

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
Structure and Practices of the Video Relay Service Program
CG Docket No. 03-123
CG Docket No. 10-51

ORDER

Adopted: August 17, 2023

Released: August 17, 2023

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (Commission) grants several temporary conditional waivers to permit, for a limited wind-down period, reimbursement from the Telecommunications Relay Services (TRS) Fund for exogenous costs incurred and to be incurred by ASL Services Holdings, LLC dba GlobalVRS (GlobalVRS or the Company), in providing Video Relay Service (VRS). GlobalVRS is terminating its involvement in the VRS program and is winding down its provision of VRS. However, the Company has undertaken to continue providing, for a limited period, a specialized form of VRS to people who are deafblind (referred to herein as Video-Text Service) to provide for a smooth transition for consumers who rely on it for functionally equivalent communication, while a different VRS provider is completing preparations to make an equivalent service available to such consumers.

2. Pursuant to this Order, we grant these waivers to permit GlobalVRS to be reimbursed, on an expedited basis, for the expenses it incurs to continue providing Video-Text Service on a "bare-bones" basis, to the extent that such expenses exceed its TRS Fund compensation under the applicable formula. As explained below, we find that such relief is warranted because these additional expenses are the result of causes beyond GlobalVRS's control and hence qualify as exogenous costs under our rules. We direct the TRS Fund administrator<sup>1</sup> to confirm that the expenses submitted by GlobalVRS are limited to costs needed for a "bare-bones" operation and to provide expedited compensation accordingly, subject to true-up and as further described below. This reimbursement arrangement (and the attendant waivers) will remain effective through September 30, 2023, or the last day that GlobalVRS provides service in accordance with this Order, whichever is earlier.

<sup>1</sup> See 47 CFR § 64.604(c)(5)(iii). The current administrator is Rolka Loube Associates LLC (Rolka Loube).

## II. BACKGROUND

3. VRS is a relay service,<sup>2</sup> supported by the TRS Fund, that “allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment.”<sup>3</sup> In a typical VRS call, a deaf or hard of hearing person communicates in American Sign Language (ASL), by video over a broadband link, to a communications assistant (CA), who then voices the message to a hearing person using ordinary telephone service. The same process then occurs in reverse: the CA receives the hearing party’s voice response over the telephone and signs that response, by video, to the ASL user.<sup>4</sup>

4. *Video-Text Service.* Some VRS users, who are deafblind, are able to sign to a CA but are unable to see the signs received from the CA well enough to understand them. For such users, GlobalVRS provides a special variant of VRS (referred to in this Order as Video-Text Service), which is currently available only from GlobalVRS. In this service, the ASL user continues to use a video link to sign to the CA. However, the other party’s contributions to the conversation are converted to text (instead of ASL video), which the deafblind party can read using a refreshable braille display. For persons who are deafblind and whose primary language is ASL, this Video-Text Service offers an alternative to text-to-voice relay services, such as Internet Protocol Relay Service, allowing such users the opportunity to send messages in their first language, ASL, while receiving a text response.

5. *VRS Compensation.* VRS providers are compensated for the reasonable cost of providing service in accordance with payment formulas approved by the Commission.<sup>5</sup> Currently, GlobalVRS is compensated under a special “emergent provider” formula, \$5.29 per minute, which is applicable only to VRS providers handling 500,000 or fewer monthly VRS minutes.<sup>6</sup> The Commission adopted this separate formula in 2017, concluding that such a special compensation plan was “appropriate for a limited period to take into account,” among other things, “the generally much higher cost of service for very small providers.”<sup>7</sup> The Commission recognized that “this rate is generally lower than the actual costs reported by emergent providers.”<sup>8</sup> Thus, the emergent-provider formula was not intended to guarantee full cost recovery, but rather to “extend the window of opportunity” for new entrants and very small providers to grow their operations, to a point where they might be sustainable under the generally applicable, tiered compensation plan.<sup>9</sup> In May 2021, the Commission sought comment on a revised VRS

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<sup>2</sup> Section 225 of the Communications Act of 1934, as amended (the Act), requires the Commission to ensure the availability of TRS to persons who are deaf, hard of hearing, deafblind or have speech disabilities, “to the extent possible and in the most efficient manner.” 47 U.S.C. § 225(b)(1). TRS are defined as “telephone transmission services” enabling such persons to communicate by wire or radio “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.” *Id.* § 225(a)(3).

<sup>3</sup> 47 CFR § 64.601(a)(51).

<sup>4</sup> See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5548-49, para. 2 (2011).

<sup>5</sup> See 47 CFR § 64.604(c)(5)(iii)(E)(1).

<sup>6</sup> See *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Order, 32 FCC Rcd 5891, 5916-17, paras. 49-50 (2017) (*2017 VRS Compensation Order*).

<sup>7</sup> *Id.* at 5916-17, para. 49.

<sup>8</sup> *Id.* at 5917, para. 50.

<sup>9</sup> *Id.* at 5916-17, para. 49.

compensation plan.<sup>10</sup> The current VRS compensation formulas, which were set to expire June 30, 2021, were extended and remain applicable pending completion of the compensation rulemaking.<sup>11</sup>

6. *Exogenous Cost Reimbursement.* In the *2017 VRS Compensation Order*, the Commission determined that, in addition to receiving compensation under generally applicable formulas,

[VRS p]roviders may seek reimbursement for well-documented exogenous costs that (1) belong to a category of costs that the Commission has deemed allowable; (2) result from new TRS service requirements or other causes beyond the provider's control; (3) are new costs that were not factored into the applicable compensation rates, and (4) if unrecovered, would cause a provider's current allowable-expenses-plus-operating margin to exceed its VRS revenues.<sup>12</sup>

7. *Recent Developments.* On March 21, 2023, GlobalVRS filed an "Emergency Petition" seeking reimbursement, on an emergency basis, for certain costs previously incurred to provide Video-Text Service to persons who are deafblind, as well as full recovery, going forward, of its costs of providing VRS.<sup>13</sup> The Petition stated that the Company "can no longer sustain the growing, unreimbursed costs of serving the DeafBlind and the significant adverse impacts on its operations without affirmative, emergency reimbursement of its associated exogenous costs."<sup>14</sup> On April 4, the Commission sought comment on the Petition.<sup>15</sup> On April 28, GlobalVRS filed a letter with the Commission notifying it of a "potential service interruption on or about June 30, 2023" absent affirmative Commission action on the Petition.<sup>16</sup> In a letter dated May 26, the Company notified users that absent such action, GlobalVRS "will have no choice but to cease operations effective June 30, 2023."<sup>17</sup> In a subsequent notice dated June 8, the Company notified users that "[a]fter nearly twelve years of service, GlobalVRS has no choice but to cease operations effective June 30, 2023."<sup>18</sup>

8. Later in June, Commission staff had discussions with GlobalVRS regarding whether the Company could continue providing service for a limited period after June 30, to avoid disruption of Video-Text Service pending the availability of that or a comparable service for VRS users who are

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<sup>10</sup> 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, Notice of Proposed Rulemaking and Order, 36 FCC Rcd 8802 (2021) (*Notice*).

<sup>11</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, DA 23-577, at 6-7, paras. 14-17 (CGB June 30, 2023).

<sup>12</sup> *2017 VRS Compensation Order*, 32 FCC Rcd at 5925-26, para. 66 (footnotes omitted).

<sup>13</sup> Emergency Petition of ASL Services Holdings, LLC dba GlobalVRS for DeafBlind Video Relay Services Exogenous Cost Reimbursement, CG Docket Nos. 03-123 and 10-51 (filed Mar. 21, 2023) <https://www.fcc.gov/ecfs/document/10321175009780/1> (redacted) (GlobalVRS Petition). This Order does not address the merits of the GlobalVRS Petition.

<sup>14</sup> *Id.* at 5.

<sup>15</sup> See *Comments Sought on Petition of GlobalVRS for Video Relay Service Exogenous Cost Reimbursement*, CG Docket Nos. 03-123 and 10-51, Public Notice, DA 23-289 (CGB Apr. 4, 2023).

<sup>16</sup> Letter from Gabrielle Joseph, GlobalVRS, to Marlene H. Dortch, FCC, CG Docket Nos. 03-123 and 10-51 (filed Apr. 28, 2023) (April 28 Termination Notice).

<sup>17</sup> See Sorenson Communications, LLC, Petition for Expedited Waiver, CG Docket Nos. 03-123 and 10-51, at 2-3, Attach. A (filed July 24, 2023) (Sorenson Waiver Petition).

<sup>18</sup> See *id.*, Attach. B.

deafblind. On June 30, GlobalVRS provided a further notice to its VRS users, stating that it would temporarily continue to provide VRS, while working with Sorenson Communications, LLC (Sorenson), and the Commission to transition Video-Text Service customers to a new provider. On July 24, Sorenson filed a request for an expedited waiver of certain Commission rules to facilitate the porting of GlobalVRS customers to Sorenson. Sorenson explained that it was preparing to begin providing a specialized service to deafblind users, comparable to the service offered by GlobalVRS.<sup>19</sup> On August 3, GlobalVRS filed a letter with the Commission seeking reimbursement of expenses incurred to maintain its provision of VRS to deafblind users after June 30, to ensure uninterrupted provision of service to these customers, pending the availability of service from a new provider.<sup>20</sup>

### III. DISCUSSION

#### A. Need for Exogenous Cost Reimbursement

9. Pursuant to this Order, we grant waivers authorizing reimbursement to GlobalVRS for exogenous costs incurred in the following highly unusual circumstances. As noted above, in June 2023 GlobalVRS notified customers of its termination of VRS operations, effective June 30.<sup>21</sup> The Company has explained that it is financially unable to continue providing VRS at the current level of compensation.<sup>22</sup> For the last eight years, GlobalVRS has offered a unique form of VRS that is designed to make functionally equivalent communication available to ASL users who are deafblind.<sup>23</sup> At present, no other VRS provider offers a comparable service. While Sorenson is preparing to offer such a service, it is not yet available.<sup>24</sup> Due to the Company's decision to discontinue its provision of VRS, current users of Video-Text Service could lose access to a form of TRS on which they rely for functionally equivalent communication.<sup>25</sup> After discussions with FCC staff, GlobalVRS has undertaken to maintain the availability of its relay service for a limited period, to enable users of its Video-Text Service to continue receiving service pending the availability of a comparable service from another VRS provider.<sup>26</sup> GlobalVRS seeks reimbursement of its monthly expenses for temporarily maintaining this bare-bones VRS service.<sup>27</sup> The Company has submitted an estimate of such expenses, with supporting details.<sup>28</sup>

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<sup>19</sup> *See id.* Sorenson's waiver requests will be addressed in a separate order.

<sup>20</sup> Letter from Gabrielle Joseph, GlobalVRS, to Marlene H. Dortch, FCC, CG Docket Nos. 03-123 and 10-51, at 1 (filed Aug. 3, 2023) (GlobalVRS Request).

<sup>21</sup> *See* Sorenson Waiver Petition, Attach. B.

<sup>22</sup> GlobalVRS Request at 2; *see also* GlobalVRS Petition at 5.

<sup>23</sup> *See* GlobalVRS Petition at 3-4.

<sup>24</sup> *See* Sorenson Waiver Petition at 3.

<sup>25</sup> *See* 47 U.S.C. § 225(a)(3) (defining TRS as telephone transmission services enabling such persons to communicate by wire or radio "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"). As the Commission has previously recognized, VRS is more effective than text-only alternatives such as IP Relay in providing functionally equivalent communication for TRS users whose primary language is ASL. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-53, para. 23 (2000) (*2000 TRS Order*) (explaining that VRS "will make relay services functionally equivalent to conventional telephone services for individuals whose first language is American Sign Language.").

<sup>26</sup> GlobalVRS Request at 1. According to GlobalVRS, there are 112 active users of GlobalVRS's Video-Text Service. *Id.*

<sup>27</sup> *Id.* at 1.

<sup>28</sup> *Id.*, Attach.

10. We conclude that under the Commission’s exogenous cost reimbursement criteria, GlobalVRS may be reimbursed for “well-documented”<sup>29</sup> allowable expenses it incurs to maintain a bare-bones VRS operation<sup>30</sup> for a brief period—beginning July 1, 2023, and ending on the earlier of September 30, 2023, or when all GlobalVRS’s deafblind customers have been ported to a different default VRS provider, if earlier. We also conclude that the types of expenses described in GlobalVRS’s August 3 letter are needed for a bare-bones operation—and that under the circumstances these categories of expenses meet the Commission’s exogenous cost criteria, for the reasons explained below. However, the Commission has not authorized the inclusion of an operating margin in such reimbursement.<sup>31</sup>

11. *Exogenous Cost Reimbursement Criteria.* In the *2017 VRS Compensation Order*, the Commission determined that, in addition to receiving compensation under generally applicable formulas, VRS providers may receive reimbursement for “well-documented exogenous costs” that:

- (1) Belong to a category of costs that the Commission has deemed allowable;
- (2) Result from new TRS service requirements or other causes beyond the provider’s control;
- (3) Are new costs that were not factored into the applicable compensation rates, and
- (4) If unrecovered, would cause a provider’s current allowable-expenses-plus-operating margin to exceed its VRS revenues.<sup>32</sup>

12. *Allowable Costs.* The categories of expenses described in GlobalVRS’s estimate are: labor for CAs and administrative support personnel; license fees for a call processing platform leased from a third party; regulatory, telecommunications, and 911-related expenses; expenses to maintain the Company’s website and software applications; and operational costs. These categories of expenses are generally supported by the TRS Fund.<sup>33</sup> Therefore, assuming that GlobalVRS’s documentation is sufficient to support these costs, the Commission’s first criterion for reimbursable exogenous costs is satisfied.

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<sup>29</sup> *2017 VRS Compensation Order*, 32 FCC Rcd at 5925-26, para. 66.

<sup>30</sup> By “bare-bones VRS” we mean VRS that is limited to the provision of Video-Text Service, and includes only those staff, facilities, and other resources needed to maintain the availability of that service for the relatively few customers that use it. For example, the costs of such a bare-bones service would not include the cost of CAs not qualified or not needed to provide Video-Text Service, nor would it include marketing costs for any form of VRS, since GlobalVRS is exiting the business and has no need to recruit additional customers.

<sup>31</sup> See *2017 VRS Compensation Order*, 32 FCC Rcd at 5925-26, para. 66; GlobalVRS Request, Attach. (including an operating margin in estimate of exogenous costs).

<sup>32</sup> *2017 VRS Compensation Order*, 32 FCC Rcd at 5925-26, para. 66.

<sup>33</sup> See Rolka Loube, *Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate*, CG Docket Nos. 03-123 and 10-51, Appx. B, Provider Annual Cost and Demand Filing Instructions (filed May 1, 2023) (2023 TRS Fund Annual Report); see also *2017 VRS Compensation Order*, 32 FCC Rcd at 5895-96, paras. 10-11; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20175-77, paras. 73-82 (2007) (*2007 TRS Compensation Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Memorandum Opinion and Order, 21 FCC Rcd 8063, 8071, para. 17 (2006).

13. *Causes Beyond the Provider's Control.* As to the second criterion, the costs for which GlobalVRS seeks reimbursement do not result from new service requirements.<sup>34</sup> However, given the unusual circumstances present here, we conclude that these costs are appropriately described as resulting from causes beyond GlobalVRS's control. The situation in which GlobalVRS finds itself after June 30 is not of its own making. The record is clear that, for several months prior to June 30, GlobalVRS intended to shut down its VRS service<sup>35</sup> (absent extraordinary Commission action, which has not occurred to date), and was preparing to do so. The record is also clear that Global has been and is providing VRS, including Video-Text Service, at a substantial loss—even though GlobalVRS has been and is the only option for deafblind individuals who want this service.<sup>36</sup> Only after the Commission staff had a discussion with GlobalVRS regarding the need for a transitional arrangement, did the Company change course and agree to temporarily continue a bare-bones VRS operation after June 30 (and even that bare bones operation is being provided at a loss).<sup>37</sup> Further, the reason that a transitional arrangement became necessary—the lack of any immediately available, functionally equivalent alternative for Video-Text Service customers—is not a condition subject to the Company's control.<sup>38</sup> In summary, despite its clearly stated intention to terminate the provision of VRS as of June 30, GlobalVRS is incurring unintended costs by agreeing to extend its service termination date as an accommodation to its customers, solely because no service alternative for its Video-Text Service customers is immediately available. Under these highly unusual circumstances, we conclude that the additional costs incurred by GlobalVRS are the result of causes beyond the Company's control.

14. *New Costs Not Factored into Compensation Rates.* The third criterion for exogenous cost reimbursement is also satisfied. The submitted costs are new costs incurred by a VRS provider to extend its relay service operation beyond its scheduled shutdown date, to provide service at the minimal level needed to serve customers that have not yet subscribed to a new provider. Such a bare-bones operation is not the type of operation that the Commission contemplated when it established the current compensation formulas.

15. *Costs In Excess of Compensation Revenues.* As required by the fourth criterion, we also find that, absent recovery of the costs listed in GlobalVRS's submission, the Company's allowable-

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<sup>34</sup> We also note that, contrary to the Company's assertions, Petition at 3, the Commission has never required the provision of VRS or Video-Text Service by GlobalVRS or any other TRS provider. *See 2000 TRS Order*, 15 FCC Rcd at 5152-53, para. 23 (“[W]e disagree with those commenters who argue that we should require [VRS].”).

<sup>35</sup> *See* GlobalVRS Petition at 5 (stating it “can no longer sustain the growing, unreimbursed costs of serving the DeafBlind and the significant adverse impacts on its operations without affirmative, emergency reimbursement of its associated exogenous costs”); April 28 Termination Notice.

<sup>36</sup> *See* GlobalVRS Request at 4-5; *see also* Letter from Eliot Greenwald, FCC, to Marlene Dortch, FCC, CG Docket Nos. 03-123 and 10-51, Attach. (filed May 9, 2023) (2023 VRS Cost and Demand Data) (confidential) (showing VRS cost and demand for each VRS provider).

<sup>37</sup> GlobalVRS Request at 1 & Attach.

<sup>38</sup> The Company alerted the Commission on April 28 of its intention to terminate the provision of VRS, and it subsequently notified its customers of this decision on May 26 and June 8. April 28 Termination Notice; Sorenson Waiver Petition, Attachs. A & B. Therefore, other providers, as well as the Company's customers, were aware of GlobalVRS's intention to terminate service. We note that section 64.606(h) of the Commission's rules requires a VRS provider to “obtain Commission authorization” for a voluntary service interruption by submitting a request at least 60 days before such interruption. 47 CFR § 64.606(h)(2). To the extent that this rule applies to a “service interruption” caused by a provider's decision to permanently terminate the provision of VRS, we find no basis to conclude that GlobalVRS failed to comply with the rule.

expenses-plus-operating margin will exceed its VRS revenues. Specifically, the Company's estimated monthly expenses exceed the compensation it would earn for its projected VRS service.<sup>39</sup>

## B. Payment Plan

16. Ordinarily, requests for exogenous cost reimbursement are submitted after all relevant costs have been incurred.<sup>40</sup> In this instance, GlobalVRS is seeking reimbursement for expenses incurred both before and after the filing of its request. GlobalVRS states it is experiencing significant cash flow issues due to the unexpected temporary extension of its VRS operation, which has required the Company to redirect resources and extend supply contracts that it had assumed would no longer be needed.<sup>41</sup>

17. Under these unusual circumstances, to avoid inflicting such hardship and to maintain uninterrupted service to a group of customers for whom an alternative service provider is not yet available, and for whom a service cutoff could have especially harmful effects, the Bureau adopts a conditional waiver authorizing reimbursement of exogenous costs—as well as payments under the applicable compensation formula<sup>42</sup>—on an accelerated schedule, subject to a possible true-up as discussed below. For service provided after July 31, payments shall be made on a semi-monthly basis. To address these special circumstances, we temporarily waive the relevant provisions of section 64.604(c)(5)(iii) of the Commission's rules, to the extent that this accelerated payment arrangement for GlobalVRS is inconsistent with the requirement for monthly compensation payments.<sup>43</sup>

18. A Commission rule may be waived for “good cause shown.”<sup>44</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>45</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>46</sup> 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.<sup>47</sup>

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<sup>39</sup> GlobalVRS Request, Attach. Except for this brief period of bare-bones operation, GlobalVRS will not be providing VRS in the 2023-24 Fund Year. Therefore, the submitted expenses and projected revenues for this period are the only relevant expenses and revenues for purposes of applying the fourth exogenous cost reimbursement criterion. However, the Company's 2023 annual cost report, which shows historical cost and demand for calendar year 2022 and projected costs and demand for 2023, provides added assurance that this criterion is satisfied. *See* 2023 VRS Cost and Demand Data (showing VRS cost and demand for each VRS provider).

<sup>40</sup> *See* 2007 TRS Compensation Order, 22 FCC Rcd at 20174-75, para. 72 (“Annually, VRS providers will be allowed to request exogenous treatment for costs they incurred during the three-year period that are the result of new regulations or otherwise beyond their control.”).

<sup>41</sup> GlobalVRS Request at 2.

<sup>42</sup> Although exogenous cost reimbursement is ordinarily handled through a separate process, in this instance, the two kinds of payments are necessarily mingled, as the amount of each exogenous cost reimbursement is equal to the difference between the Company's total allowable expenses for the payment period and the compensation that is otherwise payable pursuant to the applicable formula.

<sup>43</sup> The Commission's rules contemplate that compensation payments pursuant to the formulas approved by the Commission will be made on a monthly basis. *See* 47 CFR § 64.604(c)(5)(iii)(E)(I) (providing that compensation formulas “shall be based on total monthly interstate TRS minutes of use”); *id.* § 64.604(c)(5)(iii)(L)(I) (referring to the Fund administrator's “practice of reviewing monthly requests for compensation”).

<sup>44</sup> *Id.* § 1.3.

<sup>45</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>46</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.

<sup>47</sup> *Northeast Cellular*, 897 F.2d at 1166.

19. To address the unusual circumstances of this case, we briefly waive the monthly payment rule and allow an accelerated payment schedule as described below, subject to the following conditions. GlobalVRS may submit an invoice to the TRS Fund administrator, on or after the first business day after the end of each semi-monthly period in which the Company continues providing service.<sup>48</sup> Each invoice shall state the number of days in that period for which Video-Text Service was provided by the Company, and shall be accompanied by: (1) a provisional count of the Company’s compensable minutes of service;<sup>49</sup> and (2) a certification under penalty of perjury by the Company’s chief financial officer or other senior executive, attesting that the invoice and supporting documentation accurately identify the expenses actually incurred to provide VRS and that GlobalVRS has provided service in compliance with the Commission's rules and orders.<sup>50</sup> In addition, within 10 calendar days after the end of each month of service, GlobalVRS shall submit and certify the accuracy of call detail records (CDRs) for all service provided during that month, in accordance with 47 CFR § 64.604(c)(5)(iii)(D).

20. We direct the TRS Fund administrator to confirm that the submitted costs likely qualify for exogenous treatment pursuant to this Order and, if so, to make a provisional payment within five business days after submission of the documentation described above.<sup>51</sup> Provisional payments are subject to true-up after the Fund administrator has had an opportunity to request and review additional information, if needed, and to review GlobalVRS’s monthly CDRs. If the TRS Fund administrator later determines that the amount owed to GlobalVRS for a given period is less than the provisional payment made for that period, and an additional provisional payment is due for a subsequent period, the amount of the overpayment may be deducted from such subsequent provisional payment.

21. As an example of how this schedule would work, if each invoice is submitted on the first day allowed, the payment schedule would be as follows:

Period of Service	If invoice and documentation are submitted on:	Provisional payment, if warranted, to be made on or before: <sup>52</sup>	CDR to be submitted on or before:
August 1-15	August 16	August 23	September 11
August 16-31	September 1	September 11	September 11
September 1-15	September 18	September 25	October 10
September 16-30	October 2	October 10	October 10

<sup>48</sup> For the month of August, one of these periods is 16 days.

<sup>49</sup> If it chooses, in lieu of a preliminary count, GlobalVRS may submit complete call detail records for the relevant period, in accordance with 47 CFR § 64.604(c)(5)(iii)(D).

<sup>50</sup> Cf. 47 CFR § 64.604(C)(5)(iii)(D)(5) (requiring such certification when TRS providers submit requests for compensation).

<sup>51</sup> We note that GlobalVRS has already submitted an invoice and documentation for exogenous cost reimbursement for service provided in July 2023. If such invoice and documentation conform to paragraph 19 and the TRS Fund administrator confirms that the submitted costs likely qualify for exogenous cost reimbursement pursuant to this Order, provisional payment of that invoice shall be made within five business days after release of this Order.

<sup>52</sup> If the Company submits its invoice and certification to the TRS Fund administrator later than the date indicated, payment would be made within five business days after the date of submission.



22. The payments authorized by this Order do not extend to periods of service later than September 30. We anticipate that by September 30, Video-Text Service will be available from another VRS provider, and that the circumstances warranting reimbursement of GlobalVRS pursuant to the Commission's exogenous cost criteria will have ended. We note that an accelerated payment schedule of this kind will *not* apply to any future payments made to a TRS provider for TRS Fund compensation or exogenous cost reimbursement, absent extraordinary circumstances.

### C. Additional Waivers

23. In the extraordinary circumstances described above, to facilitate the orderly termination of the Company's service and ensure that public safety is protected during this transitional period, we also grant GlobalVRS partial waivers of the following rules. These waivers are applicable only during GlobalVRS's period of extended service, beginning July 1, 2023, and ending no later than September 30, 2023.

24. We grant GlobalVRS a partial waiver of the user registration rule, under which any eligible TRS user may register with a VRS provider as the user's "default" provider.<sup>53</sup> Under this waiver, to accommodate the winding down of the Company's service, GlobalVRS may decline to register new or porting-in VRS users. GlobalVRS is terminating its provision of VRS, and is continuing to provide Video-Text Service after its announced termination date solely because a substitute for its Video-Text Service is not yet available. Under these extraordinary circumstances, it would unnecessarily burden the Company to compel it to register new users while it is preparing to terminate service. Further, there would be little or no benefit to a new user in registering with GlobalVRS during this temporary extension of service.<sup>54</sup>

25. We also grant GlobalVRS a partial waiver of the rule that prohibits CAs from limiting the duration of a TRS call or refusing sequential calls.<sup>55</sup> In anticipation of terminating service, GlobalVRS has reduced the number of CAs available to handle VRS calls. GlobalVRS has not requested waiver of any service rules for VRS. Therefore, we assume it can continue to comply with, for example, the 24-hour service and speed-of-answer requirements.<sup>56</sup> However, to provide extra assurance that all emergency calls will be answered promptly during this transition, we grant the Company, on our own motion, a partial waiver of the rule prohibiting CAs from limiting the duration of a call and from refusing sequential calls.<sup>57</sup> Pursuant to this waiver, in the event that no other GlobalVRS CA is available to take a 911 call, a CA who is serving another user when the 911 call arrives may disconnect from that call (or, if the call is ending, may refuse to allow a sequential call) in order to handle the 911 call.

## IV. PROCEDURAL MATTERS

26. *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.

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<sup>53</sup> 47 CFR § 64.611(a).

<sup>54</sup> To the extent that some users of GlobalVRS's regular (i.e., non-Video-Text) VRS have not yet switched to a different default VRS provider, nothing in this order precludes the Company from being compensated for calls it handles for such users, subject to the applicable compensation formula of \$5.29 per minute.

<sup>55</sup> *Id.* § 64.604(a)(3)(i).

<sup>56</sup> *Id.* § 64.604(b)(2)(iii).

<sup>57</sup> *Id.* § 64.604(a)(3)(i).

**V. ORDERING CLAUSES**

27. Accordingly, IT IS ORDERED, 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.

28. IT IS FURTHER ORDERED that, pursuant to section 225 of the Communications Act of 1934, as amended, 47 U.S.C. § 225, and sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, waivers of sections 64.604(a)(3)(i) and 64.611(a) of the Commission's rules, 47 CFR §§ 64.604(c)(5)(iii)(E)(I), 64.604(c)(5)(iii)(L)(I), 64.611(a), 64.604(a)(3)(i), to the extent described herein, are granted with respect to the application of such rules to service provided by GlobalVRS between July 1, 2023, and September 30, 2023.

29. 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