



# PUBLIC NOTICE

Federal Communications Commission  
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DA 22-1007

Released: September 26, 2022

## REMINDER FOR STATES AND TERRITORIES TO RECERTIFY TELECOMMUNICATIONS RELAY SERVICE PROGRAMS

### CG Docket No. 03-123

States, the District of Columbia, and U.S. territories (collectively, “state” or “states”) wishing to operate their own telecommunications relay service (TRS) programs under section 225 of the Communications Act of 1934, as amended (the Act), must be certified by the Federal Communications Commission (FCC or Commission) to do so.<sup>1</sup> Commission rules provide that states may receive TRS certification for a five-year period.<sup>2</sup> This Public Notice alerts states that the certifications they now hold will expire on July 25, 2023. Under the Commission’s rules, each certified state has been authorized to apply for renewal beginning one year prior to expiration, i.e., since July 25, 2022.<sup>3</sup> Although the rules do not prescribe a deadline for filing, we request that renewal applications be filed no later than December 1, 2022, to give the Commission sufficient time to review and rule on the applications prior to expiration of the existing certifications.

Congress enacted the TRS program in Title IV of the Americans with Disabilities Act of 1990 (ADA),<sup>4</sup> codified at Section 225 of the Act.<sup>5</sup> TRS enables persons with hearing and speech disabilities to access the telephone system to communicate with other individuals.<sup>6</sup> Under the Act, the Commission must ensure that the provision of TRS is functionally equivalent to voice telephone services.<sup>7</sup> The Commission’s TRS regulations set forth mandatory minimum standards that TRS providers must follow

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<sup>1</sup> 47 U.S.C. § 225(f); *see also* 47 U.S.C. § (153(47)) (“The term ‘State’ includes the District of Columbia and the Territories and possessions.”). In this public notice, the term “state” or “states” includes the District of Columbia and any territories and possessions that have certified TRS programs. TRS are “telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.” 47 U.S.C. § 225(a)(3). Although providers of TRS under state programs may offer interstate as well as intrastate TRS, only the costs associated with the provision of intrastate TRS are recovered by the state. *See* 47 U.S.C. § 225(d)(3).

<sup>2</sup> 47 CFR § 64.606(c)(1). The Consumer and Governmental Affairs Bureau (CGB or Bureau), under delegated authority, issued its certification grants for all states in July 2018. *Notice of Certification of State Telecommunications Relay Services (TRS) Programs*, Public Notice, 33 FCC Rcd 6741 (CGB 2018).

<sup>3</sup> 47 CFR § 64.606(c)(1).

<sup>4</sup> Pub. L. No. 101-336, 104 Stat. 327 (July 26, 1990).

<sup>5</sup> 47 U.S.C. § 225.

<sup>6</sup> *Id.* § 225(a)(3).

<sup>7</sup> *Id.* § 225(a)(3).

to meet this functional equivalency mandate.<sup>8</sup>

The Commission's state certification process is intended to ensure that TRS is provided in a uniform manner throughout the United States and its territories. Under the Commission's rules, all certified state TRS programs must provide traditional (TTY-based) TRS, Spanish language traditional TRS, and speech-to-speech relay (STS) service.<sup>9</sup> States may also offer captioned telephone service (CTS).<sup>10</sup> Each state seeking renewal of its certification must submit documentation to the Commission that describes its relay program and includes its procedures and remedies for enforcing any requirements that the program may impose.<sup>11</sup> In addition, a state must establish that its program makes available to TRS users informational materials on state and Commission complaint procedures sufficient for users to know how to file complaints.<sup>12</sup> The Commission's TRS rules further explain that documentation should be submitted in narrative form, and that the Commission shall provide the public with notice of and an opportunity to comment on such applications.<sup>13</sup>

Per the following schedule, the Bureau will release for public comment each application for renewal, after which it will review each application to determine whether the state TRS program has sufficiently documented that it meets or exceeds all of the applicable operational, technical and functional mandatory minimum standards set forth in section 64.604 of the Commission's rules.<sup>14</sup> The state must also establish that the program does not conflict with federal law.<sup>15</sup> In addition, applications will be reviewed to ensure that each state TRS program makes available adequate procedures and remedies for enforcing the requirements of each state's program.<sup>16</sup> The Bureau will release one or more public notices of renewal of certification for the states.

#### SUMMARY OF STATE TRS PROGRAM CERTIFICATION TIMELINE

DATE	FCC ACTION	PROCESS
Beginning December 2022	CGB will issue Public Notices seeking comment on state TRS applications that have been filed.	Comments are due within 30 days of release of the Public Notices; reply comments are due within 15 days thereafter.
December 2022 - May 2023	CGB will review state applications for TRS recertification for compliance with 47 CFR §§ 64.604 and 64.606.	If necessary, the Bureau will send deficiency letters requesting additional information from states to ensure compliance with TRS mandatory minimum standards and other certification requirements.
May 2023 - July 2023	CGB will issue one or more certification renewal Public Notices.	

<sup>8</sup> See 47 CFR § 64.604.

<sup>9</sup> See 47 CFR § 64.603.

<sup>10</sup> See *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, 18 FCC Rcd 16121 (2003).

<sup>11</sup> 47 U.S.C. § 225(f); 47 CFR § 64.606(a).

<sup>12</sup> 47 CFR § 64.606(b)(1)(ii).

<sup>13</sup> *Id.* § 64.606(a).

<sup>14</sup> 47 U.S.C. § 225(f)(2)(A). See 47 CFR § 64.604.

<sup>15</sup> 47 CFR § 64.606(b)(1)(iii).

<sup>16</sup> 47 U.S.C. § 225(f)(2)(B).

**PROCEDURES FOR FILING: All filings must reference CG Docket No. 03-123 and be captioned “TRS State Certification Application.”**

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>. Follow the instructions provided on the website for submitting electronic filings. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket No. 03-123.
- **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. To expedite the processing of the applications, parties submitting by paper are encouraged to submit an additional copy to Attn: Dana Warrick, by email at [Dana.Warrick@fcc.gov](mailto:Dana.Warrick@fcc.gov).
  - 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>17</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.

**ADDITIONAL INFORMATION**

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 please contact Dana Warrick, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2247 (voice) or e-mail at [Dana.Warrick@fcc.gov](mailto:Dana.Warrick@fcc.gov).

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<sup>17</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).