

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

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

ORDER

Adopted: October 31, 2018

Released: October 31, 2018

By the Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) grants CSDVRS, LLC, d/b/a ZVRS (ZVRS) and Purple Communications, Inc. (Purple) (collectively, the Companies) a limited waiver of the expiration date of the at-home video relay service (VRS) call handling pilot program, so that these providers can continue their participation in the program for six additional months, through April 30, 2019. This voluntary program has allowed payment of compensation to authorized VRS providers, subject to specified safeguards, for VRS minutes served by at-home communications assistants (CAs). The pilot program, which commenced November 1, 2017, presently is set to expire October 31, 2018.

II. BACKGROUND

2. In March 2017, the Commission adopted rules establishing a one-year pilot program for at-home VRS call-handling.1 Under this program, authorized VRS providers may be compensated for calls handled by CAs at-home workstations, up to a maximum of 30 percent of a participating provider's monthly minutes,2 so long as the provider complies with personnel, technical, and environmental rules and monitoring and oversight obligations.3 In addition, each participating provider must file (1) monthly reports containing information regarding the location of each home workstation, the CA identification (ID) number for each individual handling VRS calls from that workstation, the location and call center IDs of call centers supervising at-home workstations, and the names of the supervisors at such call

1 Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436, 2455-56, para. 46 (2017) (VRS Improvements Report and Order) (adopting 47 CFR § 64.604(b)(4)(iii), (8)).

2 This monthly maximum is calculated as the greater of (1) 30 percent of the provider's total minutes compensated minutes for that month, or (2) 30 percent of the provider's average monthly minutes for the 12 months ending October 31, 2017. 47 CFR § 64.604(b)(8)(iii).

3 Id. § 64.604(b)(8). Current participants of the pilot program submitted in advance a detailed plan explaining how their management of at-home work stations would comply with the program safeguards, meet the TRS mandatory minimum standards, guarantee call confidentiality, and protect against waste, fraud, and abuse. Id. 64.604(b)(8)(i).

centers; and (2) a one-time report providing detailed information about the provision of service during the first six months of the program.<sup>4</sup> Two VRS providers that are in the process of merging, ZVRS and Purple,<sup>5</sup> currently are authorized to participate in the pilot program.<sup>6</sup> Each has submitted the required monthly data, and on June 1, 2018, each provided the Commission with its six-month report.<sup>7</sup>

3. On August 29, 2018, the Companies jointly filed a petition requesting that the Commission expeditiously initiate a rulemaking to authorize at-home handling of VRS calls on a permanent basis.<sup>8</sup> To maintain the continuity of the program until the Commission acts on this request, the Companies also request a limited waiver of the Commission's rule establishing October 31, 2018, as the pilot expiration date, to allow the program to continue through December 31, 2020.<sup>9</sup> On September 10, 2018, Sorenson Communications, LLC (Sorenson) filed comments supporting the Companies' request to initiate a rulemaking and requesting that any extension of the pilot program include an opportunity for any currently certified VRS provider to participate in the extended program so long as the provider makes an election to participate before October 31, 2018.<sup>10</sup> Subsequently, in an ex parte letter, Sorenson argues that granting a two-year extension of the pilot program for ZVRS and Purple alone would unfairly discriminate against other VRS providers.<sup>11</sup> Sorenson also argues that the Companies have not justified the requested waiver and accuses them of using the at-home interpreting program to gain an unwarranted competitive advantage by "poaching" interpreters from other providers.<sup>12</sup>

### III. DISCUSSION

4. A Commission rule may be waived for "good cause shown."<sup>13</sup> In particular, a waiver is appropriate where the particular facts make strict enforcement of a rule inconsistent with the public interest.<sup>14</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>15</sup> Such a waiver is appropriate if special

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<sup>4</sup> *Id.* § 64.604(b)(8)(viii), (ix).

<sup>5</sup> *See Purple Communications, Inc. et al.*, Order and Consent Decree, 32 FCC Rcd 1608, 1615, para. 9 (2017).

<sup>6</sup> *Authorizations Granted to CSDVRS, LLC, and Purple Communications, Inc., to Participate in the VRS At-Home Call Handling Pilot Program*, CG Docket Nos. 10-51 and 03-123, Public Notice, 32 FCC Rcd 9245 (CGB October 31, 2017).

<sup>7</sup> *See* Petition of CSDVRS, LLC dba ZVRS and Purple Communications, Inc. for Rulemaking to Permanently Authorize At-Home Video Relay Service Call Handling, CG Docket Nos. 10-51 and 03-123, at 3, Ex. A, & Ex. B (filed Aug. 29, 2018) (Petition) (attaching copies of each provider's six-month report); *see also* Letter from Gregory Hlibok, Chief Legal Officer and Chief Compliance Officer, ZVRS Holding Company, to Karen Peltz Strauss, Deputy Chief, CGB, CG Docket Nos. 10-51 and 03-123 (filed Sept. 28, 2018) (ZVRS/Purple Sept. 28, 2018 Letter) (correcting and clarifying certain information in the six-month reports).

<sup>8</sup> Petition.

<sup>9</sup> *Id.* at 16-17; 47 CFR § 64.604(b)(8).

<sup>10</sup> Comments of Sorenson Communications, LLC, CG Docket Nos. 10-51 and 03-123 (filed Sept. 10, 2018) (Sorenson Comments); *see also* Letter from Mark D. Davis, Counsel for Sorenson, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123 (filed Sept. 19, 2018).

<sup>11</sup> Letter from John T. Nakahata and Mark D. Davis, Counsel for Sorenson Communications, LLC, CG Docket Nos. 10-51 and 03-123, at 1 (Oct. 19, 2018) (Sorenson October 19 *Ex Parte*).

<sup>12</sup> *Id.* at 1-2.

<sup>13</sup> 47 CFR § 1.3.

<sup>14</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>15</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

circumstances warrant a deviation from the general rule and such deviation will serve the public interest.<sup>16</sup> In demonstrating whether a waiver is warranted, the burden of proof rests with the petitioner.<sup>17</sup>

5. We find good cause to grant ZVRS and Purple a limited waiver of section 64.604(b)(8) of the Commission's rules, to enable the Companies to continue to participate in the at-home VRS call handling program for six additional months, through April 30, 2019, while the Commission considers whether to authorize at-home VRS call handling on a permanent basis.<sup>18</sup> We take this action in light of what we find are special circumstances that warrant deviation from the pilot expiration date, as well as the Companies' successful implementation of the at-home VRS call handling program during the pilot period, as evidenced by information provided in the Companies' six-month implementation reports.<sup>19</sup>

6. In authorizing a one-year pilot program, the Commission identified a number of benefits as possible, but did not know if they would be achieved in practice.<sup>20</sup> The Companies' reports indicate that by using at-home call handling, the two currently participating providers have produced significant benefits for the VRS program. Specifically, evidence presented by the Companies indicates that, under the pilot program, the use of at-home interpreting has improved the reliability, redundancy, effectiveness, and efficiency of the Companies' services.<sup>21</sup> For example, the Companies report improvements in the job performance of CAs working at home, in part because of the CAs' enhanced ability to focus on calls, their increased energy levels, and their reduced stress levels.<sup>22</sup> Along these lines, according to the Companies' reports, on a daily basis, the average at-home CA handles a greater number of calls than do CAs at traditional call centers.<sup>23</sup> Further, the Companies report that under the pilot program, they have been able to increase the pool of qualified interpreters by accommodating CAs who do not live near a call center or

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<sup>16</sup> *Northeast Cellular*, 897 F.2d at 1166; *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008).

<sup>17</sup> *Tucson Radio, Inc. v. FCC*, 452 F.2d 1380, 1382 (D.C. Cir. 1971).

<sup>18</sup> See *VRS Improvements Report and Order*, 32 FCC Rcd at 2455-56, 63 paras. 46, 59 (indicating the Commission's intent to evaluate the effectiveness of this program and make a final determination on its future upon the pilot's conclusion).

<sup>19</sup> Contrary to Sorenson's contention, the special circumstances detailed below go well beyond the mere facts that the at-home interpreting pilot was scheduled to end after one year and that the Commission would then evaluate the value and effectiveness of the program, which were known at the time the pilot program was adopted. See Sorenson October 19 *Ex Parte* at 2.

<sup>20</sup> *VRS Improvements Report and Order*, 32 FCC Rcd at 2463, para. 59 (noting that "there *may* be some cost savings associated with implementing at-home interpreting" and expressing hope that "the data we collect during the pilot program will test the accuracy of this assumption, and provide comprehensive information about the costs and benefits of allowing at-home workstations") (emphasis added); *id.* at 60 ("The record indicates that the use of . . . at-home interpreting *may* improve the functional equivalence and efficiency of VRS. The data gathered from . . . [this] pilot program will enable the Commission to more fully assess these benefits as well as any additional costs resulting from such practices.") (emphasis added).

<sup>21</sup> Petition at 12-14.

<sup>22</sup> *Id.* at 14, Ex. A at 32, & Ex. B at 35. A Purple CA stated that "working VRS at home has impacted my comfort level in my working environment. It reduces distractions and allows me to be in the best frame of mind for excellent customer service thereby reducing my answer time . . . and processing my calls more efficiently." *Id.* at 14 & Ex. A at 32. Similarly, a ZVRS CA reports, "being able to get to work without being stressed out from a difficult commute makes a huge difference in my energy level and my disposition." *Id.* at 14 & Ex. B at 35.

<sup>23</sup> See ZVRS/Purple Sept. 28, 2018 Letter at Attach. 1 [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED]

[\*\*\*END CONFIDENTIAL\*\*\*].

have access to public transportation.<sup>24</sup> The Companies also report that they have “improve[d] the redundancy of their networks by distributing their call handling capabilities outside of traditional call centers”<sup>25</sup> and are better able to meet the demands of unanticipated increases in call volumes by adjusting at-home CA schedules.<sup>26</sup> In addition, the Companies claim that the flexibility gained by having some CAs work from their homes makes the Companies better prepared to ensure service during severe weather, geographic network outages and other unexpected occurrences.<sup>27</sup> Finally, the Companies report that at-home VRS call handling has reduced facilities and overhead costs, which is expected to increase efficiency once the Companies’ initial investment in at-home interpreting is recouped.<sup>28</sup>

7. We believe that it is likely that these benefits, currently being realized, will be sacrificed if at-home interpreting is discontinued as of October 31, 2018. Indeed, losing the additional call handling capacity and redundancy provided by at-home interpreters, especially at peak times and in emergencies, could increase the burden on the Companies of ensuring reliable service to consumers. Accordingly, we find that these circumstances support waiving the pilot program’s expiration date for a limited period of time. Such a waiver would serve the public interest by preserving the *status quo* and allowing consumers to continue to receive these benefits while the Commission considers whether to make the program permanent.<sup>29</sup>

8. We also believe that special circumstances warrant a limited, short-term waiver of the rule. Based on the Companies’ reports and petition, it is now apparent that, even at the relatively modest level of a pilot program, significant start-up efforts, including costs estimated at approximately [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*], have been incurred to train CAs, procure, install, and configure the necessary facilities, and provide management and administrative support.<sup>30</sup> Moreover, in recent months additional costs have been incurred as the scale of the Companies’ pilot program participation has increased.<sup>31</sup> These efforts will be largely wasted if there is a significant lapse in the program. For example, interpreters recruited and retained by the Companies on the promise of being able to work at home—e.g., interpreters who do not live near a call center or have access to public transportation<sup>32</sup>—are unlikely to be able to continue working for the Companies if the at-home program lapses. Extending the program’s expiration date will better enable companies to retain the at-home VRS interpreters they have already trained, provide greater programmatic certainty to currently participating providers—including greater assurance of recouping start-up costs—and allow the Companies to continue exploring innovative solutions to increase the efficiency of VRS service by reducing overhead costs.

9. Finally, allowing the Companies’ participation in the pilot program to continue for an additional, limited period will enable the Commission to gather additional data to help inform its

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<sup>24</sup> Petition at 6-7.

<sup>25</sup> *Id.* at 13.

<sup>26</sup> *Id.* at 14. The Companies also point out that the time saved by not commuting allows at-home CAs to work more hours—to the benefit of consumers. *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 7[\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*].

<sup>29</sup> See *Northeast Cellular*, 897 F.2d at 1166; *NetworkIP, LLC v. FCC*, 548 F.3d at 125-28.

<sup>30</sup> Petition at 7, Exh. A, & Exh. B.

<sup>31</sup> See Email from Amanda Coby, Rolka Loube, to Robert Aldrich, Legal Advisor, CGB (Sept. 27, 2018).

<sup>32</sup> Petition at 6-7.

determination on whether to make the program permanent and on crafting rules to govern any permanently authorized program.<sup>33</sup> Along these same lines, continuation of the program without interruption for a limited period may facilitate a smooth transition from the pilot program to a permanent program, if authorized.<sup>34</sup> Therefore, even though the time-limited nature of the pilot program arguably placed the Companies on notice that their investments in interpreters and facilities during the pilot might ultimately be sacrificed,<sup>35</sup> we conclude that the benefits of temporarily maintaining program continuity, to allow time for a rulemaking decision, justify the grant of a waiver extending the program for a short period.

10. Our short-term waiver is also based on ample data submitted by the Companies indicating that the at-home call handling services provided by the Companies are in compliance with the Commission's mandatory minimum TRS standards,<sup>36</sup> as well as the specific personnel, technical, and environmental safeguards adopted in the *VRS Improvements Report and Order* for at-home calling stations.<sup>37</sup> With respect to personnel safeguards, for example, the Companies report they are in compliance with rules requiring that at-home CAs possess the requisite number of years handling VRS calls prior to taking on at-home functions,<sup>38</sup> as well as compliance with the Commission's generally applicable standards requiring competencies in sign language interpreting and voice articulation, and familiarity with hearing and speech disability cultures.<sup>39</sup> In addition, each of the Companies has provided a copy of a certification that each at-home CA is required to sign, affirming that the CA understands and is committed to complying with TRS minimum standards, in the manner described in the Companies' training manuals.<sup>40</sup> The Companies also report that they have ensured the confidentiality of calls handled in at-home call stations by complying with requirements for at-home workstations to be in a secure, separate, and locked location; installing white noise emitters or soundproofing to prevent eavesdropping; and providing a secure and dedicated Internet connection between at-home stations and the Companies' secure network.<sup>41</sup> The data further indicates that the Companies have successfully ensured supervision

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<sup>33</sup> See Petition at 7 (stating that "the Pilot Program is serving the public policy goal of allowing the Companies to explore innovative solutions to increase the efficiency of VRS service by reducing the need for facilities and other overhead costs that are not necessary for at-home work stations"); *id.* at 16. Although ZVRS argues, and Sorenson agrees, that the data already reported should be sufficient to allow the Commission to decide whether to make the at-home interpreting program permanent, Sorenson October 19 *Ex Parte* at 2, we believe that additional information, including consumer opinion about the effectiveness of the pilot in meeting user relay needs, will further assist the Commission in this decision.

<sup>34</sup> See Petition at 16.

<sup>35</sup> See Sorenson October 19 *Ex Parte* at 3.

<sup>36</sup> See 47 CFR § 64.604.

<sup>37</sup> See *VRS Improvements Report and Order*, 32 FCC Rcd at 2458-59, paras. 52-53. In addition to the specific examples of compliance discussed below, as required by the Commission's rules, before beginning their pilot programs the Companies each submitted a detailed plan explaining how the management of their at-home work stations would comply with the program safeguards, meet the TRS mandatory minimum standards, guarantee call confidentiality, and protect against waste, fraud, and abuse. See 47 CFR § 64.604(b)(8)(i); Letter from Gregory Hlibok on behalf of ZVRS to Patrick Webre, Acting Chief, CGB, CG Docket Nos. 10-51 and 03-123 (filed Sept. 1, 2017); Letter from Gregory Hlibok on behalf of Purple to Patrick Webre, CG Docket Nos. 10-51 and 03-123 (filed Sept. 1, 2017).

<sup>38</sup> Petition, Ex. A at 3 & Ex. B. at 3.

<sup>39</sup> *Id.*, Ex. A at 12 & Ex. B. at 18.

<sup>40</sup> *Id.*, Ex. A at 9-30 & Ex. B. at 9-33; see also 47 CFR § 64.604(b)(8)(iv).

<sup>41</sup> Petition at 11, Ex. A at 9-10, Ex. B at 15-16; ZVRS/Purple Sept. 28, 2018 Letter at 5-6; see also 47 CFR §§ 64.604(a)(2) (TRS confidentiality requirements); *id.* § 64.604(8)(v) (outlining technical and environmental safeguards requirements for the at-home call handling pilot program). Similarly, the Companies have ensured

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and conducted monitoring to fulfill their at-home call handling oversight obligations, for example, by installing external cameras, tracking software and monitoring equipment, and taking other measures to allow for daily communication with and internal reviews by supervisors.<sup>42</sup> Similarly, the Companies report that they are ensuring the seamless integration of call routing distribution and tracking systems for both their at-home calling stations and traditional call centers.<sup>43</sup> In addition, data provided by the Companies on speed-of-answer performance show that the average level of service provided from the Companies’ at-home work stations is functionally equivalent to voice telephone services, as required by the Communications Act.<sup>44</sup> [\*\*\*BEGIN CONFIDENTIAL\*\*\*]

[\*\*\*END CONFIDENTIAL\*\*\*],<sup>45</sup> indicating that the quality of service likely has not been compromised by the use of at-home call handling.<sup>46</sup>

11. For the reasons enumerated above, the Bureau concludes that there is good cause to waive the pilot program’s end date until April 30, 2019. Allowing the Companies to extend by six months their participation in the at-home interpreting pilot program will serve the public interest and enable more effective implementation of the Commission’s requirements to provide TRS that is both efficient and functionally equivalent to voice telephone services.<sup>47</sup> Further, the Companies’ reports of successful implementation of at-home interpreting and the lack of evidence of waste, fraud, and abuse, or failure to meet TRS standards, persuade us that terminating the Companies’ participation in the pilot program at this time is not necessary to prevent harm to the TRS program. In fact, terminating the pilot program could result in less efficient service for VRS consumers due to an immediate reduction of available CAs.

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confidentiality by [\*\*\*BEGIN CONFIDENTIAL\*\*\*]

[\*\*\*END CONFIDENTIAL\*\*\*]. Petition at 12, Ex. A at 5-7, 9-10, & Ex. B. at 5-7, 15-16.

<sup>42</sup> ZVRS/Purple Sept. 28, 2018 Letter at 6; *see also* 47 CFR § 64.604(b)(8). [\*\*\*BEGIN CONFIDENTIAL\*\*\*]  
[\*\*\*END CONFIDENTIAL\*\*\*] Petition at 15, Ex. A at 6-7, & Ex. B at 6.

<sup>43</sup> ZVRS/Purple Sept. 28, 2018 Letter at 6.

<sup>44</sup> Petition at 6; 47 U.S.C. §225(a)(3).

<sup>45</sup> ZVRS/Purple Sept. 28, 2018 Letter at 3-5[\*\*\*BEGIN CONFIDENTIAL\*\*\*]  
[\*\*\*END CONFIDENTIAL\*\*\*].

<sup>46</sup> Petition at 15-16. The Companies’ compliance with the requirement to provide at-home workstations with access to call-handling technology to the same extent as other CAs ensures quality of service of at-home call handling, including assurances that emergency calls are being handled appropriately. *Id.* at 15; *see also* 47 CFR § 64.604(b)(8)(v)(B) (requiring each at-home workstation to “allow[] a CA to use all call-handling technology to the same extent as other CAs, including the ability to transition a non-emergency call to an emergency call, engage in virtual teaming with another CA, and allow supervisors to communicate with and oversee calls”).

<sup>47</sup> *See WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166; *see also* 47 U.S.C. § 225(b)(1) (requiring the Commission to ensure that TRS “are available, to the extent possible and in the most efficient manner . . .”); *id.* § 225(a)(3) (defining TRS in terms of functional equivalence to voice communications service).

12. We find that the public interest in maintaining the efficiencies of the pilot program and reducing costs associated with the program's lapse outweighs Sorenson's unsupported claims of competitive harm to other providers who elected not to participate in this time-limited pilot program. Additionally, given the reported benefits of at-home interpreting and the lack of evidence of harm to the TRS program—and because the pilot program rules already limit the extent of at-home interpreting to 30 percent of a provider's monthly at-home minutes<sup>48</sup>—we conclude that further limits, such as restricting the scope of the waiver to interpreters currently working at home,<sup>49</sup> would not serve the public interest.

13. To prevent a lapse in services provided to VRS consumers via the pilot program, this partial waiver of the pilot program rules to extend the program expiration date shall be effective on November 1, 2018. As a condition of the waivers granted herein, during the period of the extension, the Companies shall continue to comply with the pilot program's requirements in section 64.604(b)(8) of the rules, including the submission of monthly reports to the TRS Fund administrator as specified in section 64.604(b)(8)(viii) of the rules, as well as additional reports, to be filed on or before December 1, 2018 (covering the second six months of the pilot period), and March 1, 2019 (covering the first three months of the extension authorized by this order), each of which must include information specified in section 64.604(b)(8)(ix) of the rules.<sup>50</sup>

14. Sorenson argues that it determined not to participate in the pilot program based on the understanding that the pilot would be limited only to one year. However, we do not grant the Companies' request for an extension of more than two years, i.e., through December 31, 2020.<sup>51</sup> The more limited extension granted in this Order will afford sufficient time for the Commission to consider the advisability of permanently authorizing at-home interpreting, and, if appropriate, to develop and publish a proposal and take other action the Commission may deem necessary,<sup>52</sup> while minimizing any potential competitive disadvantages to other providers. Although Sorenson argues that granting a waiver to ZVRS and Purple alone would unfairly discriminate against other VRS providers,<sup>53</sup> to date, no non-participating VRS provider has made an individualized showing of special circumstances in support of a waiver of the rules to allow it to begin participating in the pilot program.<sup>54</sup> Accordingly, there is no basis for Sorenson's discrimination claim.

15. We are also unpersuaded by Sorenson's argument against granting a waiver based on the Companies' confidential data submissions, which Sorenson claims were unavailable to other parties.<sup>55</sup> We note that the *Third Protective Order* in these dockets provides procedures whereby confidential data

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<sup>48</sup> See 47 CFR § 64.604(b)(8)(iii).

<sup>49</sup> Sorenson October 19 *Ex Parte* at 2 (noting that the waiver requested by the Companies is not so limited).

<sup>50</sup> 47 CFR § 64.604(b)(8)(viii)-(ix). In light of these information reporting requirements, during the extension of the pilot program we do not deem at-home call handling workstations to be call centers for purposes of our rules requiring semi-annual call center reports and call center change notifications (such as 30-day advance notifications of new at-home call centers). See *id.* § 64.604(c)(5)(iii)(N)(2); *VRS Improvements Report and Order*, 32 FCC Rcd at 2462, n.167.

<sup>51</sup> See Petition at 16-17.

<sup>52</sup> See Letter from Gregory Hlibok, Chief Legal Officer and Chief Compliance Officer, ZVRS Holding Company, to Marlene H. Dortch, Secretary, FCC, at 2 (filed Oct. 17, 2018) (“The Pilot Program should only be extended as necessary to approve rules for permanent at-home call handling.”).

<sup>53</sup> Sorenson Comments at 3; Sorenson October 19 *Ex Parte* at 1, 3 (citing *Northeast Cellular*, 897 F.2d at 1166).

<sup>54</sup> If any VRS provider wishes to begin offering at-home interpreting under the conditions of the pilot program, the provider should submit a particularized showing of special circumstances demonstrating good cause for granting a rule waiver to that VRS provider. See *WAIT Radio*, 418 F.2d at 1157.

<sup>55</sup> Sorenson October 19 *Ex Parte* at 3-4.

submitted in Commission proceedings may be made available to any interested party subject to protective safeguards.<sup>56</sup> In the event that the Companies seek a further extension, any confidential data relied on must be made available to other parties in a timely fashion under the terms of the *Third Protective Order*.

#### IV. ORDERING CLAUSES

16. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 225, and sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, that this Order IS ADOPTED.

17. IT IS FURTHER ORDERED that the joint request of CSDVRS, LLC d/b/a ZVRS and Purple Communications, Inc. for waiver and extension of the VRS at-home call handling pilot program IS GRANTED to the extent discussed herein and is otherwise DENIED.

18. IT IS FURTHER ORDERED that this Order shall be effective on November 1, 2018.

Patrick Webre  
Chief, Consumer and Governmental Affairs Bureau

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<sup>56</sup> See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities et al.*, Order and Third Protective Order, DA 18-751 (filed July 20, 2018) (*Third Protective Order*). Sorenson's *ex parte* letter, filed more than seven weeks after the Petition was filed (and six weeks after Sorenson filed comments on the Petition) does not indicate that Sorenson ever sought access to the data provided by the Companies.