

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: March 30, 2018

Released: March 30, 2018

By the Chief, Consumer and Governmental Affairs Bureau, and the Managing Director:

I. INTRODUCTION

1. By this Order, the Consumer and Governmental Affairs Bureau (CGB) and the Office of the Managing Director (OMD) of the Federal Communications Commission (FCC or Commission) extend for 30 days, through April 30, 2018, the deadline for video relay service (VRS) providers to submit registration data for their registered users to the telecommunications relay services (TRS) User Registration Database (TRS-URD).

II. BACKGROUND

2. In 2013, to help prevent waste, fraud, and abuse in the VRS program and determine the actual number of individuals using VRS, the Commission adopted the 2013 VRS Reform Order,1 directing the establishment of the TRS-URD and requiring VRS providers to take three steps: (1) submit registration data to the TRS-URD for each of their registered VRS users;2 (2) have each VRS user's identity verified through the TRS-URD;3 and (3) before completing a VRS call, query the TRS-URD to confirm that the party on the video side of the call is a registered VRS user.4

3. Construction of the TRS-URD was completed in 2017, and on December 29, 2017, the Commission issued a public notice announcing that the database was ready to accept user registration data

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 and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8647-56, paras. 62-86 (2013) (2013 VRS Reform Order).

2 47 CFR § 64.611(a)(4). The registration data that must be submitted to the TRS-URD consists of the user's full name, full residential address, VRS telephone number, date of birth, last four digits of the user's Social Security number or Tribal identification number, registered location, VRS provider name and dates of service initiation and termination, self-certification of VRS eligibility (and the date it was obtained), the date on which the user's identification was verified, and (for existing users only) the date on which the user last placed a point-to-point or relay call. Id.

3 Id. § 64.615(a)(5).

4 Id. § 64.615(a)(1).

submitted by VRS providers.⁵ This announcement triggered a 60-day period, within which VRS providers must complete the submission of registration data for all currently registered users. According to the TRS rules, “calls from or to existing registered users that have not had their information populated in the [TRS-URD] within the 60 days . . . shall not be compensable.”⁶ The *TRS-URD Public Notice* also triggered the second step in the TRS-URD process—verification of VRS user identities. The TRS rules provide that “VRS providers shall not seek compensation for calls placed by individuals that do not pass the identification verification check conducted through the [TRS-URD].”⁷ The third step, requiring VRS providers to query the database to validate a user’s registered status before each call, otherwise known as the “all call query” (ACQ) function of the database, has not yet been activated. Therefore, VRS providers are not required to send such queries, pending further notice from the Commission.⁸

4. On February 28, 2018, CGB and OMD released an order addressing recently raised concerns about implementation of the TRS-URD. In addition to clarifying the meaning of “verification check” for purposes of determining when VRS providers may seek compensation for calls placed by users whose verification process has not been completed, CGB and OMD extended, through March 31, 2018, the deadline for VRS providers to submit registration data for existing registered users to the TRS-URD.⁹

III. DISCUSSION

5. To provide additional time to collect user data and consent from those VRS users who have not consented to submission of their information to the TRS-URD, we extend for 30 days on our own motion the temporary waiver granted to all VRS providers in the *TRS-URD Deadline Extension Order*.

6. The Commission may waive any provision of its rules on its own motion for “good cause shown.”¹⁰ In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.¹¹ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹² Such a waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹³

7. We find good cause to extend for an additional 30 days, on our own motion, the temporary waiver granted to all VRS providers of the rule requiring the submission of registration data for

⁵ *Video Relay Service Providers May Begin Submitting Data to the TRS User Registration Database*, Public Notice, 32 FCC Rcd 10467 (OMD CGB 2017) (*TRS-URD Public Notice*).

⁶ 47 CFR § 64.611(a)(4)(ii).

⁷ *Id.* § 64.615(a)(5)(iii).

⁸ *TRS-URD Public Notice*, 32 FCC Rcd at 10468-69.

⁹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, DA 18-196 (OMD CGB Feb. 28, 2018) (*TRS-URD Deadline Extension Order*). The order also waived, for 31 days, section 64.611(a)(4)(iii) of the Commission’s rules, which requires the submission of registration information to the TRS-URD “upon initiation of service” for new users registered after the 60-day deadline. *Id.*, para. 16; 47 CFR § 64.611(a)(4)(iii).

¹⁰ 47 CFR § 1.3.

¹¹ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹² *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.

¹³ *Northeast Cellular*, 897 F.2d at 1166.

all existing users within 60 days of the *TRS-URD Public Notice*.¹⁴ The TRS-URD Administrator has provided CGB and OMD regular updates on VRS providers' submission of registration information to the TRS-URD. Based on data provided by the TRS-URD Administrator, VRS providers have continued to make progress on submitting such information. Despite these efforts, however, reports indicate that there remains a number of active VRS users from whom the necessary personal data or consent for the submission of such information has not been obtained.

8. We believe (especially in light of the extended interval between initiation of the TRS-URD and its activation) that the 60-day period allowed by the Commission's rules, together with the 31-day waiver previously granted, has offered ample opportunity for both providers and consumers to complete the steps necessary to submit user information to the TRS-URD. However, we recognize that some consumers may remain confused about whether they have to provide personal information and consent for such submissions to only one or to all of their providers.¹⁵ Extending the temporary waiver an additional 30 days will ensure that there is sufficient time for VRS providers to explain to their consumers, and for consumers to understand, the nature of these requirements, thereby giving such consumers reasonable opportunity to consent to the submission of their registration data to all of their providers. This will thereby avoid a cutoff of service, which is especially important to ensure that they have access in the event of an emergency.

9. Therefore, we find that a limited further extension of the waiver previously granted is warranted and will ensure that TRS is made available to all eligible users.¹⁶ We note that some consumers may continue to be unresponsive during this additional period, or may simply choose to withhold consent for a given VRS provider to submit information to the TRS-URD. We believe that the further extension granted in this Order provides the maximum additional time that can be reasonably used by VRS providers to ensure that currently registered users are aware of the need for data submission and to obtain such data along with the user's consent. For the reasons noted in the initial waiver order and stated above, we believe that granting this additional extension of the data submission deadline is in the public interest.¹⁷

10. Accordingly, pursuant to sections 0.11, 0.141, 0.231, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.11, 0.141, 0.231, 0.361, 1.3, and paragraphs 123-24 of the *2013 VRS Reform Order*, 28 FCC Rcd at 8666, para. 123-24, IT IS ORDERED THAT the limited waiver of section 64.611(a)(4)(ii) and (iii) of the Commission's rules, 47 CFR § 64.611(a)(4)(ii), (iii), is extended for a period of 30 days, or through April 30, 2018.

11. And it is FURTHER ORDERED that this Order is effective upon release.

Patrick Webre
Chief
Consumer and Governmental Affairs Bureau

Mark Stephens
Managing Director

¹⁴ *TRS-URD Deadline Extension Order* at 6, para. 16; 47 CFR § 64.611(a)(4)(ii). This waiver also extends for an additional 30 days the requirement for the submission of registration information to the TRS-URD "upon initiation of service" for users registered after the 60-day deadline. *TRS-URD Deadline Extension Order* at 6, para. 16; 47 CFR § 64.611(a)(4)(iii).

¹⁵ *TRS-URD Deadline Extension Order* at 5, para. 14.

¹⁶ See 47 U.S.C. § 225(b)(1).

¹⁷ See *TRS-URD Deadline Extension Order* at 6, para. 16.