

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

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| In the Matters of  | ) |                      |
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| Telecommunications Relay Services and<br>Speech-to-Speech Services for<br>Individuals with Hearing and Speech Disabilities | ) | CG Docket No. 03-123 |
|  | ) |                      |
| Structure and Practices of the Video Relay Service<br>Program  | ) | CG Docket No. 10-51  |
|  | ) |                      |
| E911 Requirements for IP-Enabled Service<br>Providers  | ) | WC Docket No. 05-196 |
|  | ) |                      |
| Internet-Based Telecommunications Relay Service<br>Numbering   | ) | WC Docket No. 10-191 |
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**ORDER**

**Adopted: June 13, 2012**

**Released: June 13, 2012**

By the Acting Chief, Consumer and Governmental Affairs Bureau and Chief, Wireline Competition Bureau:

1. In this Order, the Consumer and Governmental Affairs Bureau and the Wireline Competition Bureau (the Bureaus) *sua sponte* grant a waiver of Section 64.613(a)(4) of the Commission's rules,<sup>1</sup> for the limited purpose of allowing the current Telecommunications Relay Services (TRS) Fund Administrator, Rolka Loube Saltzer Associates (RLSA), "read-only" access to the TRS Numbering Directory, administered by the TRS Numbering Administrator.<sup>2</sup> Section 64.613(a)(4) currently allows only iTRS providers and the TRS Numbering Administrator to access the TRS Numbering Directory. This waiver will ensure that, in carrying out its Fund administration obligations, the TRS Fund Administrator can effectively review call detail records (CDRs) and other information submitted by TRS providers seeking reimbursement from the TRS Fund.

2. *Background.* As TRS Fund Administrator, RLSA disburses payment to TRS providers, on a per-minute basis, for relay services provided in accordance with the Commission's rules.<sup>3</sup> To support their monthly requests for payment, TRS providers must provide call data to RLSA, including the originating and terminating telephone numbers and/or IP addresses for each call for which compensation is sought.<sup>4</sup> RLSA reviews the call data and other information submitted by the provider to determine whether the calls are compensable under the Commission's rules.<sup>5</sup>

<sup>1</sup> 47 C.F.R. § 64.613(a)(4).

<sup>2</sup> The current TRS Numbering Administrator is Neustar, Inc.

<sup>3</sup> See 47 C.F.R. §§ 64.604(c)(5)(iii)(D), (L).

<sup>4</sup> See 47 C.F.R. § 64.604(c)(5)(iii)(D)(2).

<sup>5</sup> See 47 C.F.R. § 64.604(c)(5)(iii)(L).

3. To help prevent misuse of the Internet-based TRS (iTRS) program,<sup>6</sup> it is important that the TRS Fund Administrator have access to the data necessary to ensure that calls submitted for payment are legitimate calls from registered users. Comparing telephone numbers and IP addresses in the call data submitted by iTRS providers with corresponding data in the TRS Numbering Directory<sup>7</sup> is often a necessary step in confirming that the calls for which payments are being sought are legitimate relay calls.

4. *Discussion.* The Commission may waive any provision of its rules on its own motion if good cause is shown.<sup>8</sup> In this instance, the Bureaus have determined that there is good cause to waive Section 64.613(a)(4). As the entity principally tasked with ensuring that payments are disbursed only for compensable calls, the TRS Fund Administrator must be able to assess and analyze the accuracy and completeness of call data submitted with claims for payment. RLSA can more effectively assess and analyze the accuracy and completeness of call data if it is able to consult the TRS Numbering Directory in order to verify the validity of the telephone numbers and IP addresses provided in the call data.

5. Moreover, we find that a waiver of Section 64.613(a)(4) for the purpose of facilitating RLSA's call data analysis does not conflict with the intent of the rule to ensure the confidentiality and security of data in the TRS Numbering Directory.<sup>9</sup> In addition to having a contractual obligation to secure confidential data, such as telephone numbers and other user-related information,<sup>10</sup> RLSA, as the TRS Administrator, is subject to the Commission's rule requiring confidential treatment of data obtained from other FCC administrators.<sup>11</sup> Thus, the grant of this waiver does not undermine the rule's purposes.

6. Consistent with our finding that RLSA is better able to perform a complete analysis of call data with read-only access to the TRS Numbering Directory administered by the TRS Numbering Administrator, we conclude that this waiver shall be in effect for the duration of the Commission's TRS-related contract with RLSA, including any renewals or extensions thereof, and shall expire upon the termination of the contract. Tying the waiver to the duration of the contract with RLSA will ensure an

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<sup>6</sup> See, e.g., *Consumer & Governmental Affairs Bureau Seeks to Refresh the Record Regarding Misuse of Internet Protocol Relay Service*, CG Docket Nos. 12-38, 03-123, Public Notice, 27 FCC Rcd 1569 (CGB 2012).

<sup>7</sup> The TRS Numbering Directory contains 10-digit telephone numbers that have been assigned to users of two types of iTRS: Video Relay Service (VRS) and Internet Protocol Relay Service (IP Relay). In addition, the directory contains Uniform Resource Identifiers (URIs) associated with those telephone numbers. For each VRS user's NANP telephone number, the URI contains the IP address of the user's device. For each IP Relay user's NANP telephone number, the URI contains a text messaging account user name and domain name. See 47 C.F.R. § 64.613(a)(2).

<sup>8</sup> See 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co. v. F.C.C.*, 897 F2d 1164, 1166 (D.C. Cir 1990) (“*Northeast Cellular*”) (“[A] waiver is appropriate only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest,” citing *WAIT Radio v. F.C.C.*, 418 F2d 1153, 1157-59 (DC Cir 1969)).

<sup>9</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, 11617, ¶ 67 (2008).

<sup>10</sup> The user-related information contained in the TRS Numbering Directory is described in note 7, *supra*. The TRS Numbering Directory does not contain other user information, such as the names of TRS users or their registered geographic locations.

<sup>11</sup> See 47 C.F.R. § 64.604(c)(5)(iii)(I) (“The TRS Fund administrator shall keep confidential all data obtained from other administrators.”). The Commission, of course, retains the ability to access such data for administration and enforcement of the TRS rules. See 47 C.F.R. §§ 64.604(c)(5)(iii)(H), (I).

appropriate limitation on the duration of the waiver.

7. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1, 4(i), 4(j), 225, and 251(e), of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 225, and 251(e), and sections 0.91, 0.141, 0.291, 0.361, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.141, 0.291, 0.361, 1.3, that section 64.613(a)(4) of the Commission's rules is WAIVED as provided herein.

8. 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 may be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro/trs.html#orders>.

FEDERAL COMMUNICATIONS COMMISSION

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