

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 and Speech Disabilities) CG Docket No. 03-123
Internet Protocol Captioned Telephone Service Compensation) CG Docket No. 22-408

ORDER

Adopted: November 17, 2023

Released: November 17, 2023

By the Chief, Consumer and Governmental Affairs Bureau:

1. In this Order, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (FCC or Commission), on its own motion, extends a previously granted waiver of the expiration of the Telecommunications Relay Service (TRS) Fund compensation formula for Internet Protocol Captioned Telephone Service (IP CTS). The current compensation formula will continue to apply through the earlier of December 31, 2023, or the effective date of Commission action establishing a revised compensation formula for that service.1

1. Background. On June 30, 2022, the Bureau released an Order in which, among other things, it waived the expiration of the \$1.30 per-minute IP CTS compensation formula, extending it through June 30, 2023, or the effective date of action by the Commission to establish compensation levels for IP CTS, whichever is earlier.2 In a notice of proposed rulemaking adopted in December 2022, the Commission sought comment on setting IP CTS compensation for the next period.3 Then, in a June 2023 Order, the Bureau extended the waiver of the expiration date of the IP CTS compensation formula until either November 30, 2023, or the effective date of Commission action establishing a new compensation formula, whichever is earlier.4

2. Waiver Standard. A Commission rule may be waived for "good cause shown."5 In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the

1 See 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, DA 23-577 at 6-7, paras. 14-17 (CGB June 30, 2023) (2023 Waiver Order).

2 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, 37 FCC Rcd 7667, 7670-71, paras. 11-14 (CGB 2022).

3 Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Service, CG Docket Nos. 22-408, 03-123, and 13-24, Notice of Proposed Rulemaking and Order on Reconsideration, FCC 22-97 (Dec. 22, 2022) (2022 IP CTS Compensation Notice).

4 2023 Waiver Order at 6-7, paras. 14-17.

5 47 CFR § 1.3.

public interest.⁶ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁷ Good cause for a waiver may be found if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.⁸

3. *Discussion.* We find good cause to waive the IP CTS compensation formula expiration date. As we acknowledged in the *2023 Waiver Order*, establishing an equitable methodology and compensation levels for IP CTS is inherently complex.⁹ While the Commission has made significant progress toward completion of a revised IP CTS compensation plan, the revised plan may not be finalized by the current November 30, 2023, expiration date. Accordingly, it is appropriate to extend the existing compensation formula to provide certainty and stability to IP CTS providers pending final Commission action. To do otherwise could deprive consumers with disabilities of the services they need to enjoy functionally equivalent telecommunications.

4. Regarding the duration of this extension, we anticipate that the Commission will be able to adopt a decision in the near future, but it is difficult to predict a specific date by which that will occur. We therefore direct the TRS Fund administrator to continue compensating eligible IP CTS providers under the current compensation formula through the earlier of December 31, 2023, or the effective date of Commission action revising the applicable compensation formula. In other words, IP CTS providers shall continue to be paid \$1.30 per minute for all compensable minutes. This action does not preclude a true-up of compensation for IP CTS, should the Commission deem that necessary after determining the applicable compensation formula. Accordingly, until the expiration of this waiver, the current compensation formula for IP CTS remains effective.

5. *People with Disabilities.* 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 or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

6. *Additional Information.* For further information regarding this item, please contact Michael Scott, Disability Rights Office, Consumer and Governmental Affairs Bureau, 202-418-1264, or Michael.Scott@fcc.gov.

7. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 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, this Order IS ADOPTED.

8. IT IS FURTHER ORDERED that the TRS Fund administrator shall compensate eligible providers of IP CTS in accordance with the formulas applicable on November 30, 2023, for the period through the earlier of December 31, 2023, or the effective date of Commission action establishing a revised compensation formula for that service.

⁶ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁷ *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.

⁸ *Northeast Cellular*, 897 F.2d at 1166.

⁹ *2023 Waiver Order* at para. 16.

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

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark, Chief
Consumer and Governmental Affairs Bureau