

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

In the Matter of )
Telecommunications Relay Services and Speech- )
to-Speech Services for Individuals with Hearing ) CG Docket No. 03-123
and Speech Disabilities )
Structure and Practices of the Video Relay Service ) CG Docket No. 10-51
Program )

ORDER AND DECLARATORY RULING

Adopted: January 18, 2017

Released: January 18, 2017

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

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau and Consumer and Governmental Affairs Bureau (Bureaus) of the Federal Communications Commission (Commission) grant a petition filed by VTCSecure, LLC (VTCSecure or Petitioner) on July 6, 2016, seeking waiver of Sections 64.613(a)(1), (a)(2), (a)(4), and (b)(2) and 64.623(c) of the Commission’s rules to allow VTCSecure, a provider of direct video calling (DVC) customer support services, to access the telecommunications relay service (TRS) Numbering Directory. The Bureaus further grant the Petitioner’s request for a declaratory ruling that video relay service (VRS) providers must route and connect all direct voice, video and text calls

1 Although the Petitioner refers to “direct sign language (SL)” customer support services, herein we use the term “direct video calling (DVC)” customer support services to comport with other Commission references to these services. A direct video calling (DVC) customer support service, for the purpose of this waiver, is a telephonic customer assistance service provided by an organization that permits individuals who are deaf, hard of hearing, deaf-blind, or have a speech disability, using telephone numbers that are registered in the TRS numbering directory, to engage in real-time video communication in sign language without a customer assistance agent. The purpose of DVC is to provide direct telephone service to such individuals that is functionally equivalent to voice communications service provided to hearing individuals who do not have speech disabilities.

2 See 47 CFR §§ 64.613(a)(1), (2), (4), 64.613(b)(2), and 64.623(c); Petition of VTCSecure, LLC for Waiver of Sections 64.613(a)(1), 64.613(a)(2), 64.613(a)(4), 64.613(b)(2), and 64.623(c) of the Commission’s Regulations and Request for Declaratory Ruling to Permit Providers of Direct Sign Language Customer Support Service to Access the TRS Numbering Directory, CG Docket Nos. 10-51 and 03-123 (filed July 6, 2016) (Petition). The Bureaus released a public notice on July 18, 2016, seeking comment on the petition. Wireline Competition Bureau and Consumer & Governmental Affairs Bureau Seek Comment on VTCSecure Petition for Waiver of Sections 64.613(a)(1)-(2), (4), 64.613(b)(2), and 64.623(c) of the Commission’s Rules and Request for Declaratory Ruling to Permit Providers of Direct Sign Language Customer Support Service to Access the Telecommunications Relay Services Numbering Directory, Public Notice, 31 FCC Rcd 7688 (2016). The following parties filed comments or replies, or both: Charles Bullock; Communications Service for the Deaf, Inc. (CSD); Gallaudet University; Telecommunications for the Deaf and Hard of Hearing, Inc., et al. (Consumer Groups); Judith A. Jonas; ASL Services Holdings, LLC d/b/a GlobalVRS, et al. (VRS Providers); and VTCSecure, LLC (VTCSecure).

between telephone numbers listed in the TRS Numbering Directory. We find that the Petitioner has demonstrated good cause for waiver and that the requested declaratory ruling is warranted under the Commission's TRS rules and decisions. We also conclude that the waiver and declaratory ruling will promote cooperation and interoperability between VRS providers and VTCSecure.

## II. BACKGROUND

2. Under Title IV of the Americans with Disabilities Act (ADA), the Commission must ensure that individuals with hearing and speech disabilities in the United States have access to TRS, which can facilitate use of the telephone system between these persons and other individuals.<sup>3</sup> Title IV requires the Commission to ensure that the access provided by such relay services is “functionally equivalent”<sup>4</sup> to voice telephone services “to the extent possible and in the most efficient manner.”<sup>5</sup> Additionally, the Commission's regulations must encourage the use of existing technology and must not “discourage or impair the development of improved technology.”<sup>6</sup>

3. When Congress enacted Title IV, codified in the Communications Act at Section 225, relay calls were placed by individuals, who were deaf, hard of hearing, deaf-blind, or have a speech disability using a text telephone device (TTY) connected to the public switched telephone network (PSTN).<sup>7</sup> As new technology developed, the Commission recognized new forms of TRS, including Internet-based forms of TRS, namely VRS, Internet Protocol (IP) Relay, and IP captioned telephone service.<sup>8</sup> The Commission has defined relay services, including Internet-based TRS (iTRS), as a means of communication that uses communications assistants (CAs) to facilitate telephone conversations between two or more end users of TRS.<sup>9</sup>

4. In 2008, the Commission adopted rules establishing a TRS Numbering Directory, administered by a neutral TRS Numbering Administrator, to map each registered iTRS user's North American Numbering Plan (NANP) telephone number to his or her end device.<sup>10</sup> Under those rules, VRS

<sup>3</sup> Pub. L. No. 101-336, § 401 (1990); 47 U.S.C. § 225 (as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. No. 111-260, § 103(b), 124 Stat. 2751, 2755 (2010); Pub. L. No. 111-265 (technical amendments to CVAA)). *See also Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8620, para. 2 (2013) (*VRS Reform Order*).

<sup>4</sup> 47 U.S.C. § 225(a)(3); *VRS Reform Order*, 28 FCC Rcd at 8620.

<sup>5</sup> 47 U.S.C. § 225(b)(1); *VRS Reform Order*, 28 FCC Rcd at 8620.

<sup>6</sup> 47 U.S.C. § 225(a)(2); *see also VRS Reform Order*, 28 FCC Rcd at 8621, para. 2.

<sup>7</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11593, para. 4 (2008) (*iTRS Order*).

<sup>8</sup> *Id.* *See also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, 15 FCC Rcd 5141, 5152-54, paras. 21-27 (2000); *In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779, 7783-84, paras. 10-14; *iTRS Order*, 23 FCC Rcd at 11592-93, para. 1.

<sup>9</sup> *See, e.g.*, 47 CFR § 64.601(a)(15) (defining iTRS as “[a] telecommunications relay service (TRS) in which an individual with a hearing or a speech disability connects to a TRS communications assistant using an Internet Protocol-enabled device via the Internet, rather than the public switched telephone network. iTRS does not include the use of a text telephone (TTY) over an interconnected voice over Internet Protocol service”); 47 CFR § 64.601(a)(40) (defining VRS as “[a] telecommunications relay service that 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.”).

<sup>10</sup> *See iTRS Order*, 23 FCC Rcd 11591 (2008); *see also* 47 CFR §§ 64.601(a)(36), 64.613(a).

providers must now obtain current routing information, including IP addresses or domain names and user names, from their registered iTRS users, and include that information in the TRS Numbering Directory, so that calls to and from those TRS users may be properly routed.<sup>11</sup>

5. In 2013, the Commission “amended its rules to improve the structure, efficiency, and quality of the VRS program”<sup>12</sup> while reaffirming that “the Commission’s regulations must encourage the use of existing technology and must not discourage the development of new technology.”<sup>13</sup> In this order, the Commission explained that traditionally, VRS communications have “require[d] the interaction of three separate yet interlinked components: (1) VRS access technologies (e.g., a videophone... [or software application]), (2) video communication service (the ‘platform’ that providers use to route calls to and from their users), and (3) relay service provided by ASL [American Sign Language]-fluent CAs.”<sup>14</sup> VRS providers are compensated by the Interstate TRS Fund (TRS Fund or the Fund)<sup>15</sup> for the reasonable costs of providing interstate VRS services based on formulas submitted by the administrator of the TRS Fund and approved or modified by the Commission.<sup>16</sup>

6. According to VTCSecure’s petition, VTCSecure provides a sign language DVC customer support service to businesses and government agencies that permits consumers to use a NANP telephone number “to engage in real time video communications, including audio, to share information of the user’s choosing, and provides the ability for any person, including a deaf, hard of hearing, deaf-blind or speech impaired individual, to engage in communications that are functionally equivalent to voice communications by hearing individuals.”<sup>17</sup> The Petitioner explains that Section 64.613(a) of the Commission’s rules bars DVC customer service providers from accessing the TRS Numbering Directory because such providers’ “services do not meet the iTRS, VRS, or point-to-point service definitions,” which “require the participation of a communications assistant or VRS providers.”<sup>18</sup> Further, the Petitioner states that DVC customer support service numbers may or may not be an “individual” as used in the definition of “Registered Internet-based TRS user” set forth in section 64.601(a)(27)], and that DVC customer support service representatives may or may not be “registered with” a VRS provider as is

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<sup>11</sup> See *iTRS Order*, 23 FCC Rcd 11591.

<sup>12</sup> *VRS Reform Order*, 28 FCC Rcd at 8777, para. 1.

<sup>13</sup> *VRS Reform Order*, 28 FCC Rcd at 8621, para. 2; see also 47 U.S.C. § 225(d)(2).

<sup>14</sup> *VRS Reform Order*, 28 FCC Rcd at 8621, para. 4; see also *Structure and Practices of the Video Relay Service Program*, Notice of Inquiry, 25 FCC Rcd 8597, 8608, para. 32 (2010) (“To initiate a VRS call, a consumer uses a VRS access technology to connect to an ASL-fluent CA over the Internet via a broadband video communication service. The CA, in turn, places an outbound telephone call to the called party. During the call, the CA relays the communications between the two parties, signing what the hearing person says to the ASL user and conveying the ASL user’s responses in voice to the hearing person.”).

<sup>15</sup> The TRS Fund was established by the Commission to compensate TRS providers for the reasonable costs of providing interstate TRS. See 47 CFR § 64.604(c)(5)(iii)(E)(1). Every carrier providing interstate telecommunications services (including interconnected VoIP service providers and non-interconnected VoIP service providers) must contribute to the TRS Fund on the basis of interstate end-user revenues as set forth in the Commission’s rules. 47 CFR § 64.604(c)(5)(iii)(A). The Fund is administered by an entity selected by the Commission, currently Rolka Loube Associates, which sets provider compensation rates, funding requirements, and the carrier contribution factor on an annual basis, subject to the Commission’s approval. See 47 CFR § 64.604(c)(5)(iii)(H).

<sup>16</sup> 47 CFR § 64.604(c)(5)(iii)(E).

<sup>17</sup> Petition at 5.

<sup>18</sup> *Id.*; see also 47 CFR § 64.601(a)(15) (“connects to a TRS communications assistant using an Internet Protocol-enabled device”), 47 CFR § 64.601(a)(40) (“The video link allows the CA to view and interpret the party’s signed conversation...”), 47 CFR § 64.5103(m) (“over VRS provider facilities” and “assigned to customers by VRS providers”).

necessary to fit within the registration requirements of Section 64.611 of the rules.<sup>19</sup> Similarly, Section 64.613(a)(2), which specifies the format of records in the TRS Numbering Directory, limits the Uniform Resource Identifier instructions to only geographically appropriate NANP telephone numbers for VRS users and IP Relay users, therein leaving “open the possibility for disputes among VRS and direct SL customer support service providers over how to properly route communications between a VRS user device and a direct SL customer support service user device.”<sup>20</sup> Finally, the Petitioner notes that Section 64.613(a)(4) permits access to the TRS Numbering Directory only by the TRS Numbering Administrator and iTRS providers; DVC customer support services are thus prohibited from accessing the directory because they do not meet the definition of “Internet-based TRS providers” that provide TRS to services “in which an individual with a hearing or speech disability connects to a TRS communications assistant....”<sup>21</sup>

7. VTCSecure requests waiver of these provisions to allow DVC customer support services providers to have access to the TRS Numbering Directory so that they can add their DVC customer service numbers to the directory, VRS providers can properly route such numbers, and DVC customer support service providers can make outbound calls to deaf customers.<sup>22</sup> Furthermore, because Sections 64.613(b)(2) and 64.623(c)<sup>23</sup> of the rules may prevent the TRS Numbering Administrator from allowing anyone other than a VRS provider to access the TRS Numbering Directory, VTCSecure requests waiver of these provisions as well.<sup>24</sup> VTCSecure also requests a declaratory ruling to clarify that “VRS providers are obligated to support the ability of VRS users” to make and receive direct video, voice and text calls to and from “any NANP telephone number listed in the TRS Numbering Directory, including direct [A]SL customer support service NANP telephone numbers, using the routing information for each such number contained in the TRS Numbering Directory.”<sup>25</sup>

### III. DISCUSSION

#### A. Waiver to Allow Providers of DVC Customer Support Services to Access the TRS Numbering Directory

##### 1. Good Cause

8. Generally, the Commission’s rules may be waived for good cause shown.<sup>26</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>27</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>28</sup> Waiver

<sup>19</sup> Petition at 8; *see also* 47 CFR § 64.611 (requiring, among other things, that a user attest to having a hearing or speech disability and provide the user’s full name, address, date of birth, and last four digits of his or her social security number).

<sup>20</sup> Petition at 9.

<sup>21</sup> *Id.* at 10; *see also* 47 CFR § 64.601(a)(15).

<sup>22</sup> Petition at 1.

<sup>23</sup> Sections 64.613(b)(2) and 64.623(c) of the Commission’s rules require the TRS Numbering Administrator to administer the TRS Numbering Directory according to the terms of its contract.

<sup>24</sup> Petition at 11-12. *See also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 30 FCC Rcd 13452, 13454, para. 6 (2015) (“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.”).

<sup>25</sup> Petition at 18-19.

<sup>26</sup> 47 CFR § 1.3.

<sup>27</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>29</sup>

9. Based on the record before us, we find that VTCSecure has demonstrated good cause for waiver of sections 64.613(a)(1), (2), (4), 64.613(b)(2), and 64.623(c) of the rules establishing that only the NANP telephone number of each "registered Internet based TRS User" may be included in the TRS Numbering Directory.<sup>30</sup> Allowing VTCSecure access to the TRS Numbering Directory will enable individuals who are deaf, hard of hearing, deaf-blind or have a speech disability to move closer to obtaining the functional equivalency Congress envisioned in enacting Title IV of the ADA. As the Commission has repeatedly recognized, compared to traditional TRS, "point-to-point services even more directly support the [purposes of section 225]" because they "increase the utility of the Nation's telephone system" for persons with hearing and speech disabilities by "provid[ing] direct communication – including all visual cues that are so important to persons with hearing and speech disabilities."<sup>31</sup> Because the consumer interacting with DVC customer support services is utilizing VRS provider facilities and VRS access technology at the consumer's end of the call, we consider DVC customer support services to be a subset of point-to-point service.<sup>32</sup> We agree with Gallaudet University that, "[w]ith direct video communications, especially if the call takers are members of the deaf community themselves, the risk for mistranslations between ASL and English is eliminated, and thus the risk for costly and frustrating misunderstandings is also greatly reduced, if not eliminated."<sup>33</sup> Moreover, as Consumer Groups argue, granting DVC customer support services access to the TRS Numbering Directory will enhance the functional equivalence of the TRS program by granting VRS users more direct, visual, reciprocal communication.<sup>34</sup>

10. We also find that granting VTCSecure access to the TRS Numbering Directory will likely reduce the TRS costs that would otherwise be borne by the TRS Fund by enabling customer support services to be used in lieu of VRS.<sup>35</sup> As the Commission has recognized, direct video communication for consumers using DVC is more efficient than traditional TRS because it is "more rapid in that [it] involve[s] direct, rather than interpreted, communication" and "does not trigger the costs involved with interpretation or unnecessary routing...."<sup>36</sup> In addition to increasing functional equivalency and reducing costs of the TRS program, we also agree with VTCSecure that granting this petition will

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<sup>28</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (*WAIT Radio*); *Northeast Cellular*, 897 F.2d at 1166.

<sup>29</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>30</sup> 47 CFR §§ 64.613(a)(1), (2), (4), 64.613(b)(2), and 64.623(c).

<sup>31</sup> *Telecommunications Relay Services and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, 821, para. 67 (2008) (*Second TRS Numbering Order*); see also *Structure and Practices of the Video Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Further Notice of Proposed Rulemaking, 30 FCC Rcd 12973, 12995-6, para. 61 (2015) (*VRS 2015 FNPRM*).

<sup>32</sup> See 47 CFR § 64.5103(m) (defining "point-to-point service" as "a service that enables a VRS customer to place and receive non-relay calls without the assistance of a CA over the VRS provider facilities using VRS access technology. Such calls are made by means of ten-digit NANP numbers assigned to customers by VRS providers.").

<sup>33</sup> Gallaudet University Comments at 2.

<sup>34</sup> See Consumer Groups Comments at 4.

<sup>35</sup> *Id.* at 4 ("[e]nabling VRS users to communicate directly with hearing individuals who can sign will not only conserve the resources of the TRS Fund, as people will elect to use a video phone instead of VRS minutes, but will also allow more natural, efficient and effective communications between the parties.").

<sup>36</sup> *Second TRS Numbering Order*, 24 FCC Rcd at 821, para. 67; see also Petition at 16.

increase employment opportunities for deaf persons at businesses and agencies that use DVC customer support.<sup>37</sup>

11. Further, as explained below, we do not find meritorious the various specific concerns raised by the VRS Providers in opposition to VTCSecure's petition. Therefore, we find good cause for a waiver in light of the particular facts, the public interest, and considerations of hardship, equity, and more effective implementation of overall policy.<sup>38</sup> Because we find good cause to grant the requested waiver, we reject the VRS Providers' argument that the Commission must conduct a notice-and-comment rulemaking before granting DVC customer support service providers' access to the TRS Numbering Directory.<sup>39</sup>

## 2. Specific Concerns Raised by Commenters

12. *Mandatory Use of DVC.* VRS providers ask us to "ensure that any use of direct sign-language customer-support service is optional, not mandatory, and that users are still able to place a VRS call to every company's standard customer-support numbers."<sup>40</sup> Because Petitioner's proposal does not contemplate being a mandatory service and TRS customers will continue to have access to all VRS provider services,<sup>41</sup> we find any further clarification unnecessary.

13. *VRS Provider Costs.* VRS providers additionally ask that the Commission clarify "that any modifications to the rules do not impose obligations on VRS providers or otherwise tax the TRS Fund."<sup>42</sup> They express concern that "[a]ssumption of an additional obligation to implement interoperability with direct sign-language support services would only exacerbate [their] financial condition."<sup>43</sup> They ask the Commission to clarify that "the cost of complying with these obligations can be recovered through an exogenous-cost adjustment consistent with the adjustments authorized when the Numbering Directory was first implemented."<sup>44</sup> Because the burden will be on VTCSecure to comply with the same interoperability requirements<sup>45</sup> and the same privacy standards imposed on VRS providers by Section 64 of the Commission's rules,<sup>46</sup> we do not believe that additional burdens will be imposed on VRS providers beyond the providers' already existing interoperability requirements.

14. *Security, Reliability, and Privacy.* VRS providers express concern that expanding access to the TRS Numbering Directory to non-VRS providers would create significant security and reliability challenges.<sup>47</sup> They assert that, to protect the security of the database, the Commission must, at a minimum, ensure that only entities with a legitimate need can access the database.<sup>48</sup> Consumer Groups similarly request that the Commission "require providers of direct SL customer support service to comply

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<sup>37</sup> See Petition at 1.

<sup>38</sup> *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

<sup>39</sup> See VRS Providers Comments at 1, 3-4.

<sup>40</sup> VRS Providers Comments at 2.

<sup>41</sup> VTCSecure Reply at 15 ("VTCSecure agrees one hundred percent that functional equivalence requires that deaf and hard of hearing consumers must be able to choose for themselves whether to call a customer support service line directly or using a VRS interpreter.").

<sup>42</sup> VRS Providers Comments at 11.

<sup>43</sup> VRS Providers Comments at 11-12.

<sup>44</sup> VRS Providers Comments at 12.

<sup>45</sup> See 47 CFR §§ 64.619, 64.621, 64.617.

<sup>46</sup> See, e.g., 47 CFR §§ 64.611(a)(4), 64.2001-64.2011.

<sup>47</sup> VRS Providers Comments at 1.

<sup>48</sup> *Id.* at 4.

with all privacy and related consumer protection requirements applicable to VRS providers with access to the TRS Numbering Directory, including Customer Proprietary Network Information (CPNI) requirements.”<sup>49</sup>

15. In response, VTCSecure maintains that it does not have any access to VRS CPNI or other personal information that VRS users provide to their default provider or any other VRS provider.<sup>50</sup> Regarding its ability to identify the VRS providers serving particular telephone numbers, VTCSecure responds that because it serves only businesses, agencies, and organizations, not VRS users, and is not compensated through the TRS Fund, it lacks any incentive to attempt “to lure away a VRS provider’s customers.”<sup>51</sup> Furthermore, VTCSecure states that because it will be registered with the Commission through its Form 499 filing and will be working with the TRS Numbering Administrator to access the directory, there will be no difficulty in addressing any concerns about its compliance with the Commission’s requirements.<sup>52</sup>

16. The Bureaus recognize that the security, reliability, and the privacy of VRS users are critical to the success of the TRS program. The comments, however, do not provide any concrete evidence of a security or reliability risk.<sup>53</sup> In addition, as VTCSecure explains, it would not have access to VRS users’ CPNI, and in any case will be subject to enforcement action for violation of applicable privacy and security rules. Indeed, as the Petitioner and some commenters suggest, granting this waiver may benefit the privacy and security interests of those TRS users who might prefer to conduct confidential communications on sensitive matters without the involvement of a CA.<sup>54</sup> We concur with CSD that “any regulation intended to perpetuate limited access to the TRS Directory under the guises of security and reliability ... does not serve the public interest.”<sup>55</sup> By granting this request for waiver, we will maintain the level of protection TRS users expect while allowing for improved privacy options through direct video communication.

17. *Ten-digit Numbers for Hearing Individuals.* Some commenters suggest that the Commission should expand the TRS Numbering Directory to include the ten-digit numbers of hearing individuals so that they may also “place and receive direct (point-to-point) video calls to and from other VRS users.”<sup>56</sup> These commenters argue that individuals, “who are [A]SL competent, and have business and personal relationships with deaf individuals, need access to the [TRS Numbering Directory] for the same reasons” as the Petitioner.<sup>57</sup> While such a decision may promote the functional equivalency of the VRS program, it is beyond the scope of this petition and we therefore decline to address it at this time.

#### **B. Declaratory Ruling on Routing of DVC Calls by VRS Providers**

18. VTCSecure additionally requests a declaratory ruling that refusal by VRS providers to “recognize and properly route video calls originating from or directed to the domain and IP address of an NANP telephone number included in the TRS Numbering Directory is a violation of the Commission’s

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<sup>49</sup> Consumer Groups Comments at 7-8; *see also* 47 CFR §§ 64.5101-64.5111.

<sup>50</sup> VTC Secure Reply at 7. VTCSecure states that the only CPNI that a DVC service provider has access to is that of the business, agency, or organization to which it provides service, and that CPNI is already protected under the Commission’s existing CPNI rules. *Id.* at 7-8.

<sup>51</sup> *Id.* at 9.

<sup>52</sup> *Id.* at 10-11.

<sup>53</sup> *See* VTCSecure Reply at 10.

<sup>54</sup> *See id.* at 5; Consumer Groups Comments at 5.

<sup>55</sup> CSD Comments at 3.

<sup>56</sup> Consumer Groups Comments at 4; *see also* CSD Comments at 2-7; Charles Bullock Comments at 1-3.

<sup>57</sup> Judith A. Jonas Comments at 1.

regulations.”<sup>58</sup> The Petitioner points out that the US VRS Provider Interoperability Profile, as adopted by the Session Initiation Protocol (SIP) Forum Video Relay Service Task Group, instructs VRS providers to complete only those calls with source IP addresses on a list of known peer providers.<sup>59</sup> If “the source IP address of the [A]SL customer service number is not associated with one of the ‘peer providers’ – i.e., another VRS Provider – then the VRS provider is directed not to complete the call to its VRS end user.”<sup>60</sup> In addition, because “the provision of direct SL customer support service reduces the number of compensable VRS minutes for which a VRS provider is paid by the TRS Fund,” the Petitioner argues that VRS providers have a disincentive “to facilitate direct SL customer support service.”<sup>61</sup> No commenters directly addressed VTCSecure’s request for a declaratory ruling.

19. We find merit to VTCSecure’s request for a declaratory ruling and therefore clarify that VRS providers may not refuse to recognize and route direct voice, video, or text calls originating from or directed to the domain and IP address of a NANP telephone number included in the TRS Numbering Directory. We agree that without this requirement, VRS users may be unable to reach DVC customer support service numbers, and vice versa, due to the risk that calls “to a domain name not on the VRS providers’ white list” may not be completed.<sup>62</sup> The Commission has a longstanding policy regarding interoperability and has previously stated that “all default providers must support the ability of VRS users to make point-to-point calls without the intervention of an interpreter.”<sup>63</sup> This requirement applies with respect to DVC customer service calls, which as noted above, are a subset of point-to-point calls.<sup>64</sup>

20. We agree with Gallaudet University that while “cooperation by the VRS providers with respect to call routing for calls originating from direct sign language call centers” is “essential,” ensuring “that the videophones and VRS provider networks are fully interoperable with the systems deployed by the call centers” is equally important.<sup>65</sup> Therefore, just as the VRS providers are required to route DVC customer service calls, we waive these rules on the condition that VTCSecure ensures the interoperability of its system with the VRS provider network.

#### IV. ORDERING CLAUSES

21. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 5(c), 225, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 225, and 251, and to the authority delegated in sections 0.91, 0.141, 0.291, 0.361, and 1.3 of the Commission’s rules, 47 CFR §§ 0.91, 0.141, 0.291, 0.361 and 1.3, that the petition for waiver of sections 64.613(a)(1), 64.613(a)(2), 64.613(a)(4), 64.613(b)(2), and 64.623(c) of the Commission’s rules IS GRANTED, as described herein.

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<sup>58</sup> Petition at 3.

<sup>59</sup> See SIP Forum, VRS US Providers Profile TWG-6-1.0 at 15-16 (2015), [http://www.sipforum.org/component/option.com\\_docman/task.cat\\_view/gid,134/Itemid,261/](http://www.sipforum.org/component/option.com_docman/task.cat_view/gid,134/Itemid,261/). (Section 9.2.2.1 states that “[a]uthentication of the peer provider is achieved by checking the source IP address of SIP signaling traffic received on R1 to ensure that the sender’s address is one of the known peering addresses for the peer provider.” Section 9.2.3 then states that “[i]f the source IP address of the request is not in the list of peers then the request must not be processed.”). See also Petition at 10-11.

<sup>60</sup> Petition at 11.

<sup>61</sup> *Id.* at 8; see also CSD Comments at 4 (“Because any Direct ASL Services operation may siphon away compensable minutes from VRS providers, such an arrangement presents a conflict; VRS providers should not be expected to indefinitely support entities providing Direct Video ASL Services operations gratis when such operations risk eroding their revenue.”).

<sup>62</sup> Petition at 3.

<sup>63</sup> *Second TRS Numbering Order* at para. 65; see also Petition at 18.

<sup>64</sup> See *supra* para. 9.

<sup>65</sup> Gallaudet University Comments at 3.



22. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Monteith  
Acting Chief, Wireline Competition Bureau

Alison Kutler  
Chief, Consumer and Governmental Affairs Bureau