(6); *see also 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, 34 FCC Rcd 3396, 3410-14, paras. 25-32 (2019) (*2019 VRS Order*).

²² 40 U.S.C. § 18102(a).

²³ GSA Supplement at 1-2; *see also, e.g.*, 40 U.S.C. § 18102(c) (requiring GSA to maintain a directory of the devices used by federal agencies to comply with GSA’s telecommunications access regulations).

²⁴ GSA Second Supplement at 2.

²⁵ GSA Petition at 4.

²⁶ *Id.* at 2, 7. For example, GSA points out, some agencies may be precluded from identifying employees of that agency as it would be considered highly sensitive or create national security implications. *Id.* at 7; *see also* GSA Second Supplement at 1, citing 50 U.S.C. § 3121.

enterprise registration currently permitted for VRS.²⁷ Under this approach, GSA explains, each federal agency would designate an official (Relay Official) who would be responsible for registering IP Relay and IP CTS users and certifying their eligibility.²⁸ According to GSA, use of this alternative procedure would enable GSA and federal agencies to keep track of the number of users that receive TRS and the kinds of TRS that are provided, and to take any necessary steps to ensure that the service received from TRS providers is sufficient for compliance with TAEA.²⁹ GSA explains that the Relay Officials will “provide GSA with data regarding the relay services provided at their agency,” and GSA will then compile this information to document the fulfillment of TAEA’s requirement that “the federal telecommunications system [be] fully accessible” to individuals with hearing or speech disabilities.³⁰

11. *Public Notice and Comments.* By public notice issued March 23, 2021, the Bureau sought comment on GSA’s petition for waiver of the individual user registration requirements for IP CTS and IP Relay.³¹ In comments on the petition, Sorenson Communications, LLC, and CaptionCall, LLC (Sorenson), contend that the requested waiver is not necessary for IP CTS because the VRS enterprise registration rule “implicitly” applies to IP CTS.³² In the alternative, Sorenson urges the Commission to grant a general waiver allowing any organization to register for IP CTS using the VRS enterprise registration procedure.³³

III. DISCUSSION

12. As a threshold matter, and contrary to Sorenson’s contention,³⁴ we conclude that the enterprise registration option, which allows VRS providers serving business and government users to register an organization in lieu of individual employees, is not currently available to IP CTS providers under the Commission’s rules. The enterprise registration rule expressly states that it is applicable to VRS, and makes no mention of IP CTS.³⁵ Further, in adopting user registration requirements for IP CTS, the Commission has not indicated that any class of users (other than the expressly exempted category of residents of temporary emergency shelters)³⁶ is exempt from the requirements.³⁷ In addition, when

²⁷ GSA Petition at 1; *see* 47 CFR § 64.611(a)(6).

²⁸ GSA Supplement at 2.

²⁹ *See* GSA Petition at 1-2; GSA Supplement at 2 (“It is essential that each agency Relay Official maintain awareness of all accommodations used within their agency without the undue burden of collecting the employee’s personally identifiable information as a part of the TRS registration process. This accounting for an agency’s relay accommodations enables the Relay Official to provide GSA with accommodations data, such as the numbers and types of accommodations users, which in turn allows GSA to fulfill its TAEA responsibilities.”); *see also* GSA Second Supplement at 2 (noting that GSA “must be able to provide evidence of fulfillment of these responsibilities upon congressional request”).

³⁰ 40 U.S.C. § 18102(a); *see also* GSA Second Supplement at 2 (noting that GSA’s responsibilities under the TAEA are “subject to congressional oversight”).

³¹ *See Comment Sought on the General Services Administration Petition for a Waiver of TRS User Registration Rule*, CG Docket No. 03-123, Public Notice, 36 FCC Rcd 5702 (CGB 2021).

³² Comments of Sorenson Communications, LLC, and CaptionCall, LLC, re GSA Petition for Waiver, CG Docket No. 03-123, at 2, 3-5 (filed April 2, 2021) (Sorenson Comments). No party commented regarding waiver of the IP Relay registration requirement.

³³ Sorenson Comments at 5.

³⁴ *See id.* at 2, 3-5.

³⁵ 47 CFR § 64.611(a)(6).

³⁶ *See 2019 IP CTS User Database Order*, 34 FCC Rcd at 707, para. 32 (exempting users of temporary, registered IP CTS devices in emergency shelters from registration in the User Database). We note that, had the Commission

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proposing to permit enterprise registration for VRS, the Commission expressly recognized that “[h]istorically, VRS providers have handled and received compensation for VRS calls placed from . . . enterprise and public videophones,”³⁸ but did not accord comparable recognition to a history of enterprise and public IP CTS devices.³⁹ Therefore, absent a waiver, IP CTS providers, as well as IP Relay providers, must collect the required individual registration information from each individual with a hearing or speech disability to whom service is provided.

13. *Waiver Standard.* A Commission rule may be waived for “good cause shown.”⁴⁰ In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.⁴¹ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁴² Good cause for a waiver may be found if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.⁴³

14. *Grant of Waiver.* We find good cause to conditionally waive, solely with respect to the provision of IP CTS and IP Relay to federal government employees and contractors, the user registration

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intended to permit enterprise registration for IP CTS, the emergency shelter exemption would not have been necessary.

³⁷ See *Misuse of Internet Protocol (IP) 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, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703, 726-27, para. 42 (2013) (proposing IP CTS user registration and self-certification requirements); *2013 IP CTS Registration Order*, 28 FCC Rcd at 13449-50, paras. 64-65 (adopting such requirements); *2019 IP CTS User Database Order*, 34 FCC Rcd at 696-707, paras. 14-32 (amending User Database rule to apply to IP CTS). Indeed, the enterprise registration rule for VRS was adopted a few months after adoption of the *2019 IP CTS User Database Order*. See *2019 IP CTS User Database Order*, 34 FCC Rcd 691; *2019 VRS Order*, 34 FCC Rcd 3396. This circumstance, as well as the lack of any reference to an enterprise registration exception in the *2019 IP CTS User Database Order*, makes it even less likely that the absence of any reference to IP CTS in the text of the enterprise registration rule was an unintentional omission.

³⁸ *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, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436, 2482, para. 117 (2017).

³⁹ In proposing to permit enterprise registration for VRS, the Commission also noted that “[c]ompensation for calls from enterprise and public phones has been permitted, because these phone calls have been necessary to provide functionally equivalent telephone service to VRS users, and based on the expectation that, given that most hearing people are not fluent in ASL, it will usually be obvious to the CA if an individual placing a call from such a videophone is ineligible to use VRS.” *Id.* n.278. By contrast, on a number of occasions the Commission has commented on the ease with which IP CTS can be used by individuals who do not need captions for effective communication, and the potential for provider marketing of the service to encourage ineligible use of IP CTS. See, e.g., *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800, 5805-06, paras. 9-10 (2018).

⁴⁰ 47 CFR § 1.3.

⁴¹ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁴² *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.

⁴³ *Northeast Cellular*, 897 F.2d at 1166.

and verification requirements of sections 64.611 and 64.615 of the Commission's rules.⁴⁴ Absent a waiver, application of these registration requirements would substantially hinder or prevent federal agencies from ensuring that the federal telecommunications system complies with TAEA. First, the Commission's rules do not require TRS providers to identify federal government-related usage of TRS.⁴⁵ If federal employees must be registered individually in order to use IP CTS and IP Relay at work, rather than obtaining service through agency channels, GSA and other agencies would be substantially burdened in their ability to determine whether, and to what extent, eligible employees and contractors are in fact receiving relay services sufficient for compliance with TAEA's requirement to make the federal telecommunications system "fully accessible."⁴⁶

15. In addition, the combination of individual user registration requirements and the need for federal agencies to ensure compliance with TAEA raises privacy concerns. To ensure that relay services are provided to all eligible federal employees who need them, GSA and agencies would need to collect the detailed TRS registration information for each federal government user.⁴⁷ This would not only impose new data collection burdens but also raise concerns under federal privacy laws and information management policies, which direct agencies to "[l]imit the creation, collection, use, processing, storage, maintenance, dissemination, and disclosure of PII to that which is legally authorized, relevant, and reasonably deemed necessary for the proper performance of agency functions."⁴⁸

16. Further, some federal government employees and on-premises contractors are restricted, for national security reasons, from disclosing their PII to non-governmental entities.⁴⁹ If required to register as individuals for IP CTS and IP Relay, workers who need these forms of TRS could lose functionally equivalent access to the federal telecommunications system.⁵⁰

17. We agree with GSA that its proposed alternative, a modified form of the VRS enterprise registration procedure (which we require below as a waiver condition), will both enable GSA to carry out its statutory responsibility and ensure that the purposes of the Commission's TRS user registration

⁴⁴ 47 CFR §§ 64.611(b), (j), 64.615.

⁴⁵ See GSA Supplement at 1-2.

⁴⁶ See 40 U.S.C. § 18102(a); see also GSA Supplement at 2-3 (arguing that inflexible application of individual registration requirements could "circumvent the requirement for the agency Relay Official to track the data" on federal workers' TRS usage, leading to insufficient or incomplete data, or both).

⁴⁷ See GSA Petition at 4; GSA Supplement at 1-2.

⁴⁸ OMB Circular No. A-130, "Managing Information as a Strategic Resource," at 17 (July 28, 2016), <https://www.whitehouse.gov/omb/information-for-agencies/circulars/#information> (OMB Circular No. A-130); see also 5 U.S.C. § 552a(e) ("Each agency that maintains a system of records shall— (1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President."). Further, agencies are directed to "[p]rotect information in a manner commensurate with the risk that would result from unauthorized access, use, disclosure . . ." of that information. OMB Circular No. A-130 at 17-18. Finally, federal agencies are prohibited, with certain exceptions, from "deny[ing] to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number." Pub. L. No. 93-579, § 7, 88 Stat. 1909 (Dec. 31, 1974). Accordingly, OMB Circular No. A-130 also directs agencies to "[t]ake steps to eliminate unnecessary collection, maintenance, and use of Social Security numbers, and explore alternatives to the use of Social Security numbers as a personal identifier." OMB Circular No. A-130 at 17.

⁴⁹ See, e.g., 50 U.S.C. § 3121 (imposing criminal penalties on unauthorized disclosure of covert agent's identifying information).

⁵⁰ See GSA Petition at 7 (explaining that "[w]here national security concerns classify the identification of individuals as agency employees, PII could not be used and employees would be denied access to TRS IP Relay and IP CTS if there were no waiver").

requirements continue to be achieved. Under this alternative approach, a Relay Official for each federal agency will collect information on the relay services provided to eligible employees and certify that relay service registrations are used only by eligible employees. By waiving the rule to allow enterprise registration for IP CTS and IP Relay for federal government use, we preserve the ability of GSA and other federal agencies to obtain the information they need to ensure that services provided under the TRS program are sufficient for compliance with TAEA.⁵¹ In addition, this approach advances the goals of the TRS program by ensuring that functionally equivalent communication is available to federal government workers with hearing and speech disabilities.

18. We further find that the purposes of the TRS user registration rules can be effectively achieved in this instance by requiring adherence to enterprise registration procedures similar to those currently authorized for VRS.⁵² A primary goal of our TRS registration policies is to protect the Interstate TRS Fund from waste, fraud, and abuse by ensuring that only eligible users receive the service.⁵³ Requiring providers to obtain certifications from federal agency Relay Officials that are similar to those currently required for VRS enterprise registration⁵⁴ will help prevent use by persons who do not need TRS for effective communication. Just as enterprises control access to the videophones and communications facilities used for communications under a VRS enterprise registration, so too do government agencies control access to the devices and communications facilities used for the analogous IP CTS and IP Relay registrations permitted by this Order. As GSA points out, such agency officials “are bound to adhere to prudent use of government resources,”⁵⁵ and all federal employees have an obligation to “protect and conserve Federal property and shall not use it for other than authorized activities.”⁵⁶ Further, federal employees have an obligation to report waste, fraud, and abuse to the appropriate authorities.⁵⁷ Accordingly, we are persuaded that there will be effective oversight of the use of IP CTS and IP Relay by federal government workers.

19. For the foregoing reasons, we find good cause to waive the individual registration requirements for IP CTS and IP Relay in these particular circumstances, conditioned on the use of an enterprise registration procedure comparable to that currently permitted in the VRS context. This approach ensures that GSA can rely on the TRS program to meet its statutory obligation, alleviating what would otherwise be an undue burden on government agencies and relay service users and allowing more effective implementation of the Commission’s TRS registration policy. Further, granting this waiver serves the public interest by expediting the ability of government workers with hearing and speech

⁵¹ See GSA Supplement at 1-2.

⁵² See 47 CFR § 64.611(a)(6); GSA Petition at 5-7 (proposing to follow such procedures). Government agencies fall within the definition of entities for which VRS enterprise registration is permitted. See 47 CFR § 64.601(a)(16).

⁵³ See *2013 IP CTS Registration Order*, 28 FCC Rcd at 13449-50, paras. 64-65; *2019 VRS Order*, 34 FCC Rcd at 3410, para. 25.

⁵⁴ See 47 CFR § 64.611(a)(6)(ii)(A) (“A default VRS provider for an enterprise . . . shall obtain a written certification . . . for enterprise videophones, that the . . . agency will make reasonable efforts to ensure that only persons with a hearing or speech disability are permitted to use the phone for VRS”).

⁵⁵ GSA Petition at 6.

⁵⁶ 5 CFR § 2635.101(b)(9), quoted in GSA Second Supplement at 2; see also 5 CFR § 2635.704(a) (A federal employee “has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes”).

⁵⁷ 5 CFR § 2635.101(b)(11).

disabilities to use TRS to communicate when performing their employment responsibilities, by making relay services available in what appears to be a more efficient manner than under the FedRelay contract.⁵⁸

20. At this time, we decline Sorenson's suggestion that we grant a broader waiver allowing entities other than federal government agencies to provide access to IP CTS for their employees under enterprise registration.⁵⁹ No organization has petitioned for such a waiver, none is subject to the requirements of the TAEA, and Sorenson's one-paragraph suggestion falls far short of the particularity required for waiver requests.⁶⁰

21. *Coverage of the Waiver.* The scope of this waiver of user registration requirements is limited to TRS-eligible users for whom a provider receives the enterprise registration information described below, and who fall into one of categories of users described in GSA's submissions, i.e., (1) federal government employees or (2) federal contractors who are required to work at a government facility (unless subject to a pandemic-related exception).⁶¹ This waiver does not cover contractors who are teleworking for reasons unrelated to the COVID-19 pandemic, nor does it cover employees of federal contractors working on the premises of their employer. Further, this waiver does not authorize the provision of TRS to any unregistered individual for personal use outside working hours.

22. *Waiver Conditions.* Each IP CTS or IP Relay service provider that provides service to federal government users pursuant to this waiver shall maintain the following information for each registered federal government user: (1) the user's NANP telephone number; (2) the name and physical address of the agency where the user works (and the user's registered location, if applicable⁶² and if different from the physical address of the agency); (3) the date the provider initiates service to the user; (4) the name of the agency official responsible for the registration; and (5) the agency official's certification, described below.⁶³ In addition, to enable the administrator to audit IP CTS usage, each IP CTS enterprise registration allowed by this waiver must include a unique identifier, such as the electronic serial number (ESN) of the user's device or the user's log-in identification or email address.⁶⁴

⁵⁸ See 47 U.S.C. § 225(b)(1) (directing the Commission to ensure that "telecommunications relay services are available, to the extent possible and in the most efficient manner, to [eligible] individuals in the United States"); GSA Petition at 6-7 (affirming the advantages of TRS over FedRelay in terms of vendor choice, accessibility, and efficiency).

⁵⁹ Sorenson Comments at 5.

⁶⁰ See *Rio Grande Radio Fellowship Inc. v. FCC*, 406 F.2d 664, 666 (D.C. Cir. 1968) ("When an applicant seeks a waiver of a rule, it must plead with particularity the facts and circumstances which warrant such action.").

⁶¹ See GSA Second Supplement at 1. In other words, the scope of the waiver includes contractors who would otherwise be working in person at a federal government facility but are allowed to telework due to the pandemic. *Id.*

⁶² Under the Commission's rules, providers of certain forms of IP CTS that are subject to the 911 location requirements of 47 CFR § 9.14(e) may choose to obtain a Registered Location during the registration process so that the information can be transmitted to the Public Safety Answering Point (PSAP) in the event of a 911 call. See *2019 IP CTS User Database Order*, 34 FCC Rcd at 698-99, para. 16 n.47.

⁶³ The information required by this paragraph is comparable to the information that VRS providers must collect for enterprise registration. Cf. 47 CFR § 64.611(a)(6)(iii)(B), (C), (D).

⁶⁴ Cf. 47 CFR § 64.611(j)(2)(i)(D) (requiring a unique identifier for each registered IP CTS user); *2019 IP CTS User Database Order*, 34 FCC Rcd at 704-05, para. 27 (explaining that unlike VRS telephone numbers, IP CTS users' phone numbers are not assigned by the TRS provider and do not uniquely identify an IP CTS account). For example, a single ten-digit telephone number might be assigned to an entire government office, including employees who are and are not eligible for TRS, with each employee having an extension. GSA has not requested that the waiver it seeks allow shared or common use of TRS devices; therefore, enterprise registration permitted by this waiver is limited to one user for each unique identifier. Cf. *2019 VRS Order*, 34 FCC Rcd at 3410-11, para. 27 (allowing VRS enterprise registration of a videophone accessible by more than one user).

23. A provider of IP CTS or IP Relay for a federal government user pursuant to this waiver must obtain a written certification from the agency's Relay Official, or from another agency official that assumes responsibility for registering TRS users, attesting (1) that the certifying official understands the functions of the service and that the cost of TRS calls is financed by the federally regulated Interstate TRS Fund, and (2) that the agency will make reasonable efforts to ensure that only a federal employee or contractor with a hearing or speech disability is permitted to use the service.⁶⁵ The certification must be made on a form separate from any other agreement or form and must include a separate signature specific to the certification described herein.⁶⁶

24. For IP CTS providers, we impose an additional condition, which will be applicable once the User Database begins accepting IP CTS registration information.⁶⁷ Upon the issuance of a public notice establishing due dates for the transmission to the User Database of federal agencies' enterprise registration information required by this waiver, each IP CTS provider shall submit such information to the User Database in accordance with such public notice, for each telephone number registered pursuant to this Order.⁶⁸ The information transmitted shall include the registration information required above, the provider's name, the fact that the telephone number is associated with an enterprise registration for individual use, and a digital copy of the certification required above.⁶⁹ In addition, an IP CTS provider shall enter in the appropriate field of the User Database the unique identifier associated with each registration.⁷⁰ The IP CTS provider must obtain consent for such transmission from the certifying official and maintain the confidentiality of such information in compliance with the same consent and confidentiality requirements applicable to VRS enterprise registration.⁷¹

IV. PROCEDURAL MATTERS

25. *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 Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

26. *Additional Information.* For further information regarding this item, please contact Bill Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418-2716 (voice) or by email to William.Wallace@fcc.gov.

⁶⁵ This certification is modeled on the certification required by section 64.611(a)(6)(ii) of the rules. See 47 CFR § 64.611(a)(6)(ii)(A) ("A default VRS provider for an enterprise or public videophone shall obtain a written certification from the individual responsible for the videophone, attesting that the individual understands the functions of the videophone and that the cost of VRS calls made on the videophone is financed by the federally regulated Interstate TRS Fund, and for enterprise videophones, that the organization, business, or agency will make reasonable efforts to ensure that only persons with a hearing or speech disability are permitted to use the phone for VRS.").

⁶⁶ Cf. 47 CFR § 64.611(a)(6)(ii)(B). An electronic signature that complies with 47 CFR § 64.611(a)(6)(ii)(B) will satisfy this condition.

⁶⁷ The Commission has adopted rule amendments requiring registration of IP CTS users in the User Database, but the TRS administrator has not yet completed the User Database upgrades necessary to accept IP CTS registration data. *2019 IP CTS Registration Order*, 28 FCC Rcd at 13449-450, paras. 64-65. Because Commission rules do not require IP Relay registration in the User Database, IP Relay registration data collected pursuant to this Order need not be transmitted to the User Database.

⁶⁸ Cf. 47 CFR § 64.611(a)(6)(iii) (comparable requirements for VRS enterprise registration).

⁶⁹ Cf. *id.*

⁷⁰ See *id.* § 64.611(j)(2)(i)(D).

⁷¹ See *id.* § 64.611(a)(6)(ii)(C).

V. ORDERING CLAUSES

27. 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 64.611(a)(1), (2), (4), and (6), and 64.611(j)(1) and (2) of the Commission's rules are WAIVED to the extent and subject to the conditions described herein.

28. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's 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