

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: December 24, 2008

Released: December 24, 2008

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this Order, we extend the waivers of certain telecommunications relay services (TRS) mandatory minimum standards for Video Relay Service (VRS) and Internet Protocol Relay Service (IP Relay) that will expire on January 1, 2009 pursuant to the 2007 TRS Waiver Order. Specifically, we extend the waivers for one year until January 1, 2010, conditioned upon the filing of a status report due April 16, 2009, of the following requirements: (1) one-line Voice Carry Over (VCO), VCO-to-TTY, and VCO-to-VCO; (2) one-line Hearing Carry Over (HCO), HCO-to-TTY, and HCO-to-HCO; (3) call release; (4) pay-per-call (900) calls; (5) types of calls; (6) equal access to interexchange carrier;

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). A CA relays the call back and forth (e.g., from text to voice, and voice to text) between the calling party and called party. See 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(21). 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 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(26) (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 77pmR qmR q iishq rfChhSD o q@s .hI

Speech-to-Speech (STS).<sup>7</sup> We grant a limited extension of the waiver of the speed dialing requirement for IP Relay until May 1, 2009.<sup>8</sup>

## II. BACKGROUND

2. The Commission's TRS regulations set forth operational, technical, and functional mandatory minimum standards applicable to the provision of TRS.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

3. Most recently, in the *2007 TRS Waiver Order* the Commission extended certain waivers until January 1, 2009.<sup>12</sup> These waivers were conditioned on the filing of annual reports, due April 16, 2008, addressing whether it is necessary for the waivers to remain in effect.<sup>13</sup> All VRS and IP Relay

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<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> The waiver of the speed dialing requirement for VRS was in effect through April 30, 2008. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 23 FCC Rcd 124 (Jan. 8, 2008) (*2008 Speed Dialing Waiver Order*).

<sup>9</sup> *See* 47 C.F.R. § 64.604.

<sup>10</sup> *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.

<sup>11</sup> These orders are cited below in our discussion of each waived mandatory minimum standard. *See also 2007 TRS Waiver Order*, 22 FCC Rcd at 21869-72, paras. 6-20 nn. 17, 26, 33, 38, 42, 49, 53, and 60 (addressing waivers of the VCO, HCO, call release, pay-per-call, types of calls, equal access to exchange carriers, STS, and speed dialing requirements, respectively).

We also note that in an order released December 19, 2008 on ten-digit numbering for Internet-based TRS, the Commission concluded that "[t]o the extent ... a default provider is unable to meet any mandatory minimum standards under our rules or prior orders for a new registered user who is using CPE from a former default provider because that new default provider does not have access to the technical information about that user's CPE that would be necessary to provide service in compliance with those rules and orders, we waive those rules for a period of one year (unless the Commission indicates otherwise). This waiver is limited in that it has no effect on the requirements of [VRS and IP Relay] providers ... in general to meet their mandatory minimum standards unless and until they become a default provider for a user who already has CPE from a former default provider, and the new provider lacks sufficient information to provide certain features to that user, such as speed dialing." *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, FCC 08-275 at para. 68 (Dec. 19, 2008) (footnotes omitted).

<sup>12</sup> *Id.*, 22 FCC Rcd at 21869, para. 2 (extending for one year 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; STS; pay-per-call (900) calls, types of calls, equal access to interexchange carrier, and speed dialing (for IP Relay) requirements).

<sup>13</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21869, para. 2.

providers filed reports detailing their progress in meeting the waived requirements.<sup>14</sup> We have reviewed these reports in reaching the conclusions below.

### III. DISCUSSION

4. *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.<sup>15</sup> 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. As a result, the CA does not voice any part of the conversation. The Commission waived this requirement for IP Relay providers because the voice leg of a VCO call could not be supported over the Internet.<sup>16</sup> The Commission similarly waived this requirement for VRS.<sup>17</sup> 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.<sup>18</sup> Consistent with its treatment of the VCO requirement, the Commission waived these requirements for VRS and IP Relay.<sup>19</sup>

5. 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.<sup>20</sup> CSDVRS notes, for example, that “there is no universal, cooperative methodology to address Internet deficiencies to ensure

<sup>14</sup> See AT&T Corp., 2008 Annual Report on TRS Waivers (May 6, 2008) (AT&T Report); Communication Access Center for the Deaf and Hard of Hearing, Annual Report on Progress of Meeting Waived Requirements (April 15, 2008) (CAC Report); CSDVRS, LLC., Annual Report on Waivers by CSDVRS, LLC. (April 16, 2008) (CSDVRS Report); GoAmerica, Inc., Annual Report on Progress of Meeting Waived Requirements (April 17, 2008) (GoAmerica Report); Hamilton Relay, Inc., 2008 Annual Report to FCC Concerning Internet Relay, VRS and IP CTS (April 16, 2008) (Hamilton Report); Healinc Telecom, Inc., 2008 Annual Mandatory Minimum Standards Waiver Report (May 21, 2008) (Healinc Report); Snap Telecommunications, Inc., Annual Report on Progress Towards Meeting Waived Requirements (April 16, 2008) (Snap Report); Sorenson Communications, Inc., VRS and IP Relay Waiver Requirements Report (April 14, 2008) (Sorenson Report); Sprint Corporation, 2008 Annual Telephone Relay Services Report (April 16, 2008) (Sprint Report).

<sup>15</sup> See 64 C.F.R. § 64.601(27); 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).

<sup>16</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 7 (extending waiver until January 1, 2009); see also *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).

<sup>17</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 7 (extending waiver until January 1, 2009); see also *2004 TRS Report & Order*, 19 FCC Rcd at 12527, para 135 (waiving VCO requirement for VRS until January 1, 2008).

<sup>18</sup> *2003 TRS Report & Order*, 18 FCC Rcd at 12403-04, paras. 33-34.

<sup>19</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 7 (extending waiver until January 1, 2009); see also *2003 TRS Report & Order*, 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).

<sup>20</sup> See AT&T Report at 3; CSDVRS Report at 2-3; GoAmerica Report at 4; Hamilton Report at 7-8; Healinc Report at 10; Snap Report at 7-8; Sorenson Report at 4-5; Sprint Report at 2-3.

that audio messages arrive in order and intact, in a manner that can be understood by the recipient.”<sup>21</sup> These waivers are again conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.<sup>22</sup>

6. *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.<sup>23</sup> 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. As a result, the CA does not type any part of the conversation. For the same reason the Commission waived the VCO requirement for IP Relay, it did so with respect to the HCO requirement.<sup>24</sup> The Commission similarly waived this requirement for VRS.<sup>25</sup> 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.<sup>26</sup> Consistent with its treatment of the HCO requirement, the Commission waived these requirements for VRS and IP Relay.<sup>27</sup>

7. 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.<sup>28</sup> These waivers are also conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.<sup>29</sup>

8. *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.<sup>30</sup> 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.<sup>31</sup>

9. 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

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<sup>21</sup> CSDVRS Report at 2.

<sup>22</sup> See para. 3, *supra*.

<sup>23</sup> See 64 CFR § 64.604(9); 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 15, *supra*.

<sup>24</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 8 (extending waiver until January 1, 2009); see also *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4767-68, paras. 15-18 (waiving HCO requirement for IP Relay until January 1, 2008).

<sup>25</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 9 (extending waiver until January 1, 2009); see also *2004 TRS Report & Order*, 19 FCC Rcd at 12527, para 135 (waiving HCO requirement for VRS until January 1, 2008).

<sup>26</sup> *2003 TRS Report & Order*, 18 FCC Rcd at 12403, paras. 31-32.

<sup>27</sup> *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).

<sup>28</sup> See note 21, *supra*.

<sup>29</sup> See para. 3, *supra*.

<sup>30</sup> 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).

<sup>31</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21873, para. 11 (extending waiver until January 1, 2009); see also *2003 TRS Report & Order*, 18 FCC Rcd at 12421, para. 76 (waived until January 1, 2008).

the call (via video or text) cannot support call release functionality.<sup>32</sup> Snap notes, 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.”<sup>33</sup> These waivers are also conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.<sup>34</sup>

10. *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.<sup>35</sup> The Commission waived this requirement for VRS and IP Relay.<sup>36</sup>

11. 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-call calls.<sup>37</sup> These waivers are also conditioned on the filing of reports, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.<sup>38</sup>

12. *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.<sup>39</sup> The requirement that VRS providers offer operator-assisted calls and bill certain types of calls to the end user is presently waived because providers cannot determine if a VRS call is local or long distance.<sup>40</sup> VRS providers are required to allow calls to be placed using calling cards and/or provide free long distance during the waiver period.<sup>41</sup>

13. 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

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<sup>32</sup> See AT&T Report at 4; CSDVRS Report at 5; GoAmerica Report at 3; Hamilton Report at 8; Snap Report at 6; Sorenson Report at 6; Sprint Report at 4 & 10.

<sup>33</sup> Snap Report at 6 (emphasis in original).

<sup>34</sup> See para. 3, *supra*.

<sup>35</sup> See 47 C.F.R. § 64.604(a)(3)(iv).

<sup>36</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21874, para. 13 (extending waiver until January 1, 2009); see also *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 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).

<sup>37</sup> AT&T Report at 2; CAC Report at 2; CSDVRS Report at 6-7; GoAmerica Report at 4; Hamilton Report at 5-6; Snap Report at 5; Sorenson Report at 3-4; Sprint Report at 2, 7.

<sup>38</sup> See para. 3, *supra*.

<sup>39</sup> See 47 C.F.R. § 64.604(a)(3).

<sup>40</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21874, para. 15 (extending waiver until January 1, 2009); see also *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. See *2007 TRS Waiver Order*, 22 FCC Rcd at 21874, para. 14 n.44.

<sup>41</sup> *2001 VRS Waiver Order*, 17 FCC Rcd at 161, para. 10; *2004 TRS Report & Order*, 19 FCC Rcd at 12521, para. 115.

transmitted over the Internet.<sup>42</sup> 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 16, 2009, addressing whether it is necessary for the waiver to remain in effect.<sup>43</sup> We note, however, that with the advent of ten-digit numbering for VRS and IP Relay, which begins December 31, 2008,<sup>44</sup> providers will be able to determine the geographic location of both parties to the call. Therefore, in their April 2009 waiver report providers should specifically address the effect of the numbering and registered location requirements on the continued need for this waiver.

14. *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.<sup>45</sup> The Commission has 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.<sup>46</sup> The Commission also noted that this waiver was contingent on VRS providers providing long distance services free of charge to the caller.<sup>47</sup> The Commission waived this requirement for IP Relay indefinitely.<sup>48</sup>

15. We extend the waiver of this requirement for VRS for one year. The providers' annual waiver reports again 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.<sup>49</sup> 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 16, 2009, addressing whether it is necessary for the waiver to remain in effect.<sup>50</sup> Again, however, as noted above,<sup>51</sup> providers should specifically address the effect of the numbering and registered location requirements on the continuing need for this waiver.

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<sup>42</sup> Hamilton Report at 2; Sorenson Report at 1.

<sup>43</sup> See para. 3, *supra*.

<sup>44</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 and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591 (June 24, 2008) (*Internet-based TRS Numbering Order*) (adopting system for the assignment of ten-digit telephone numbers to VRS and IP Relay users and the registration of such users with a "default" provider, which includes submitting location information to facilitate the automatic routing of emergency calls).

<sup>45</sup> 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.

<sup>46</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21874-75, paras. 16-17 (extending waiver until January 1, 2009); *2004 TRS Report & Order*, 19 FCC Rcd at 12524-25, paras. 125-27 (waiving the requirement until January 1, 2008).

<sup>47</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21875, para. 17.

<sup>48</sup> *IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789, para. 31.

<sup>49</sup> AT&T Report at 5; CAC Report at 2; GoAmerica Report at 3; Hamilton Report at 4-5; Sorenson Report at 2-3; Sprint Report at 4.

<sup>50</sup> See para. 3, *supra*.

<sup>51</sup> See para. 13, *supra*.

16. *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.<sup>52</sup> The Commission waived this requirement for indefinitely for VRS,<sup>53</sup> noting that STS is speech-based service, whereas VRS is a visual service using interpreters to interpret in sign language over a video connection.<sup>54</sup> The requirement for IP Relay is waived until January 1, 2009, because of the technical difficulties with respect to voice-initiated calls and the Internet.<sup>55</sup>

17. 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.<sup>56</sup> This waiver is also conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waiver to remain in effect.<sup>57</sup>

18. *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.<sup>58</sup> 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 IP Relay.<sup>59</sup> As noted above, the waiver of the speed dialing requirement for VRS expired on April 30, 2008.<sup>60</sup>

19. Based on the record, we grant a limited extension of this requirement for IP Relay until April 30, 2009. The record indicates that all IP Relay providers except AT&T are offering speed dialing.<sup>61</sup> In November 2008, AT&T filed a request to extend this waiver for 90 days, noting that it has recently “upgraded” its service “from a web-based service to an IM-based service,” and is phasing out use of its web-based IP Relay service that lacks a speed dialing feature.<sup>62</sup> AT&T therefore requests a waiver of the speed dialing feature “solely [for] its web-based IP Relay service through March 31, 2009, at which time AT&T will have ceased providing the service.”<sup>63</sup> AT&T asserts that granting the “limited waiver is in the public interest,” as it allows existing users of its web-based service a reasonable timeframe to migrate to other types of IP Relay services that offer a speed dialing feature, such as AT&T’s IM-based

<sup>52</sup> 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(19).

<sup>53</sup> 2004 TRS Report & Order, 19 FCC Rcd at 12526-27, paras. 134-35 (waiving indefinitely STS requirement for VRS).

<sup>54</sup> 2004 TRS Report & Order, 19 FCC Rcd at 12528, para. 139.

<sup>55</sup> 2007 TRS Waiver Order, 22 FCC Rcd at 21875, para. 19 (extending waiver until January 1, 2009); *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4766-67, paras. 13-14 (waiving STS requirement for IP Relay until January 1, 2008).

<sup>56</sup> AT&T Report at 3; Sorenson Report at 7; Sprint Report at 5.

<sup>57</sup> See para. 3, *supra*.

<sup>58</sup> 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).

<sup>59</sup> 2007 TRS Waiver Order, 22 FCC Rcd at 21875, para. 21 (extending waiver until January 1, 2009); see also 2003 TRS Report & Order, 18 FCC Rcd at 12421, para. 76 (waived until January 1, 2008).

<sup>60</sup> See note 8, *supra*.

<sup>61</sup> CAC Report at 3; Hamilton *Ex Parte* (Nov. 19, 2008); GoAmerica *Ex Parte* filed (Nov. 17, 2008); Sorenson Report at 9; Sprint Report at 10.

<sup>62</sup> AT&T, Inc., *AT&T Request for Extension of Waiver* (Nov. 20, 2008) at 2 (*AT&T Request*).

<sup>63</sup> *Id.*

IP Relay service.<sup>64</sup> We agree that, in these circumstances, a limited 90 day extension of the waiver of the speed dialing requirement for AT&T's web-based IP Relay service is appropriate. For this reason, we grant AT&T's request for an extension of this waiver through April 30, 2009.<sup>65</sup> After that date, all IP Relay providers must offer this feature.

#### IV. ORDERING CLAUSES

20. 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.

21. 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 until January 1, 2010, conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.

22. 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; and STS requirements are hereby extended for one year until January 1, 2010, conditioned on the filing of a report, due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.

23. IT IS FURTHER ORDERED that speed dialing requirement for IP Relay is extended until May 1, 2009.

24. IT IS FURTHER ORDERED that AT&T's Request for Extension of Waiver is granted, as provided herein.

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

26. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to [fcc504@fcc.gov](mailto: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

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<sup>64</sup> *Id.*

<sup>65</sup> Because the waiver of the speed dialing requirement will expire on May 1, 2009, providers need not file an annual report detailing its progress in meeting the speed dialing requirement before the waiver expiration date.