

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

In the Matter of)	
)	
ViaTalk, LLC)	File No. EB-TCD-21-00032021
)	
Informal Complaint Regarding)	
Access to Telecommunications Services)	
)	
)	
)	

ORDER

Adopted: November 29, 2021

Released: November 29, 2021

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Order, we require ViaTalk, LLC (ViaTalk) to take specific steps to ensure that individuals with disabilities have access to information that it provides to its customers, namely product support communications, as required by section 6.11(a) of the Commission’s rules.¹

II. BACKGROUND

2. Section 717 of the Communications Act of 1934, as amended (as added by the Twenty-First Century Video Accessibility Act (CVAA)) authorizes the Commission to direct a service provider to bring its service in compliance if the Commission determines that the service provider has failed to comply with section 255 of the Act.² Section 14.37(b) of the Commission’s rules implements this authorization.³ On August 18, 2021, the Commission determined that ViaTalk violated section 6.11(a) of the Commission’s rules by failing to ensure that individuals with disabilities have access to information, including product support communications, that ViaTalk provides to its customers (ViaTalk Order).⁴

3. In the ViaTalk Order, the Commission proposed to direct ViaTalk to contact Cris Patterson (Patterson) within 14 days of the release date of the Order containing the final remedy (Remedy Order). The ViaTalk Order specifically proposed a remedy that would require ViaTalk (1) to schedule a day and time for a phone call to work with Patterson and his representative to provide information and guidance on restoring Patterson’s interconnected VoIP service, including communication concerning the adapter; (2) to conduct the call with Patterson and his representative within 28 days of the Remedy Order; (3) to establish, within 30 days of the Remedy Order, processes to ensure that complaints by individuals with disabilities are referred promptly to a ViaTalk representative authorized to resolve the matter; and (4) document all efforts to resolve such complaints and retain such documents for twenty-four (24)

¹ 47 CFR § 6.611(a).

² 47 U.S.C. § 618(a)(3)(B)(i).

³ 47 CFR § 14.37(b).

⁴ *ViaTalk LLC, Informal Complaint regarding Access to Telecommunications Services*, Order, FCC 21-96, 2021 WL 3682253 (Aug. 18, 2021).

months.⁵ The ViaTalk Order afforded ViaTalk an opportunity to respond to the proposed remedy.⁶ On August 30, 2021, ViaTalk filed a response noting that it did not object to the proposed remedy.⁷

III. DISCUSSION

4. In this Order, we adopt the remedy proposed in the ViaTalk Order. Specifically, we direct ViaTalk to contact Patterson within 14 days of the release date of this Order to schedule a day and time for a phone call to work with Patterson and his representative to provide information and guidance on restoring Patterson's interconnected VoIP service, including communication concerning the adapter. We also direct ViaTalk to conduct the call with Patterson and his representative within 28 days of this Order. In addition, we direct ViaTalk to establish, within 30 days of this Order, processes to ensure that (1) complaints by individuals with disabilities are referred promptly to a ViaTalk representative authorized to resolve the matter and (2) ViaTalk documents all efforts to resolve such complaints and retains such documents for twenty-four (24) months.

5. Within 60 days of the release of this Order, we further direct ViaTalk to report to the Commission: (1) the date(s) on which a ViaTalk representative contacted Patterson to schedule a call with him and his representative to provide information and guidance on restoring Patterson's ViaTalk interconnected VoIP service, (2) the date on which the parties agreed to conduct the call, (3) the date the call was actually conducted, and (4) the date on which ViaTalk established processes to ensure that complaints by individuals with disabilities are referred promptly to a ViaTalk representative authorized to resolve the matter. ViaTalk should send its report via email to fcebackcess@fcc.gov, karen.johnson@fcc.gov; and Sharon.lee@fcc.gov. ViaTalk should contact Karen Johnson at karen.johnson@fcc.gov with any questions.

IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to section 717 of the Communications Act of 1934, as amended, 47 U.S.C. § 618, and section 14.37 of the Commission's rules, 47 C.F.R. § 14.37, ViaTalk, LLC shall implement the remedy described in paragraph 4 and fulfill the reporting obligations outlined in paragraph 5 herein.

7. **IT IS FURTHER ORDERED** that this Order is effective upon release.

8. **IT IS FURTHER ORDERED** that a copy of this Order be served sent by first class mail and certified mail, return receipt requested, to John Reyes, Vice President, ViaTalk, LLC, 21 Corporate Drive, Suite 203, Clifton Park, NY 12065 and via email to John Reyes, Vice President, ViaTalk LLC at

⁵ *Id.* at para. 27.

⁶ *Id.* at para. 26; *see generally* 47 U.S.C. § 618(a)(4) and 47 CFR § 14.37(c) (requiring that a provider or manufacturer who is determined to be in violation of the violation of section 255, 716, or 718 of this title or sections 6, 7, or 14 of the Commission's rules, respectively, be afforded an opportunity to respond to the proposed remedy before the Commission issues a final order).

⁷ Letter from John Reyes, Vice President, ViaTalk, LLC, to Telecommunications Consumers Division, FCC Enforcement Bureau (emailed on Aug. 18, 2021, 17:08 EDT) (on file in EB-TCD-21-00032021).

john.reyes@hostrocket.com and to Cris Patterson, 1600 Avocado Avenue, Melbourne, FL 32935 and via email to Cris Patterson at crispatt@yahoo.com.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary C. Harold
Chief
Enforcement Bureau