

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

In the Matter of)
)
Amendment of Part 64 of the Commission’s Rules)
Regarding)
)
Telecommunications Relay Services and Related)
Customer Premises Equipment for Persons With)
Disabilities)
)
Truth-In-Billing Requirements for Common)
Carriers)

ORDER

Adopted: September 30, 2011

Released: September 30, 2011

By the Managing Director:

1. In this Order, we make two nonsubstantive, editorial revisions to Part 64 of the Commission’s rules. We make these revisions to delete certain rule provisions and notes that are without current legal effect and thus obsolete. As is consistent with the rules, the Chief of the Consumer & Governmental Affairs Bureau has approved these editorial revisions.

2. Specifically, this Order finds that a provision of Part 64, Subpart F of the Commission’s rules regarding the Telecommunications Relay Services and Related Customer Premises Equipment for Persons with Disabilities no longer has legal effect. Section 64.604(c)(5)(iii)(J) of the Commission’s rules provides that the Commission shall review the Interstate Cost Recovery Plan (the “TRS Fund”) and the TRS Fund administrator’s performance after two years.¹ The administration of the TRS Fund and the rule mandating a review after an initial two year period became effective July 26, 1993.² Since section 64.604(c)(5)(iii)(J) became effective in 1993, the Commission has reviewed the TRS Fund on an annual basis and has modified the plan on several occasions.³ The Commission had also conducted periodic

¹ 47 C.F.R. § 64.604(c)(5)(iii)(J).

² Telecommunications Relay Services, 58 Fed. Reg. 39671-01 (July 26, 1993) (amending 47 C.F.R. § 64.604).

³ Since the creation of the TRS Fund, the Commission and the Consumer & Governmental Affairs Bureau (Bureau) has annually received a proposal for compensation rates and Fund size from the TRS Fund administrator on May 1st. The Commission and Bureau also afford the public the opportunity to comment on the Fund administrator’s proposal prior to the adoption of compensation rates for various forms of TRS and the contribution factor for each Fund period, which runs from July 1st to June 30th. In addition to these annual reviews of the Fund and the administrator’s performance, on June 30, 2011, the Commission adopted new compensation rates for various forms of TRS to be paid from the TRS Fund for the 2011-12 Fund year and the contribution factor used to determine the amount common carriers must contribute to the Fund. See generally *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 Nos. 03-123 & 10-51, Order, 26 FCC Rcd 9972 (2011).

reviews of the administrator's performance.⁴ As the Commission reviewed the performance of the administrator and the Fund after two years of its promulgation, section 64.604(c)(5)(iii)(J) of the Commission's rules is without current legal effect and thus may be deleted as obsolete.

3. This Order also finds that a note in Part 64, Subpart Y of the Commission's rules, which establishes Truth-In-Billing Requirements for Common Carriers, no longer has legal effect. The note following the Commission's Truth-In-Billing Requirements, codified at 47 C.F.R. § 64.2401, indicates that certain provisions of the rule are not effective and have been stayed until amendments to subsections 64.2401(a), (d), and (e) become effective, pending approval by the Office of Management and Budget and the Commission's publication of a document in the Federal Register announcing this approval and the effective date of these amended subsections. The amendments to the noted subsections were published in the Federal Register on July 13, 2000⁵ and became effective upon approval by the Office of Management and Budget on August 28, 2000.⁶ Accordingly, the stay has been lifted and all provisions of the rule are currently effective. The note indicating that some provisions have been stayed is no longer accurate. For these reasons, the note following 47 C.F.R. § 64.2401 is without current legal effect and thus may also be deleted as obsolete.

4. Accordingly, we amend these rules by deleting these provisions that no longer have any legal effect. The rule amendments adopted in this Order and set forth in the attached Appendix are nonsubstantive, editorial revisions of the rules under 47 C.F.R. § 0.231(b). We therefore find good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose. *See* 5 U.S.C. § 553(b)(3)(B). Because the rules being deleted are obsolete and without current legal effect, we also find good cause to make these nonsubstantive, editorial revisions of the rules effective upon publication in the Federal Register. *See* 5 U.S.C. § 553(d)(3).

5. Because this Order is being adopted without notice and comment,⁷ the Regulatory Flexibility Act, 5 U.S.C. §§ 601 *et seq.*, does not apply.

6. The rules discussed herein have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to contain no new or modified form, information collection, and/or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase or decrease burden hours imposed on the public.⁸ In addition, this Order does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198.⁹

7. The Commission will send a copy of this Order in a report to Congress and the

⁴ *See Appointment of Telecommunications Relay Services Fund Administrator and Composition of the Interstate TRS Advisory Council*, CC Docket No. 90-571, Memorandum Opinion and Order, 14 FCC Rcd 10553, 10554, paras. 10-11 (1999); *Appointment of the Telecommunications Relay Services Fund Administrator and Composition of the TRS Advisory Committee*, CC Docket No. 90-571, Memorandum Opinion and Order, 10 FCC Rcd 7223, 7224, paras. 8-9 (1995). On both occasions that the Commission conducted a review of the TRS Fund, the Commission subsequently appointed the National Exchange Carrier Association (NECA) as the administrator, based on a record that NECA had satisfactorily performed its duties as administrator in the past.

⁵ Truth-In-Billing and Billing Format, 65 Fed. Reg. 43251 (July 13, 2000) (amending 47 C.F.R. §§ 64.2401(a), (d), and (e)).

⁶ Truth-In-Billing and Billing Format, 65 Fed. Reg. 52048-01 (August 28, 2000) (amending 47 C.F.R. §§ 64.2401(a), (d), and (e)).

⁷ *See* 5 U.S.C. § 553(b)(3)(B).

⁸ *See* Public Law 104-13, 44 U.S.C. §§ 3501, *et seq.*

⁹ *See* 44 U.S.C. § 3506(c)(4).

Government Accountability Office pursuant to the Congressional Review Act.¹⁰

8. For further information, contact Deborah Broderson, FCC Consumer & Governmental Affairs Bureau, Room 5-C737, 445 12th Street, S.W., Washington, D.C. 20554, by phone at (202) 418-0652, or by email at Deborah.Broderson@fcc.gov.

9. Accordingly, **IT IS ORDERED THAT**, effective upon publication in the Federal Register, Part 64 of the Commission's rules **IS AMENDED**, as set forth in the attached Appendix, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and section 0.231(b) of the Commission's regulations, 47 C.F.R. § 0.231(b).

10. **IT IS FURTHER ORDERED** that the Secretary shall cause a copy of this Order to be published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

David Robbins
Managing Director

Joel Gurin
Chief, Consumer and Governmental Affairs Bureau

¹⁰ See 5 U.S.C. § 801(a)(1)(A).

Revised Rules

Part 64 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 64 — MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for Part 64 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 254(k), 227; secs. 403(b)(2)(B), (c), Pub. L. 104–104, 100 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 207, 228, 254(k), and 620 unless otherwise noted.

2. Remove § 64.604(c)(5)(iii)(J).

§ 64.604(c)(5)(iii)(J) [Removed]

3. In § 64.2401, remove [Note].

§ 64.2401 [Amended]