

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

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

ORDER

Adopted: December 26, 2007

Released: December 26, 2007

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this *Order*, we address current waivers of certain telecommunications relay services (TRS)¹ mandatory minimum standards for Video Relay Service (VRS)² and Internet Protocol Relay Service (IP Relay)³ that will expire on January 1, 2008.⁴ These waived mandatory minimum standards, addressed below, are:

- One-line Voice Carry Over (VCO); VCO-to-TTY; and VCO-to-VCO;
- One-line Hearing Carry Over (HCO); HCO-to-TTY; and HCO-to-HCO;
- Call Release;
- Speed Dialing;

¹ TRS, created by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables a person with a hearing or speech disability to access the nation's telephone system to communicate with voice telephone users through a relay provider and a communications assistant (CA). *See* 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(14). The TRS mandatory minimum standards govern the provision of relay service. *See* 47 C.F.R. § 64.604.

² VRS is a form of TRS that enables the VRS user and the CA to communicate in sign language via a video link, rather than through text. VRS presently requires a broadband Internet connection. *See generally Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-54, at paras. 21-27 (March 6, 2000) (*2000 TRS Report & Order*) (recognizing VRS as a form of TRS); 47 C.F.R. § 64.601(17) (defining VRS).

³ IP Relay is a form of TRS that permits individuals with hearing or speech disabilities to communicate in text messages via a computer (or other similar device), rather than with a teletypewriter (TTY) and the Public Switched Telephone Network (PSTN). *See Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (April 22, 2002) (*IP Relay Declaratory Ruling & Second FNPRM*) (recognizing IP Relay as a form of TRS).

⁴ *See generally Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, at 12594 (Appendix E) (June 30, 2004) (*2004 TRS Report & Order*) (chart of waived standards).

- Three-Way Calling;
- Pay-per-call (900) calls;
- Types of Calls (operator-assisted calls and long distance calls);⁵
- Equal Access to Interexchange Carriers (Carrier of Choice);⁶ and
- Speech-to-Speech (STS).⁷

2. As set forth below, we: (1) extend the waivers for one year (*i.e.*, until January 1, 2009), conditioned upon the filing of a status report due April 16th, 2008, of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; STS; pay-per-call (900) calls, types of calls, equal access to interexchange carrier requirements; and speed dialing (for IP Relay) requirements; and (2) allow the waivers of the speed dialing (for VRS) and three-way calling (for VRS and IP Relay) requirements to expire on January 1, 2008.⁸

II. BACKGROUND

3. TRS enables individuals with hearing or speech disabilities to access the public telephone system to communicate with voice telephone users through a CA at a TRS relay center. The CA relays conversations between persons using various types of assistive communication devices and persons who do not require such assistive devices. Congress established the TRS program in Title IV of the Americans with Disabilities Act of 1990 (ADA), which is codified in section 225 of the Communications Act of 1934.⁹ Section 225 requires common carriers offering voice telephone service to offer TRS to persons with hearing and speech disabilities that is functionally equivalent to voice telephone service.¹⁰ When section 225 was first implemented, TRS calls were placed using a text telephone, or TTY, connected to the Public Switched Telephone Network (PSTN). Since then, the Commission has recognized other forms of TRS, including the Internet-based forms of TRS, namely VRS, IP Relay, and IP CTS.¹¹

⁵ Waiver for VRS expires January 1, 2008; the requirement has not been waived for IP Relay. *See 2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers).

⁶ Waiver for VRS expires January 1, 2008; the requirement has been waived indefinitely for IP Relay. *See 2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers).

⁷ Waiver for IP Relay expires January 1, 2008; the requirement has been waived indefinitely for VRS. *See 2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers).

⁸ We note that the present waiver of the requirement that VRS and IP Relay providers offer access to emergency services also expires on January 1, 2008. *See 2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers); 47 C.F.R. § 64.604(a)(4). The Commission will address those waivers in a separate order.

⁹ Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990); 47 U.S.C. § 225.

¹⁰ 47 U.S.C. § 225(a)(3), (c).

¹¹ IP CTS is an Internet-based form of captioned telephone service. Captioned telephone service is a form of TRS generally used by someone who can speak and has some residual hearing. A special telephone displays the text of what the other party is saying, so that the user can simultaneously both listen to what is said over the telephone (to the extent possible) and read captions of what the other person is saying. *See Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121 (Aug. 1, 2003). With IP CTS, the connection carrying the captions between the relay provider and the user is via the Internet, rather than the PSTN. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 383, para. 8 (Jan. 11, 2007) (2007

(continued....)

4. The Commission's TRS regulations set forth operational, technical, and functional mandatory minimum standards applicable to the provision of TRS.¹² To be eligible for compensation from the Interstate TRS Fund, a TRS provider must offer service in compliance with all applicable mandatory minimum standards, unless they are waived.¹³ The Commission, in various orders, has waived several TRS mandatory minimum standards for VRS and IP Relay either because, as Internet-based services, it is not technologically feasible to meet the requirement or, in the case of VRS, because VRS is a video-based service and the communication is via sign language and not text.¹⁴ The requirements and features currently waived for VRS and IP Relay are essentially attributes of traditional TTY-based TRS first offered pursuant to section 225 using the PSTN.

5. The *2004 TRS Report & Order* conditioned these waivers on the filing of annual reports, due each April 16th, addressing whether it is necessary for the waiver to remain in effect.¹⁵ Pursuant to that order, all VRS and IP Relay providers have filed reports detailing their progress in meeting the waived requirements. We have reviewed these reports in reaching the conclusions below.¹⁶

III. DISCUSSION

6. *One-line VCO, VCO-to-TTY, and VCO-to-VCO.* One-line VCO is a type of traditional TTY-based TRS that can be used by persons with a hearing disability but who can speak.¹⁷ The VCO user speaks directly to the other party to the call, and the CA types the response back so the VCO user can read it in text.¹⁸ The Commission waived this requirement for IP Relay providers because the voice leg of

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IP CTS Declaratory Ruling). As it did with VRS and IP Relay, the Commission also waived various TRS requirements for IP CTS, but the waivers were all for an indefinite period, and therefore we need not address them in this Order.

¹² See 47 C.F.R. § 64.604.

¹³ See, e.g., *2000 TRS Report & Order*, 15 FCC Rcd at 5158, para. 39. The Interstate TRS Fund compensates relay providers for their reasonable costs of providing interstate TRS services and, for some forms of TRS, including VRS and IP Relay, both intrastate and interstate TRS. See generally *2004 TRS Report & Order*, 19 FCC Rcd at 12482-83, paras. 7-8.

¹⁴ These orders are cited below in our discussion of each waived mandatory minimum standard.

¹⁵ See *2004 TRS Report & Order*, 19 FCC Rcd at 12520-21, para. 111.

¹⁶ We note that on December 12, 2007, Hands On Video Relay Services, Inc. (Hands On) filed a Request for Extension of Waivers (CG Docket No. 03-123) (*Hands On Request*). Hands On requests extension of the waivers of the following TRS mandatory minimum standards for VRS and IP Relay: (1) emergency call handling; (2) VCO-to-TTY and VCO-to-VCO; (3) HCO-to-TTY and HCO-to-HCO; (4) call release; (5) three-way calling; (6) pay-per-call (900) calls; (7) types of calls; and (8) equal access to interexchange carriers. We address herein all of these waiver extension requests except for the emergency call handling requirement, which, as noted above, we will address in a separate order. See note 8, *supra*.

¹⁷ See 64 C.F.R. § 64.601(18); 47 C.F.R. § 64.604(a)(3)(v). We note that the Commission has not waived the requirement that VRS and IP Relay providers provide two-line VCO. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379, 12404-05, at paras. 35-36 (June 17, 2003) (*2003 TRS Report & Order*). With two-line VCO, the TRS user speaks directly to the called party on one line, without the assistance of a CA, and reads what the other party is saying via a second line connected to the TRS user's TTY. *Id.* VRS and IP Relay providers can offer this functionality by having the TRS caller speak directly to the called party on a telephone line and, in turn, having the caller receive what the called party is saying via the Internet in either sign language (VRS) or text (IP Relay).

¹⁸ As a result, the CA does not voice any part of the conversation.

a VCO call could not be supported over the Internet.¹⁹ The Commission similarly waived this requirement for VRS.²⁰ A VCO-to-TTY call allows a relay conversation to take place between a VCO user and a TTY user; a VCO-to-VCO call allows a relay conversation to take place between two VCO users.²¹ Consistent with its treatment of the VCO requirement, the Commission waived these requirements for VRS and IP Relay.²²

7. We extend the waivers of these requirements for one year. We note that the most recent annual waiver reports reflect that VRS and IP Relay providers cannot provide these services because the Internet cannot support the voice leg of a VCO call with the necessary call quality.²³ Verizon notes, for example, that “uneven and erratic voice quality still remains a barrier sufficient to warrant” the continuance of these waivers.²⁴ These waivers are again conditioned on the filing of reports, due April 16th, 2008, addressing whether it is necessary for the waivers to remain in effect.²⁵

8. *One-line HCO, HCO-to-TTY, and HCO-to-HCO.* One-line HCO is a type of traditional TTY-based TRS that can be used by persons with a speech disability but who can hear.²⁶ The HCO user types what he or she wishes to say to the called party, and the CA voices what the HCO user has typed. The HCO user then listens to what the called party says in response.²⁷ For the same reason the Commission waived the VCO requirement for IP Relay, it did so with respect to the HCO requirement.²⁸

¹⁹ *IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789-90, para. 32 (waiving VCO requirement for IP Relay); *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order on Reconsideration, CC Docket 98-67, 18 FCC Rcd 4761, 4766-68, at paras. 13-18 (March 14, 2003) (*IP Relay Order on Reconsideration*) (extending waiver until January 1, 2008).

²⁰ *2004 TRS Report & Order*, 19 FCC Rcd at 12527, para 135 (waiving VCO requirement for VRS until January 1, 2008).

²¹ *2003 TRS Report & Order*, 18 FCC Rcd at 12403-04, paras. 33-34.

²² *Id.*, 18 FCC Rcd at 12404-05, para. 36 (waiving VCO-to-TTY and VCO-to-VCO requirement for VRS and IP Relay until January 1, 2008).

²³ See AT&T Corp., 2007 Annual Report on TRS Waivers at 4 (April 16, 2007) (AT&T Report); GoAmerica, Inc., 2007 Annual Report on Waived Requirements at 1-2 (April 11, 2007) (GoAmerica Report); Hamilton Relay, Inc., 2007 Annual Report to FCC Concerning Internet Relay and VRS Waivers at 8-9 (April 16, 2007); Hands On Video Relay Services, Inc., 2007 Report on Progress of Meeting Waived Requirements at 7-8 (undated) (Hands On Report); Healinc Telecom, Inc., 2007 Annual Report at 9-10 (April 12, 2007) (Healinc Report); Sorenson Communications, Inc., 2007 VRS and IP Relay Waiver Requirements Report at 4-5 (April 16, 2007) (Sorenson Report); Sprint Nextel Corporation, 2007 Internet and Video Relay Service Annual Progress Report at 4-5 (April 16, 2007) (Sprint Nextel Report); Verizon, 2007 Annual Report on Waived Requirements at 2 (April 16, 2007) (Verizon Report); see also *Hands On Request* at 7-8 .

²⁴ Verizon Report at 2. Hands On also notes that, with respect to VRS providers handling VCO-to-TTY calls, such calls would require the VRS CA to sign in ASL and type at the same time, which the VRS CA cannot do. Hands On Report at 7.

²⁵ See para. 5, *supra*.

²⁶ See 64 CFR § 64.604(8); 47 C.F.R. § 64.604(a)(3)(v). We note that the Commission has not waived the requirement that VRS and IP Relay providers provide two-line HCO. See *2003 TRS Report & Order*, 18 FCC Rcd at 12404-05, paras. 35-36; note 17, *supra*.

²⁷ As a result, the CA does not type any part of the conversation.

²⁸ *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4767-68, paras. 15-18 (waiving HCO requirement for IP Relay until January 1, 2008).

The Commission similarly waived this requirement for VRS.²⁹ An HCO-to-TTY call allows a relay conversation to take place between a HCO user and a TTY user; an HCO-to-HCO call allows a relay conversation to take place between two HCO users.³⁰ Consistent with its treatment of the HCO requirement, the Commission waived these requirements for VRS and IP Relay.³¹

9. Consistent with our treatment of VCO, and for the same reasons, we extend the waivers of these requirements for one year. We also note that the most recent annual waiver reports reflect that VRS and IP Relay providers cannot provide these services.³² These waivers are also conditioned on the filing of reports, due April 16th, 2008, addressing whether it is necessary for the waivers to remain in effect.³³

10. *Call Release.* Call release allows a CA to set up a TTY-to-TTY call that, once established, does not require the CA to relay the conversation.³⁴ In other words, this feature allows the CA to sign-off or be “released” from the telephone line, without triggering a disconnection between two TTY users, after the CA connects the originating TTY caller to the called party’s TTY through, *e.g.*, a business switchboard. The Commission waived this requirement for VRS and IP Relay.³⁵

11. We extend the waivers of this requirement for one year due to technological infeasibility. This conclusion is supported by the providers’ annual waiver reports, which reflect that the Internet leg of the call (via video or text) cannot support call release functionality.³⁶ Providers note, for example, that presently it is not possible “for software or videophones using *incompatible* protocols to communicate directly after the CA is released from the call.”³⁷ These waivers are also conditioned on the filing of reports, due April 16th, 2008, addressing whether it is necessary for the waivers to remain in effect.³⁸

12. *Pay-Per-Call (900) calls.* Pay-per-call (900) calls are calls that the person making the call pays for at a charge greater than the basic cost of the call.³⁹ The Commission waived this requirement for VRS and IP Relay.⁴⁰

²⁹ 2004 TRS Report & Order, 19 FCC Rcd at 12527, para 135 (waiving HCO requirement for VRS until January 1, 2008).

³⁰ 2003 TRS Report & Order, 18 FCC Rcd at 12403, at paras. 31-32.

³¹ *Id.*, 18 FCC Rcd at 12404-05, para. 36 (waiving HCO-to-TTY and HCO-to-HCO requirement for VRS and IP Relay until January 1, 2008).

³² See notes 23 & 24, *supra*; *Hands On Request* at 7-8.

³³ See para. 5, *supra*.

³⁴ See 2003 TRS Report & Order, 18 FCC Rcd at 12418-19, paras. 68-69 (requiring call release as a TRS feature); 47 C.F.R. § 64.604(a)(3)(vi).

³⁵ 2003 TRS Report & Order, 18 FCC Rcd at 12421, para. 76 (waived until January 1, 2008).

³⁶ See Communication Access Center for the Deaf and Hard of Hearing, 2007 Annual Report on Progress of Meeting Waived Requirements at 3 (undated) (CAC Report); GoAmerica Report at 3; Hamilton Report at 11; Nordia, Inc., 2007 Annual Progress Report Regarding Waived TRS Standards for IP and VRS at 1 (April 17, 2007) (Nordia Report); Sorenson Report at 9; see also *Hands On Request* at 6.

³⁷ Snap Report at 10; see also Verizon Report at 3-4.

³⁸ See para. 5, *supra*.

³⁹ See 47 C.F.R. § 64.604(a)(3)(iv).

⁴⁰ *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4766-68, paras 13-18 (waiving this requirement for IP Relay until January 1, 2008); 2004 TRS Report & Order, 19 FCC Rcd at 12525-26, paras. 130-32 (extending waiver of this requirement for VRS until January 1, 2008); see also *Telecommunications Relay Services and Speech-to-Speech*

13. We extend the waivers of this requirement for VRS and IP Relay for one year. The providers' annual waiver reports reflect there is still no billing mechanism available to handle the charges associated with pay-per-calls.⁴¹ These waivers are also conditioned on the filing of reports, due April 16th, 2008, addressing whether it is necessary for the waivers to remain in effect.⁴²

14. *Types of Calls (Operated Assisted Calls and Long Distance Calls)*. Commission rules require TRS providers to handle any type of call normally handled by common carriers.⁴³ The Common Carrier Bureau waived the requirement that VRS providers offer operator-assisted calls and bill certain types of calls to the end user, noting that it was not possible to determine if a VRS call is local or long distance.⁴⁴ The Common Carrier Bureau required VRS providers to allow calls to be placed using calling cards and/or provide free long distance during the waiver period.⁴⁵

15. We extend the waiver of this requirement for VRS for one year. The providers' annual waiver reports reflect that it remains technologically infeasible for VRS providers to offer operator-assisted calls and to bill for certain types of long distance calls because one leg of the VRS call is transmitted over the Internet.⁴⁶ Based on the record, we therefore waive this requirement for VRS for one year as long as providers allow calls to be placed using calling cards and/or provide free long distance calls. This waiver is also conditioned on the filing of a report, due April 16th, 2008, addressing whether it is necessary for the waiver to remain in effect.⁴⁷

16. *Equal Access to Interexchange Carriers*. The TRS rules require that providers offer TRS users their interexchange carrier of choice to the same extent that such access is provided to voice users.⁴⁸ The Commission waived this requirement for VRS providers, noting that it was not possible to determine if a call is long distance and, in any event, the providers could not automatically route the calls to the caller's long distance carrier of choice.⁴⁹ The Commission also noted that this waiver was contingent on

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Services for Individuals with Hearing and Speech Disabilities, Order, CC Docket No. 98-67, 17 FCC Rcd 157, 164, at para. 19 (Dec. 31, 2001) (*2001 VRS Waiver Order*) (Common Carrier Bureau).

⁴¹ AT&T Report at 3-4; CAC Report at 3; GoAmerica Report at 3; Hamilton Report at 5-6; Nordia Report at 2; Sorenson Report at 8; Sprint Report at 4; Verizon Report at 2 & 4. They also note that there is very little demand for this service among VRS and IP Relay users. AT&T Report at 4; GoAmerica Report at 3; Healinc Report at 8; *see also Hands On Request* at 5.

⁴² *See* para. 5, *supra*.

⁴³ *See* 47 C.F.R. § 64.604(a)(3).

⁴⁴ *2001 VRS Waiver Order*, 17 FCC Rcd at 161, paras. 9-10; *2004 TRS Report & Order*, 19 FCC Rcd at 12521, paras. 113-15. Although this issue has not been raised, we understand that IP Relay providers, for the same reasons as VRS providers, cannot provide these services. Therefore, to avoid any future uncertainty or compliance issues, we waive on our own motion this requirement for IP Relay as long as the providers allow calls to be placed using calling cards and/or to provide free long distance calls. Of course, to the extent IP Relay providers (or VRS providers) are offering or can offer these services, we encourage them to do so.

⁴⁵ *2001 VRS Waiver Order*, 17 FCC Rcd at 161, para. 10; *2004 TRS Report & Order*, 19 FCC Rcd at 12521, para. 115.

⁴⁶ Hamilton Report at 2; Hands On Report at 3; Sorenson Report at 1; Verizon Report at 4; *see also Hands On Request* at 2-3.

⁴⁷ *See* para. 5, *supra*.

⁴⁸ *See* 47 C.F.R. § 64.604(b)(3); *see also 2003 TRS Report & Order*, 18 FCC Rcd at 12413-15, paras. 54-61. This requirement is also called the "carrier of choice" requirement.

⁴⁹ *2004 TRS Report & Order*, 19 FCC Rcd at 12524, paras. 125-26.

VRS providers providing long distance services free of charge to the caller.⁵⁰ The Commission waived this requirement for IP Relay indefinitely.⁵¹

17. We extend the waiver of this requirement for VRS for one year. The providers' annual waiver reports reflect that because they cannot determine whether a particular call is local or long distance, they cannot offer carrier of choice but instead do not charge consumers for long distance.⁵² Based on the record, we therefore extend this waiver for VRS for one year as long as the providers provide free long distance calls. This waiver is also conditioned on the filing of a report, due April 16th, 2008, addressing whether it is necessary for the waiver to remain in effect.⁵³

18. *Speech-to-Speech*. In the 2000 TRS Report & Order the Commission recognized STS as a form of TRS and required that it be offered as a mandatory service.⁵⁴ The Commission waived this requirement for indefinitely for VRS and until January 1, 2008, for IP Relay.⁵⁵ The Commission noted that STS is speech-based service, whereas VRS is a visual service using interpreters to interpret in sign language over a video connection.⁵⁶ With respect to IP Relay, the Commission noted the technical difficulties with respect to voice-initiated calls and the Internet.⁵⁷

19. We extend the waiver of this requirement for IP Relay for one year. Providers continue to report that this service, like the VCO and HCO services, cannot be provided via IP Relay because of erratic voice quality.⁵⁸ This waiver is also conditioned on the filing of a report, due April 16th, 2008, addressing whether it is necessary for the waiver to remain in effect.⁵⁹

20. *Speed Dialing*. Speed dialing allows a TRS user to give the CA a "short-hand" name or number (e.g., "call Mom") for the user's most frequently called telephone numbers.⁶⁰ This feature permits a person making a TRS call through a CA to place the call without having to remember or locate the number he or she desires to call. The Commission waived this requirement for VRS and IP Relay.⁶¹

⁵⁰ *Id.*

⁵¹ *IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789, para. 31.

⁵² AT&T Report at 5; CAC Report at 2; GoAmerica Report at 3; Hamilton Report at 4-5; Hands On Report at 3-4; Nordia Report at 1; Sorenson Report at 2-3; Sprint Report at 4; Verizon Report at 4; *see also Hands On Request* at 3-5.

⁵³ *See* para. 5, *supra*.

⁵⁴ *2000 TRS Report & Order*, 15 FCC Rcd at 5148-51, paras 14-20. STS allows persons with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with disabilities and can repeat the words spoken by that person. *See* 47 C.F.R. § 64.601(10).

⁵⁵ *Telecommunications Services for Individuals with Hearing and Speech Disabilities*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-67, 16 FCC Rcd 22948, 22597, at para. 26 (Dec. 21, 2001) (declining to make STS mandatory for VRS); *2004 TRS Report & Order*, 19 FCC Rcd at 12526-27, paras. 134-35 (waiving indefinitely STS requirement for VRS); *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4766-67, paras. 13-14 (waiving STS requirement for IP Relay until January 1, 2008).

⁵⁶ *2004 TRS Report & Order*, 19 FCC Rcd at 12528, para. 139.

⁵⁷ *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4766, para. 13.

⁵⁸ AT&T Report at 4; Sorenson Report at 7; Verizon Report at 2.

⁵⁹ *See* para. 5, *supra*.

⁶⁰ *See 2003 TRS Report & Order*, 18 FCC Rcd at 12419, paras. 70-71 (requiring speed dialing as a TRS feature); 47 C.F.R. § 64.604(a)(3)(vi).

⁶¹ *2003 TRS Report & Order*, 18 FCC Rcd at 12421, para. 76 (waived until January 1, 2008).

21. The record reflects that all VRS providers are currently offering a speed dialing feature, but not all IP Relay providers.⁶² Because the record therefore demonstrates that it is technically feasible to offer this service for VRS, we conclude that the waiver of this requirement for VRS is no longer necessary, and therefore we will allow this waiver to expire on January 1, 2008. With respect to IP Relay, because there is conflicting evidence in the record on whether providers can provide this feature, we extend the waiver of this requirement for IP Relay for one year. In light of the fact that some providers report that they are offering this service, however, we anticipate that there will be no further extensions of this waiver. We believe that this additional one year waiver is adequate to address any remaining technical or implementation concerns. This waiver is also conditioned on the filing of a report, due on April 16th, 2008, providing updated information on the status of providing this service.⁶³

22. *Three-way calling.* The three-way calling feature allows more than two parties to be on the telephone line at the same time with the CA.⁶⁴ The Commission waived this requirement for VRS and IP Relay.⁶⁵

23. In the *Three-way Calling Clarification Order*, the Commission clarified the manner in which TRS providers could comply with this rule.⁶⁶ The Commission stated that TRS providers will satisfy the three-way calling requirement if they “ensure that the TRS facility or CA facilitates or handles a three-way call, as the CA would handle any TRS call, where and to the extent the three-way call has been arranged by any one of the parties to the call, *e.g.*, using a party’s LEC-provided custom calling service (CCS), by bridging two telephone lines via customer terminal equipment, or by some other means.”⁶⁷ The Commission further clarified “that TRS providers are not required to be able to arrange, initiate, or set up a three-way call (but they may do so)... so long as the provider is able to handle or facilitate a three-way call, in some manner, whether initiated by one of the parties to the call *or* set up by the provider.”⁶⁸

24. VRS and IP Relay providers have reported that they are providing three-way calling in accordance with the *Three-way Calling Clarification Order*.⁶⁹ Because the record therefore demonstrates that it is technically feasible to offer this service, we conclude that these waivers are no longer necessary and therefore will allow these waivers to expire on January 1, 2008.

⁶² CAC Report at 4; GoAmerica Report at 4; Hamilton Report at 11; Hands On Report at 7; Nordia Report at 2; Sprint Nextel Report at 11. *See also* Hands On Request for Extension of Waivers (Dec. 12, 2007) at 7 (noting that Hands On offers this feature and therefore does not need an extension of the waiver). Sorenson reports that presently it does not offer this service for IP Relay; while Sorenson notes that it plans to offer this service in the future, Sorenson’s report does not indicate that it will be able to offer this service by January 1, 2008. Sorenson Report at 9.

⁶³ *See* para. 5, *supra*.

⁶⁴ *See 2003 TRS Report & Order*, 18 FCC Rcd at 12419-21, paras. 71-75 (requiring three-way calling as a TRS feature); 47 C.F.R. § 64.604(a)(3)(vi).

⁶⁵ *2003 TRS Report & Order*, 18 FCC Rcd at 12421, para. 76 (waived until January 1, 2008).

⁶⁶ *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order*, CC Docket No. 98-67 and CG Docket No. 03-123, 20 FCC Rcd 3689 (CGB Feb. 18, 2005) (*Three-way Calling Clarification Order*).

⁶⁷ *Id.*, 20 FCC Rcd at 3691, para. 8.

⁶⁸ *Id.*

⁶⁹ *See, e.g.*, Hamilton Report at 10; Hands On Report at 6; Sprint Report at 10; Verizon Report at 3 & 4.

IV. ORDERING CLAUSES

25. Accordingly, IT IS ORDERED that, pursuant to section 225 of the Communications Act of 1934, as amended, 47 U.S.C. § 225, and Sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.141, 0.361, and 1.3, this ORDER IS ADOPTED.

26. IT IS FURTHER ORDERED that, for VRS, the waivers of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; pay-per-call (900) calls, types of calls, and equal access to interexchange carrier requirements are hereby extended for one year, *i.e.*, until January 1, 2009, conditioned on the filing of a report, due April 16th, 2008, addressing whether it is necessary for the waivers to remain in effect.

27. IT IS FURTHER ORDERED that, for IP Relay, the waivers of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; pay-per-call (900) calls; STS; and speed dialing requirements are hereby extended for one year, *i.e.*, until January 1, 2009, conditioned on the filing of a report, due April 16th, 2008, addressing whether it is necessary for the waivers to remain in effect.

28. IT IS FURTHER ORDERED that the waivers of the speed dialing (for VRS) and three-way calling requirements (for VRS and IP Relay) will expire on January 1, 2008.

29. IT IS FURTHER ORDERED that this *Order* shall be effective upon release.

30. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Order* can also be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro>.

FEDERAL COMMUNICATIONS COMMISSION

Catherine W. Seidel, Chief
Consumer and Governmental Affairs Bureau