



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC MOVES FORWARD WITH COMPREHENSIVE REFORMS TO ELIMINATE ABUSES AND ENSURE VIABILITY OF VIDEO RELAY SERVICE

Washington, D.C. – As part of its ongoing efforts to ensure that the video relay service (VRS) continues to provide a crucial telecommunications link for people who are deaf and hard-of-hearing, the Commission today adopted rules designed to eliminate the waste, fraud and abuse that has plagued the VRS program and had threatened its ability to continue serving Americans who use it and its long-term viability.

In an accompanying Further Notice of Proposed Rulemaking (FNPRM), the Commission asked for public comment on proposed modifications to the current FCC certification procedures used to determine which companies may provide Internet-based telecommunications relay service (TRS).

VRS enables persons who use American Sign Language (ASL) to communicate with other individuals who do not know ASL through a broadband connection using a video link. A communications assistant (CA) interprets (relays) the conversation back and forth between the parties in sign language and voice.

The Commission's actions are intended to eliminate illegitimate payments from the TRS Fund to providers, ensure that only qualified providers of service are permitted to receive compensation from the Fund, and enable the Commission to improve its oversight of provider operations to achieve better compliance with the TRS rules. The Commission's efforts to rid the TRS program of fraud and abuse demonstrate its commitment to ensuring that VRS remains a valuable communication tool for Americans who use it to communicate with friends, family and colleagues on a daily basis.

Report and Order

In addition to annual VRS audits, new record keeping requirements and updated procedures for dispute resolutions related to payment claims the FCC's comprehensive reforms:

- Require that VRS providers submit a statement describing the location and staffing of their call centers twice a year, and a notification at least 30 days prior to any change in the location of such centers;
- Prohibit VRS CAs from relaying calls from their homes and prohibit VRS providers from tying minutes or calls processed by a CA to compensation provided;
- Prohibit compensation for VRS calls that originate from IP addresses that indicate the individual initiating the call is located outside of the United States, with the exception of callers who pre-register with their default provider for a specified time and location of travel;
- Prohibit compensation for VRS calls for remote training when the service provider is involved in any way with such training (e.g., sponsors, promotes or hosts such training);

- Prohibit VRS CAs from using visual privacy screens, and requires that CAs terminate a VRS call, after providing a warning announcement, if either party to the call: (1) enables a privacy screen or similar feature for more than five minutes, or (2) is unresponsive or unengaged for more than five minutes, unless the call is to 9-1-1 or one of the parties is on hold;
- Require automated recordkeeping of TRS minutes submitted to the Fund;
- Require that VRS be offered to the public only in the name of the provider eligible for compensation from the Fund and, when sub-brands are used, that these identify such eligible provider; requires that calls to any brand or sub-brand of VRS be routed through a single URL address for that brand or sub-brand;
- Prohibit revenue sharing agreements for CA or call center functions between entities eligible for compensation from the Fund and non-eligible entities;
- Prohibit compensation on a per-minute basis for marketing and outreach costs performed through a subcontractor where such services utilize VRS;
- Adopt whistleblower protection rules for current and former employees and contractors of TRS providers;

Further Notice of Proposed Rulemaking

The Commission seeks public comment on proposals to:

- Require that all Internet-based TRS providers be certified by the Commission to become eligible to receive compensation from the TRS Fund;
- Require new and renewing certification applicant providers to provide specific documentary evidence of their ability to comply with the TRS rules; The Commission may choose to conduct on-site visits as part of the certification process;
- Revise the provider's annual report filings to the Commission to require further documentation that providers are in compliance with the Commission's TRS rules;
- Clarify what types of changes trigger a provider's obligation to notify the Commission that substantive changes in its TRS program have occurred;
- Require providers to seek approval from the Commission for voluntary interruption of their Internet-enabled relay service and to promptly notify the Commission after-the-fact when unforeseen service interruptions occur; and

Comments on the FNPRM will be due 30 days after publication in the Federal Register, with reply comments due 15 days thereafter.

Action by the Commission, April 5, 2011, by Report and Order and Further Notice of Proposed Rulemaking (FCC 11-54). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker.

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CG Docket No. 10-51.

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