



# PUBLIC NOTICE

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## Notice of Effective Date of Internet Protocol Captioned Telephone Service User Registration and Certification Rules

CG Docket Nos. 13-24 and 03-123

On August 26, 2013, the Commission released the *Internet Protocol Captioned Telephone Service (IP CTS) Reform Order*, which, among other actions, adopted rules mandating registration and certification of IP CTS users.<sup>1</sup> On August 28, 2014, the rules relating to IP CTS user registration and certification adopted in the *IP CTS Reform Order* and contained in section 64.604(c)(9) of the Commission's rules<sup>2</sup> took effect, upon announcement in the Federal Register of approval from the Office of Management and Budget (OMB).<sup>3</sup>

<sup>1</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13420 (2013) (*IP CTS Reform Order*). The *IP CTS Reform Order* also adopted rules regulating practices relating to the marketing of IP CTS and imposing certain requirements for the provision of this service.

<sup>2</sup> 47 C.F.R. § 64.604(c)(9).

<sup>3</sup> See 79 FR 51446. 47 C.F.R. § 64.604(c) contains information collection requirements that required OMB approval pursuant to the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104-13. The Commission requested that OMB issue emergency approval of the IP CTS user registration and certification requirements contained in 47 C.F.R. 64.604(c)(9), to minimize a lapse in registration and certification requirements after rules adopted in *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703 (2013) (*IP CTS Interim Order*) were vacated by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). *Sorenson Communications, Inc. and CaptionCall, LLC v. FCC* (D.C. Cir. Nos. 13-1122 and 13-1246, June 20, 2014) (*Sorenson v. FCC*).

The Commission had previously sought and obtained approval from OMB for the following information collections associated with the *IP CTS Reform Order*: (1) the requirements regarding the labeling of equipment, software and mobile applications (47 C.F.R. § 64.604(c)(11)(iii) and (iv)); (2) the certification, recordkeeping, and reporting requirements for hardship exemptions to the captions default-off requirement (47 C.F.R. § 64.604(c)(10)(iv)); and (3) an additional information reporting requirement for IP CTS providers or IP CTS applicants seeking Commission certification to provide IP CTS to provide assurance that they will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the Commission's IP CTS registration and certification requirements (47 C.F.R. § 64.606(a)(2)(ii)(F)). See 79 FR 23354 (April 28, 2014); 79 FR 40003 (July 11, 2014). Because the captions default-off requirement was vacated by *Sorenson v. FCC*, the hardship exemption is no longer needed.

The Commission sought OMB approval of the user registration and certification requirements separately from these other information collections because the user registration and certification requirements adopted in the

Section 64.604(c)(9) of the Commission's rules requires providers to register each new IP CTS user in order to be eligible for compensation from the Fund for providing service to new IP CTS users.<sup>4</sup> As part of the registration process, each provider must obtain from each user a self-certification that the user (1) has a hearing loss that necessitates use of captioned telephone service; (2) understands that captions on captioned telephone service are provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone; (3) understands that the cost of captioning each Internet protocol (IP) captioned telephone call is funded through a federal program; and (4) will not permit, to the best of the consumer's ability, persons who have not been registered to use IP CTS to make captioned telephone calls on the consumer's registered IP captioned telephone service or device.<sup>5</sup> This self-certification must be made on a form separate from any other user agreement, and be separately signed, under penalty of perjury.<sup>6</sup>

Section 64.604(c)(9) of the Commission's rules also requires providers to register and obtain a self-certification from all existing IP CTS users within 180 days of the rule's effective date.<sup>7</sup> In addition, for those existing users who received equipment for free or at a price below \$75 from an IP CTS provider directly or indirectly (other than through a governmental program) prior to March 7, 2013, providers must obtain from the user either a payment of \$75 or a certification from an independent, third party professional that (1) the consumer has a hearing loss that necessitates use of captioned telephone service and (2) the third party professional understands that the captions on captioned telephone service are provided by a live communications assistant funded through a federal program.<sup>8</sup> The Commission's rules also require that the third party professional certification include the professional's name, title, address, telephone number, and e-mail address.<sup>9</sup>

Lastly, the Commission's rules require providers to maintain all documents relating to user registration and certification on a confidential basis and retain them for a period of five years after the consumer ceases to obtain service from the provider.<sup>10</sup>

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*IP CTS Reform Order* were related to another Commission rule that was stayed by the D.C. Circuit, *Sorenson Communications, Inc. and CaptionCall, LLC v. FCC* (D.C. Cir. Nos. 13-1122 and 13-1246, Dec. 6, 2013), at the time the Commission sought approval from OMB of the other information collections. See 79 FR 23354.

<sup>4</sup> 47 C.F.R. § 64.604(c)(9)(i); *IP CTS Reform Order*, 28 FCC Rcd at 13449, ¶ 64.

<sup>5</sup> 47 C.F.R. § 64.604(c)(9)(iii).

<sup>6</sup> 47 C.F.R. § 64.604(c)(9)(iv).

<sup>7</sup> See *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶¶ 69-70. The order defines "existing IP CTS users" as "all users who are enrolled in a provider's IP CTS as of the effective date of the amended registration and certification rule . . . and who have not previously undergone registration and certification by that provider in compliance with the interim registration and certification rule." *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 69, n.216.

<sup>8</sup> 47 C.F.R. § 64.604(c)(9)(vii), (viii); see also *IP CTS Reform Order*, 28 FCC Rcd at 13453, ¶ 72.

<sup>9</sup> 47 C.F.R. § 64.604(c)(9)(viii).

<sup>10</sup> 47 C.F.R. § 64.604(c)(9)(x).

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