



PUBLIC NOTICE

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**NOTICE OF CERTIFICATION OF AMERICAN NETWORK AS A PROVIDER OF INTERNET
PROTOCOL RELAY SERVICE (IP RELAY), VIDEO RELAY SERVICE (VRS), INTERNET
PROTOCOL CAPTIONED TELEPHONE RELAY SERVICE (IP CTS) ELIGIBLE FOR
COMPENSATION FROM THE INTERSTATE TELECOMMUNICATIONS RELAY SERVICE
(TRS) FUND**

CG DOCKET NO. 03-123

By the Chief, Consumer and Governmental Affairs Bureau:

On February 28, 2008, American Network filed an application for certification¹ as a provider of Internet Protocol (IP) Relay and Video Relay Service (VRS) eligible for compensation from the Interstate TRS Fund (Fund)² pursuant to the provider certification rules.³ On May 23, 2008, American Network submitted an amendment to its application to also seek certification as a provider of Internet Protocol Captioned Telephone Service (IP CTS).⁴ American Network's application is granted, subject to the conditions noted below.

¹ American Network, *Application for Certification as a Video Relay Service and IP Relay Service Provider*, CG Docket No. 03-123 (Feb. 28, 2008) (*American Network Application*).

² Telecommunications relay service (TRS), created by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables an individual with a hearing or speech disability to communicate by telephone or other device through the telephone system with a person without such a disability. *See* 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(15). IP Relay is an Internet-based form of TRS that permits an individual with a hearing or a speech disability to communicate in text using an Internet Protocol-enabled device via the Internet, rather than using a text telephone (TTY) and the public switched telephone network (PSTN). Video Relay Service is an Internet-based form of TRS that, rather than using text, allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller. *See* 47 C.F.R. § 64.601(18). The Interstate TRS Fund compensates eligible providers of IP Relay, VRS, and other forms of TRS for their reasonable actual costs of providing service. *See* 47 C.F.R. § 64.604(c)(5)(iii).

³ *See* 47 C.F.R. § 64.606; *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Order on Reconsideration, CG Docket No. 03-123, 20 FCC Rcd 20577 (Dec. 12, 2005) (*2005 IP Relay and VRS Certification Order*).

⁴ American Network, *Amendment to Application of American Network, Inc. for Certification as a Video Relay Service and IP Relay Service Provider*, CG Docket No. 03-123 (May 23, 2008) (*American Network Amendment*). IP CTS is an Internet-based form of TRS that permits an individual who can speak, but who has difficulty hearing, to use a telephone and an Internet Protocol-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying. With IP CTS, the connection carrying the captions between the relay service provider and the relay service user is via the Internet, rather than the PSTN. *See Telecommunications*

On December 12, 2005, the Commission released an order adopting new rules permitting carriers desiring to offer IP Relay and VRS services and receive payment from the Fund to seek certification as a provider eligible for compensation from the Fund.⁵ In the *IP CTS Declaratory Ruling*, the Commission extended the provider certification rules to providers of IP CTS.⁶ The certification rules require entities seeking such certification to submit documentation to the Commission setting forth, in narrative form:

- (i) a description of the forms of TRS to be provided (*i.e.*, VRS, IP Relay and/or IP CTS);
- (ii) a description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered; (iii) a description of the provider's procedures for ensuring compliance with all applicable TRS rules; (iv) a description of the provider's complaint procedures; (v) a narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards; (vi) a narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards; (vii) demonstration of status as a common carrier; and (viii) a statement that the provider will file annual compliance reports demonstrating continued compliance with these rules.^[7]

The rules further provide that after review of the submitted documentation, the Commission shall certify that the provider of IP Relay, VRS and IP CTS is eligible for compensation from the Fund if the Commission determines that the certification documentation:

- (i) establishes that the provision of IP Relay, VRS and IP CTS ... will meet or exceed all non-waived operational, technical, and functional minimum standards contained in § 64.604;
- (ii) establishes that the IP Relay, VRS and IP CTS... provider makes available adequate procedures and remedies for ensuring compliance with the requirements of this section and the mandatory minimum standards contained in § 64.604, including that it makes available for its users informational materials on complaint procedures sufficient for users to know the proper procedures for filing complaints; and
- (iii) where its service differs from the mandatory minimum standards contained in § 64.604, the IP Relay, VRS and IP CTS ... provider establishes that its service does not violate applicable mandatory minimum standards.^[8]

We have reviewed the *American Network Application* and the *American Network Amendment* pursuant to these rules. We conclude that American Network has sufficiently demonstrated that its proposed provision of IP Relay, VRS, and IP CTS services will meet or exceed all operational, technical, and functional TRS standards set forth in the Commission's rules, 47 C.F.R. § 64.604; that it will make available adequate procedures and remedies for ensuring compliance with applicable Commission rules;

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 (Jan. 11, 2007) (*IP CTS Declaratory Ruling*). The provider certification rules also apply to providers seeking to offer IP CTS. *Id.*

⁵ See *2005 IP Relay and VRS Certification Order*, *supra*.

⁶ See *IP CTS Declaratory Ruling*, *supra*.

⁷ 47 C.F.R. § 64.606(a)(2).

⁸ 47 C.F.R. § 64.606(b)(2).

and that to the extent American Network's service differs from the mandatory minimum standards, the service will not violate the rules.

We grant American Network's application subject to compliance with applicable Commission orders, including the declaratory ruling requiring the interoperability of VRS equipment and service,⁹ the order requiring emergency call handling for Internet-based TRS services on an interim basis,¹⁰ and the orders requiring the assignment of ten-digit telephone numbers to Internet-based TRS users and the compliance of E911 requirements.¹¹ This certification shall remain in effect for a period of five years from the release date of this *Public Notice*.¹² Within ninety days prior to the expiration of this certification, American Network may apply for renewal of its IP Relay, VRS, and IP CTS services certification by filing documentation in accordance with the Commission's rules.¹³

A copy of American Network's original application and its amendment are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. The full text of this *Public Notice* is similarly available for public inspection or copying. These documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI at their web site: www.bcpiweb.com or by calling 1-800-378-3160. A copy of American Network's original application and its amendment may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at <http://www.fcc.gov/cgb/ecfs> (insert CG Docket No. 03-123 into the Proceeding block).

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 & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Public Notice* can also be

⁹ See *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5442 (May 9, 2006); see also 47 C.F.R. § 64.606(e)(2) (Commission may require certified providers to submit documentation demonstrating compliance with the mandatory minimum standards).

¹⁰ 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, 23 FCC Rcd 5255 (March 19, 2008).

¹¹ 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); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Second Report and Order and Order on Reconsideration, CG Docket Nos. 03-123 & 98-67, WC Docket No. 05-196, FCC 08-275 (Dec. 19, 2008). Further, American Network must file an annual report with the Commission evidencing that they are in compliance with Section 64.604. 47 C.F.R. § 64.606(g). The first such report shall be due one year after the release date of this *Public Notice*, and subsequent reports shall be due each year thereafter.

¹² See 47 C.F.R. § 64.606(e)(2).

¹³ See *id.*

downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro>.

For further information, please contact Gregory Hlibok, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (800) 311-4381 (voice), (202) 418-0431 (TTY), or e-mail at Gregory.Hlibok@fcc.gov.

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