



# PUBLIC NOTICE

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DA 21-714

Released: June 17, 2021

## REQUEST FOR COMMENT ON PETITION FOR RULEMAKING AND INTERIM WAIVER FILED BY CONVO COMMUNICATIONS, LLC, REGARDING CERTAIN VIDEO RELAY SERVICE RULES

CG Docket Nos. 03-123 and 10-51

**Comments Due: July 19, 2021**

**Reply Comments Due: August 3, 2021**

The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (Commission) seeks comment on a Petition for Rulemaking and Interim Waiver filed by Convo Communications, LLC (Convo), a provider of video relay service (VRS) supported by the Interstate Telecommunications Relay Services (TRS) Fund.<sup>1</sup> Convo requests that the Commission amend its rules to: (1) raise the cap on VRS minutes handled by communications assistants (CAs) working at home from 50% to 80% of a provider's monthly minutes;<sup>2</sup> and (2) partially lift the prohibition on VRS providers contracting for CA services, rather than directly employing CAs, to allow use of contract CAs for up to 30% of a provider's monthly VRS minutes.<sup>3</sup>

Currently, both rules at issue are waived through August 31, 2021, due to the extraordinary circumstances of the COVID-19 pandemic.<sup>4</sup> Convo requests that the Commission extend or renew the current waivers during the pendency of the requested rulemaking.<sup>5</sup>

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<sup>1</sup> Convo Communications, LLC, Petition for Rulemaking and Interim Waiver, CG Docket Nos. 03-123 and 10-51 (filed June 4, 2021), <https://ecfsapi.fcc.gov/file/1060430712576/Convo%20Petition%20for%20Rulemaking%20and%20Waiver.pdf> (Convo Petition).

<sup>2</sup> *Id.* at 7-10; *see* 47 CFR § 64.604(b)(8)(i) (setting the cap at the greater of: (a) 50 percent of a VRS provider's total minutes for which compensation is paid in a month; or (b) 50 percent of the provider's average projected monthly conversation minutes for the calendar year).

<sup>3</sup> Convo Petition at 10-13; *see* 47 CFR § 64.604(c)(5)(iii)(N)(I)(iii) ("An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services . . . on its behalf, unless that authorized third party also is an eligible provider.").

<sup>4</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 2715, 2715-16, para. 2 (CGB 2020) (*March 16 TRS Waiver Order*) (waiving the cap on the percentage of a provider's minutes that may be handled by CAs working at home); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, 35 FCC Rcd 3018 (CGB 2020) (waiving the prohibition on contracting for CA services); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service*

(continued....)

*Filing Requirements.* Interested parties may file comments on Convo’s Petition on or before the dates indicated on the first page of this document.<sup>6</sup> All filings must reference CG Docket Nos. 03-123 and 10-51. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).<sup>7</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- Paper Filers:
  - Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
  - Currently, the Commission does not accept any hand delivered or messenger delivered filings as a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. In the event that the Commission announces the lifting of COVID-19 restrictions, a filing window will be opened at the Commission’s office located at 9050 Junction Drive, Annapolis Junction, Maryland 20701.<sup>8</sup>
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail may be addressed to 45 L Street, NE, Washington, DC 20554.
  - During the time the Commission’s building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

*Ex Parte Requirements.* The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>9</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the

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*Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 21-195 (CGB 2021) (extending the waivers through August 31, 2021).

<sup>5</sup> Convo Petition at 2.

<sup>6</sup> See 47 CFR §§ 1.1, 1.45, 1.49.

<sup>7</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

<sup>8</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

<sup>9</sup> 47 CFR §§ 1.1200 *et seq.*

proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*Accessible Materials.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

For further information, please contact Michael Scott at (202) 418-1264 or by e-mail at [Michael.Scott@fcc.gov](mailto:Michael.Scott@fcc.gov), William Wallace at (202) 418-2716 or by e-mail at [William.Wallace@fcc.gov](mailto:William.Wallace@fcc.gov), or Halie Peacher at (202) 418-0514 or by e-mail at [Halie.Peacher@fcc.gov](mailto:Halie.Peacher@fcc.gov).

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