

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Access to Video Conferencing) CG Docket No. 23-161
Implementation of Sections 716 and 717 of the) CG Docket No. 10-213
Communications Act of 1934, as Enacted by the)
Twenty-First Century Communications and Video)
Accessibility Act of 2010)
Telecommunications Relay Services and Speech-) CG Docket No. 03-123
to-Speech Services for Individuals with Hearing)
and Speech Disabilities)
Petition of Sorenson Communications, LLC, for)
Limited Waiver of the Privacy Screen Rule)

ORDER

Adopted: June 10, 2024

Released: June 10, 2024

By the Chief, Consumer and Governmental Affairs Bureau:

1. The Consumer and Governmental Affairs Bureau (CGB or Bureau), on its own motion, extends the existing limited waiver of the Video Relay Service (VRS) privacy screen rule until December 31, 2024, or the effective date of Commission action modifying the rule, if earlier.1 The Commission initially granted a temporary, limited waiver of the privacy screen rule for one year in an order accompanying the 2023 Video Conferencing Notice, thereby allowing VRS users and communications assistants (CAs) on video conferences to turn off their videos when not actively participating in the call, subject to certain conditions.2 We now extend the existing waiver to ensure that VRS users and CAs in video conferences calls continue to have the same opportunity as other participants to turn their cameras off when not speaking, pending the Commission’s consideration of proposed modifications to the privacy screen rule.3

2. Background. A visual privacy screen is a feature that prevents one party on the video leg

1 See Access to Video Conferencing et al., CG Docket No. 23-161 et al., Report and Order, Notice of Proposed Rulemaking, and Order, FCC 23-50, para. 113 (June 12, 2023) (2023 Video Conferencing Notice or Privacy Screen Waiver Order) (waiving 47 CFR § 64.604(a)(6)(2023), now 47 CFR § 64.604(d)(5)). The privacy screen rule was renumbered in the 2023 VRS Improvements Order. 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, Report and Order and Order, FCC 23-116, App. B, para. 2 (Dec. 20, 2023) (2023 VRS Improvements Order).

2 VRS is a form of telecommunications relay service (TRS) “that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party’s signed conversation and relay the conversation back and forth with a voice caller.” 47 CFR § 64.601(a)(51).

3 See 2023 Video Conferencing Notice, paras. 87-89. The waiver is currently scheduled to expire on June 11, 2024, or the effective date of Commission action modifying the rule, if earlier. Privacy Screen Waiver Order, para. 118.

of a VRS call from viewing the other party.⁴ The privacy screen rule prohibits a VRS CA from enabling a visual privacy screen or similar feature during a VRS call and requires a CA to disconnect a VRS call if the caller or called party enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive for more than five minutes.⁵

3. In June 2023, the Commission proposed to amend the privacy screen rule in the context of video conferencing, recognizing that there are many reasons why a participant in a video conference may turn off the camera while still being engaged in the video conference.⁶ Pending action on its proposal, the Commission also granted a limited waiver of the privacy screen rule for all VRS providers.⁷ Seeking to “allow VRS providers flexibility to begin providing VRS integrated with video conferencing service without unduly disrupting current video conferencing practices,”⁸ the Commission reasoned that, to enable functionally equivalent participation in this “essential means of communication,”⁹ VRS users should have the same opportunity (and responsibility when asked) as hearing individuals to participate in a call with their cameras turned off.¹⁰ In addition, the Commission found that, absent a waiver, “the privacy screen rule would substantially restrict the ability of VRS providers to explore promising technologies for the provision of such integrated VRS.”¹¹

4. *Waiver Standard.* A Commission rule may be waived for “good cause shown.”¹² In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.¹³ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁴ 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.¹⁵

5. *Discussion.* The Bureau finds that there are special circumstances establishing good cause for an extension of the expiration date of this waiver, to avoid an undesirable lapse in the

⁴ 47 CFR § 64.601(a)(53).

⁵ *Id.* § 64.604(d)(5). The stated purpose of the rule, adopted in 2011 as one of numerous anti-fraud measures, is to help prevent “illicit schemes that result in calls ‘running’ without any communication between the parties for the sole purpose of fraudulently billing the Fund.” *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, 5567, para. 40 (2011) (*2011 VRS Call Practices Order*).

⁶ *2023 Video Conferencing Notice*, paras. 87-89 (proposing to allow VRS CAs to continue providing relay services integrated with a multi-party video conference when the VRS user who requested service has turned off his or her video connection for more than five minutes, as long as at least one other party is continuing to speak and the VRS user is still connected to the video conference).

⁷ *Privacy Screen Waiver Order*, para. 116; *see also* Petition of Sorenson Communications, LLC for a Limited Waiver of the Privacy Screen Rule for Piloting VRS Integration with Video Conferencing Services, CG Docket Nos. 03-123 and 10-51 (filed Dec. 19, 2022) (Sorenson Petition), <https://www.fcc.gov/ecfs/document/12190888126091/1> (requesting such a waiver).

⁸ *Privacy Screen Waiver Order*, para. 113.

⁹ *Id.*, para. 117.

¹⁰ *See id.*, para. 116.

¹¹ *Id.*, para. 117.

¹² 47 CFR § 1.3.

¹³ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁴ *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.

¹⁵ *Northeast Cellular*, 897 F.2d at 1166.

application of this waiver to VRS users and providers.¹⁶ Allowing the current waiver to expire before the effective date of a potential rule change would needlessly impose a burden on VRS users and CAs when the Commission has determined that a limited waiver of this rule to allow functionally equivalent participation in video conferencing calls is in the public interest. Therefore, we extend this waiver, on our own motion, until the date specified above.

6. This extended waiver is granted subject to the same conditions imposed by the Commission in the initial grant. Specifically, a VRS provider relying on this waiver:

- Shall identify in its monthly compensation requests every video conference call in which VRS is provided on an integrated basis;
- Shall provide the TRS Fund administrator with all information reasonably requested to determine TRS Fund payments and the compensability of such video conference calls;
- Shall prominently display a notice to its VRS consumers connecting to video conferencing services on an integrated basis, which shall remain in place until termination of this waiver, stating that:
 - The application used to connect VRS to video conferencing services is in development and its features and functions may change as development continues;
 - At this time, this application allows connections with only [name applicable IVCS providers] and not all video conferencing services; and,
 - Consumers should contact a [name of VRS provider] representative at EMAIL/NUMBER if they cannot connect to a [name applicable IVCS provider] video conference with the application or if the application fails during a [name applicable IVCS provider] video conference after an initial connection.¹⁷

7. *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.

8. *Additional Information.* For additional information on this proceeding, contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716, or William.Wallace@fcc.gov.

9. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), and 225, the foregoing ORDER IS ADOPTED.

10. IT IS FURTHER ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), and 225, and section 1.3 of the Commission's Rules, 47 CFR § 1.3, the restrictions on use of privacy screens in section 64.604(d)(5) of the Commission's rules, 47 CFR § 64.604(d)(5), with VRS on video conferencing calls are TEMPORARILY WAIVED to the extent set forth in the *Privacy Screen Waiver Order*, until December 31, 2024, or the effective date of Commission action amending this provision, whichever is earlier.

11. IT IS FURTHER ORDERED that, pursuant to sections 1.4(b) and 1.103(a) of the Commission's rules, 47 CFR §§ 1.4(b) and 1.103(a), the ORDER SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

¹⁶ See *Privacy Screen Waiver Order*, para. 117.

¹⁷ See *id.*, para. 119.

Alejandro Roark, Chief
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