

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

In the Matters of
Telecommunications Relay Services and
Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities
Structure and Practices of the Video Relay Service
Program
Internet-Based Telecommunications Relay Service
Numbering
Waiver of Sections 64.613(a)(4), 64.613(b)(2) and
64.623(c) of the Commission’s Rules to Permit
VTCSecure and the MITRE Corporation to Access
the TRS Numbering Directory

ORDER

Adopted: November 23, 2015

Released: November 23, 2015

By the Chief, Wireline Competition Bureau:

1. By this Order, the Wireline Competition Bureau waives on its own motion sections 64.613(a)(4), 64.613(b)(2) and 64.623(c) of the Commission’s rules to permit VTCSecure, which serves by contract as administrator of the Video Relay Service (VRS) Access Technology Reference Platform (reference platform), and the MITRE Corporation (MITRE), which is under contract to perform research and development compensated from the Telecommunications Relay Services (TRS) Fund, to access the TRS Numbering Directory to the extent necessary to carry out assigned tasks related to their contractual responsibilities. Clarifying both entities’ eligibility to access the directory under these terms will facilitate the effective performance of their respective duties.

1 Section 64.613(a)(4) provides that “[o]nly the TRS Numbering Administrator and Internet-based TRS providers may access the TRS Numbering Directory.” 47 C.F.R. § 64.613(a)(4). Sections 64.613(b)(2) and 64.623(c) each provide that the TRS Numbering Administrator shall administer the numbering directory “pursuant to the terms of its contract.” 47 C.F.R. §§ 64.613(b)(2), 64.623(c).

2 See VTCSecure, www.vtcsecure.com (last visited Oct. 20, 2015).

3 See 47 C.F.R. § 64.619.

4 See MITRE Corp., www.mitre.org (last visited Oct. 20, 2015). The MITRE Corporation is a private, not-for-profit corporation that operates federally funded research and development centers (FFRDCs). The FCC contract is, more specifically, an order placed with an FFRDC operated by MITRE under the sponsorship of, and under contract with, the U.S. Department of Health and Human Services.

2. In 2013, the Commission adopted reforms “to improve the structure, efficiency and quality” of VRS.⁵ These included the creation of a “reference platform” for VRS access technologies, which provide the various configurations of software and equipment implemented by VRS providers to enable their customers to place and receive VRS calls.⁶ The purpose of the reference platform is to provide “a concrete example of a standards specific VRS access technology implementation” that serves as a benchmark of interoperability and portability for all VRS access technologies. The platform will be made publicly available,⁷ allowing providers “to ensure that any VRS access technology they develop or deploy is fully compliant with [Commission] interoperability and portability requirements.”⁸ Ultimately, interoperability with the reference platform will be “a minimum condition for a provider’s VRS access technology to be in compliance with [Commission] rules” and for “receiving compensation from the [TRS Fund].”⁹

3. The Commission also decided in 2013 to allocate TRS funding for research and development (R&D) aimed at “ensuring that TRS is functionally equivalent to voice telephone services and improving the efficiency and availability of TRS.”¹⁰ Rather than allow individual providers to claim this funding, the Commission determined that a third party should be engaged to carry out R&D under contract with the Commission.¹¹

4. The Commission’s Managing Director has selected and entered into a contract on the Commission’s behalf with VTCSecure to develop and implement the reference platform¹² and with MITRE to conduct R&D.¹³ Each of these entities may be hindered in the performance of its contractual responsibilities if it is barred from accessing the TRS Numbering Directory, the database that maps VRS users’ telephone numbers to Internet Protocol addresses to enable VRS call completion.¹⁴ Access to the directory could enable VTCSecure to perform more effectively various duties that relate to the development and testing of the platform, as well as other tasks that may arise in the course of its responsibilities as reference platform administrator. Such access could similarly assist MITRE in carrying out various of its assigned R&D tasks, such as working to improve VRS call routing capabilities.

⁵ See *Structure and Practices of the Video Relay Services Program* et al., CG Docket No. 10-51 et al., 28 FCC Rcd 8618, 8620, para. 1 (2013) (*VRS Reform Order*).

⁶ See *id.* at 8644-47, paras. 53-61.

⁷ See *id.* at 8646, para. 57.

⁸ *Id.* at 8644, para. 53.

⁹ *Id.* at 8646, para. 58.

¹⁰ *Id.* at 8630, para. 22.

¹¹ *Id.* at 8629-30, paras. 20-22. Although the *VRS Reform Order* directed the Managing Director to enter into an arrangement with the National Science Foundation for this purpose, *id.* at 8624 para. 8, 8630, para. 22, the Commission later broadened the Managing Director’s discretion to consider alternatives. See *Technology Transitions* et al., GN Docket No. 13-5 et al., Order, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 1433, 1480-81, paras. 141-43 (2014). The Managing Director has retained MITRE to conduct such R&D. See *FCC Announces Release of an Auto Call Routing Implementation Guide “Cookbook” for Direct Video Communications*, Public Notice, DA 15-1312 (rel. Nov. 18, 2015) (*MITRE Public Notice*).

¹² See FedBizOpps.gov, www.fbo.gov (search “Keyword/Solicitation #” for “FCC14R0012”). VTCSecure’s activities as administrator of the reference platform are compensable from the TRS Fund. See 47 C.F.R. § 64.619(b)(2).

¹³ See *MITRE Public Notice*.

¹⁴ See 47 C.F.R. § 64.613(a)(1), (a)(2); see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities* et al., CG Docket No. 03-123 et al., Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11612, para. 49 (2008) (*2008 VRS Order*).

Yet neither VTCSecure nor MITRE is an “Internet-based TRS provider” permitted access to the directory under section 64.613(a)(4) of the Commission’s rules.¹⁵

5. The Commission may waive a provision of its rules on its own motion “if good cause therefor is shown.”¹⁶ A waiver is appropriate where “particular facts would make strict compliance inconsistent with the public interest” or, in other words, where “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”¹⁷ This standard is clearly met here. The primary purpose of allowing only TRS providers and the TRS Numbering Administrator to access the directory is to protect “the security of the central database and privacy of the data contained therein.”¹⁸ Both VTCSecure and MITRE operate under detailed contractual agreements that include safeguards to protect non-public information from unwarranted disclosure, and both perform their responsibilities in close coordination with, and under the supervision of, Commission staff. Permitting these entities to access the TRS Numbering Directory to the extent necessary to carry out their contractual obligations would therefore be consistent with the security and privacy interests that motivated the Commission to withhold access to the directory from the general public. Moreover, declaring VTCSecure and MITRE eligible to access the directory will further the public interest by enabling each entity to fully perform the unique responsibilities associated with its role. For VTCSecure, these responsibilities include developing and testing the reference platform and providing technical support to VRS providers, developers and end users, and for MITRE, these include various research and development tasks aimed at improving the overall state of VRS and other forms of TRS.

6. For these reasons, we waive section 64.613(a)(4) to the extent it prohibits either VTCSecure or MITRE from accessing the TRS Numbering Directory for the purposes assigned by the Commission to achieve fulfillment of each entity’s contractual obligations. We also waive sections 64.613(b)(2) and 64.623(c) as to the TRS Numbering Administrator, Neustar, to the extent either of these provisions separately prohibits Neustar from granting VTCSecure or MITRE access to the directory. In granting this relief, we remind both VTCSecure and MITRE of their obligations to comply with the terms of their contracts and with applicable Commission requirements.

7. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 1-5 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-155, and sections 0.91, 0.291, and 1.3 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, sections 64.613(a)(4), 64.613(b)(2) and 64.623(c) of the Commission’s rules, 47 C.F.R. §§ 64.613(a)(4), 64.613(b)(2), 64.623(c), ARE WAIVED to the extent indicated herein.

¹⁵ See 47 C.F.R. § 64.613(a)(4) (“Only the TRS Numbering Administrator and Internet-based TRS providers may access the TRS Numbering Directory.”).

¹⁶ 47 C.F.R. § 1.3.

¹⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁸ *2008 VRS Order*, 23 FCC Rcd at 11617, para. 67; see also *id.* at 11614, para. 55 (dismissing as presenting “significant security risks” a proposal to have end users directly provision information to the TRS Numbering Directory).

8. IT IS FURTHER ORDERED that, pursuant to section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Matthew S. DelNero
Chief
Wireline Competition Bureau