In the Matter of

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 No. 03-123

CG Docket No. 10-51

ORDER

Adopted: February 18, 2021
Released: February 18, 2021

By the Chief, Consumer and Governmental Affairs Bureau:

1. Due to the ongoing COVID-19 national emergency,\(^1\) the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission), on its own motion, extends through August 31, 2021, the temporary waivers of certain rules governing telecommunications relay services (TRS).\(^2\)

2. **Background.** As a result of the COVID-19 pandemic and states’ responsive emergency regulations, TRS traffic levels have increased, and TRS providers’ ability to staff call centers has been sharply reduced, severely challenging providers’ ability to answer and process TRS calls.\(^3\) Therefore, the Commission has temporarily waived certain rules governing TRS to ensure the uninterrupted availability of TRS during the extraordinary circumstances presented by the COVID-19 pandemic.\(^4\) By granting


\(^2\) 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).


\(^4\) *March 16 TRS Waiver Order* (temporarily waiving multiple TRS rules to ensure continued services at increased demand levels during the COVID-19 emergency); *Telecommunications Relay Services and Speech-to-Speech* (continued….)
temporary emergency waivers of certain provisions of the Commission’s rules on speed of answer, video
relay service (VRS) at-home call handling, VRS call-center status notifications, international VRS
calling, VRS subcontracting, and emergency call handling, the Bureau has allowed TRS service providers
greater flexibility to provide service during this difficult period. Each of these waivers was previously
extended through February 28, 2021. The Commission has directed the Bureau to monitor the situation
and consider, if necessary, additional extension of these waivers. The Commission also granted
Hamilton and Sprint partial waivers through February 28, 2021, related to the early termination of TRS
calls.

3. The COVID-19 national emergency continues. Many state-imposed restrictions,
including social distancing measures, mask mandates, and mandatory quarantines, remain in effect with
uncertain removal timetables. Because many issues remain unsettled regarding the reopening and safe
operation of schools, businesses, and other facilities, with associated potential to affect both the

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availability of communications assistants (CAs) and TRS traffic levels, there continue to be multiple challenges and uncertainties regarding TRS providers’ ability to fully staff their operations. Further, the Bureau is not aware of any significant increase in consumer complaints regarding TRS as a result of the grant of these waivers. Given the absence of material change in the circumstances justifying the 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, deafblind, or have speech disabilities, we find good cause to extend all previously granted COVID-19 waivers through August 31, 2021. Although the previously granted extensions were of shorter duration, we conclude that a six-month extension is appropriate. Evidence indicates that circumstances TRS providers face at this time will likely be ongoing for at least the next several months. Specifically, it does not appear that the social distancing and stay-at-home mandates stemming from COVID-19, which have led to increased TRS traffic levels and unpredictable changes in TRS workforce availability, will be withdrawn within the next few months. Similarly, providers’ heavy reliance on at-home TRS call handling is likely to continue through

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11 Regarding the call termination waivers granted in the December 18 TRS Waiver Order, Hamilton and Sprint each have filed the required report regarding their progress in developing technical solutions to enable mid-call replacement of a CA without service interruption. See Hamilton, Report, CG Docket Nos. 03-123 and 10-51 (filed Jan. 29, 2021), https://ecfsapi.fcc.gov/file/101290363115775/Hamilton%20Report%20on%20call%20takeover%20procedures%2C%20January%202021.pdf (Hamilton Report); see also Letter from Scott R. Freiermuth, T-Mobile USA, Inc., to Marlene H. Dortch, Federal Communications Commission, CG Docket Nos. 03-123 and 10-51, at 1 (Feb. 1, 2021), https://ecfsapi.fcc.gov/file/10202204580684/Call%20Takeover%20FCC%20Report%20Jan%202021.pdf (Sprint Report). Hamilton and Sprint both report that they are working with their vendor on technology solutions to resolve the CA substitution issue for several of the affected services. Hamilton Report at 3-5; Sprint Report at 2. They anticipate rolling out such solutions for one-line and two-line CTS later this year, but have not yet established a timeline for web and wireless IP CTS. Hamilton Report at 3-5; Sprint Report at 2. Hamilton has been able to mitigate but does not expect to have a technical solution for the CA substitution problem in traditional TRS. Hamilton Report at 4. Sprint reports no new updates to the partial solutions it previously implemented for traditional TRS and IP Relay. Sprint Report at 2. Both providers further state that the social distancing requirements that led to the need for waivers continue to be necessary. Hamilton Report at 5; Sprint Report at 3. In summary, the providers’ progress reports show that technical solutions are still unavailable for all services for which they were unavailable when the waivers were granted. Based on those reports and the considerations discussed in the text above, we conclude that the call termination waivers, like the waivers granted in the earlier orders, should be extended for six months.

12 Due to the ongoing COVID-19 pandemic, the Wireline Competition Bureau recently extended waivers of the gift rules applicable to the Rural Health Care (RHC) and E-rate programs for a six-month period, from December 31, 2020, through June 30, 2021, to assist rural health care providers, schools, and libraries affected by the COVID-19 pandemic. See Rural Health Care Universal Service Support Mechanism; Schools and Libraries Universal Service Support Mechanism, WC Docket No. 02-60, CC Docket No. 02-6, Order, 35 FCC Rcd 14544 (WCB 2020).


14 See, e.g., Cheyenne Haslett, White House Warns Against Loosening COVID Restrictions as States Do Just That, ABC News (Feb. 9, 2021), https://abcnews.go.com/Health/white-house-warns-loosening-covid-restrictions-states/story?id=75760261 (showing the Biden administrations warnings of the unpredictably of reopening as previous attempts to loosen restrictions led to “another spike”); see also Kathryn Watson, When will anyone who wants a vaccine be able to get one? Here’s what experts have to say, CBS News (Jan. 30, 2021), https://www.cbsnews.com/news/covid-vaccine-anyone-get/; New York Times, As Fauci Returns to Spotlight, (continued….)
the summer, due to uncertainty as to when providers’ staff will receive the COVID-19 vaccines and return to the office. 15 Additionally, a six-month extension allows providers a longer window of certainty for planning purposes, while ensuring that the waiver will be terminated within a reasonable time when no longer justified by the underlying circumstances.

4. The Bureau will continue to monitor the situation and, in the event that the circumstances described in this Order appear likely to persist or evolve beyond the expiration of the extended waiver period, will consider, if necessary, additional extension of the temporary waivers extended by this action. To assist the Bureau in determining whether to extend the service interruption waivers granted to Hamilton and Sprint in the December 18 TRS Waiver Order, we condition the extension of those waivers for each provider on the provider’s submission of a further report, no later than July 30, 2021, describing the provider’s progress in developing and deploying technical solutions to allow CA substitution without service interruption for each form of TRS included in the waiver. 16

5. 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.

6. Additional Information. For further information regarding this item, please contact Halie Peacher, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-0514 or by email to Halie.Peacher@fcc.gov.

7. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 225, and sections 0.141, 0.361, and 1.3 of the Commission’s rules, 47 CFR §§ 0.141, 0.361, 1.3, the effectiveness of all waivers of TRS rules granted in the COVID-19 Waiver Orders is extended through August 31, 2021, subject to the conditions herein.

8. 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

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15 Although the U.S. Food and Drug Administration (FDA) approved two vaccines in December 2020, due to supply limitations the Centers for Disease Control has recommended a phased roll-out of the vaccines, and it appears unlikely that vaccination will be available to all before the second half of 2021. See Centers for Disease Control and Prevention, CDC’s COVID-19 Vaccine Rollout Recommendations, https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations.html (last visited Feb. 17, 2021).

16 See December 18 TRS Waiver Order, 35 FCC Rcd at 14638, para. 7.