

**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
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	

**ORDER**

**Adopted: September 15, 2008**

**Released: September 19, 2008**

By the Commission:

**I. INTRODUCTION**

1. On March 19, 2008, the Commission released the *Interim Emergency Call Handling Order*<sup>1</sup> addressing the emergency call handling obligations of Internet-based Telecommunications Relay Services (TRS)<sup>2</sup> providers. In that order, the Commission adopted interim requirements for Internet-based TRS providers to ensure access to emergency services for consumers of Internet-based relay services, pending adoption by the Commission of a longer term emergency call handling solution.<sup>3</sup> Among the interim requirements adopted was section 64.605(c), which requires Internet-based TRS providers, among other things, to deliver to emergency response authorities, at the outset of the outbound leg of an emergency TRS call, the callback number of the TRS provider's Communications Assistant (CA), thereby enabling emergency response personnel to re-establish contact with the CA in the event the call is disconnected.<sup>4</sup> Pursuant to the subsequent *Internet-based TRS Numbering Order*, as of December 31, 2008, this requirement will no longer apply and will be superseded by the new emergency call handling rules adopted in that order.<sup>5</sup>

<sup>1</sup> See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order, 23 FCC Rcd 5255 (Mar. 19, 2008) (*Interim Emergency Call Handling Order*).

<sup>2</sup> TRS, created by Title IV of the Americans with Disabilities Act of 1990, enables a person with a hearing or speech disability to access the nation's telephone system to communicate with voice telephone users through a relay provider and a Communications Assistant (CA). See Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990); 47 U.S.C. § 225; 47 C.F.R. § 64.601 *et seq.* (implementing regulations). The Internet-based forms of TRS include Video Relay Service (VRS), Internet Protocol (IP) Relay, and IP Captioned Telephone Service (IP CTS), as discussed below.

<sup>3</sup> See *Interim Emergency Call Handling Order*, 23 FCC Rcd at 5265-66, para. 16 & Appendix B (adopting new section 64.605, setting forth emergency call handling requirements applicable to Internet-based TRS; prior section 64.605 redesignated as section 64.606).

<sup>4</sup> See *id.*, 23 FCC Rcd at 5268, para. 21; see also 47 C.F.R. § 64.605(c).

<sup>5</sup> See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05- (continued...)

2. On July 11, 2008, Sorenson Communications, Inc. (Sorenson) filed a petition for limited waiver of interim section 64.605(c)<sup>6</sup> so that Sorenson may – prior to December 31, 2008 – deliver to the appropriate emergency response authorities, at the outset of the outbound leg of an emergency VRS call, the caller’s North American Numbering Plan (NANP) callback number, when known to Sorenson, rather than the CA’s callback number.<sup>7</sup> Based on our finding that the approach described by Sorenson appears to represent a more efficient method of ensuring that emergency response personnel can re-establish contact with an emergency caller whose call has become disconnected, and because this approach more closely approximates the callback information that the Commission has determined providers must transmit under its final emergency call handling rules for Internet-based forms of TRS,<sup>8</sup> we find good cause exists to grant the limited waiver of interim section 64.605(c) that is requested by Sorenson.<sup>9</sup> This waiver shall apply to all VRS providers. We also reiterate our requirement that VRS providers implement a system to ensure that all incoming emergency calls (including callbacks from emergency personnel) are answered by the provider before non-emergency calls.

## II. BACKGROUND

3. In the *Interim Emergency Call Handling Order*, the Commission adopted several new emergency call handling requirements for Internet-based TRS providers.<sup>10</sup> These measures were designed to ensure that persons using Internet-based forms of TRS, *i.e.*, VRS,<sup>11</sup> IP Relay,<sup>12</sup> and IP CTS,<sup>13</sup> can

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196, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-151 (June 24, 2008) (*Internet-based TRS Numbering Order*).

<sup>6</sup> “Interim section 64.605(c)” refers to the rule at that section as adopted in the *Interim Emergency Call Handling Order*.

<sup>7</sup> See Sorenson Communications, Inc., *Petition for Limited Waiver of Interim Section 64.605(c) of the Commission’s Rules*, CG Docket No. 03-123, WC Docket No. 05-196, filed July 11, 2008 (Sorenson Petition). The petition focuses exclusively on the emergency call handling requirements associated with its provision of VRS, not IP Relay and IP CTS.

<sup>8</sup> See *Internet-based TRS Numbering Order*.

<sup>9</sup> Because, as noted above, the interim call handling rule at issue here will not apply to VRS providers as of December 31, 2008, the waiver granted herein shall terminate on that same date.

<sup>10</sup> See *Interim Emergency Call Handling Order*, 23 FCC Rcd at 5265–66, para. 16 & Appendix B (adopting section 64.605, setting forth emergency call handling requirements applicable to Internet-based TRS). Previously, emergency call handling requirements for the Internet-based forms of TRS had been waived.

<sup>11</sup> VRS is an Internet-based form of TRS that allows individuals with hearing or speech disabilities to communicate using sign language through video equipment. The video link allows the CA to view and interpret the VRS user’s signed conversation, and relay the conversation back and forth between the VRS user and the called party. See 47 C.F.R. § 64.601(18); *Telecommunications Relay 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, 5152-54, paras. 21-27 (Mar. 6, 2000) (*2000 TRS Order*).

<sup>12</sup> IP Relay permits individuals with hearing or speech disabilities to communicate in text messages via a computer (or other similar device), rather than with a teletypewriter (TTY) and the Public Switched Telephone Network (PSTN). See *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (Apr. 22, 2002) (*IP Relay Declaratory Ruling & Second FNPRM*).

promptly access emergency services, pending adoption of a solution that will permit Internet-based TRS providers to immediately and automatically place the outbound leg of an emergency call to an appropriate public safety answering point (PSAP), designated statewide default answering point, or appropriate local emergency authority.<sup>14</sup> As relevant here, the Commission required Internet-based TRS providers to deliver to emergency response authorities, at the outset of the outbound leg of an emergency call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected.<sup>15</sup>

4. In the Interim Emergency Call Handling Order, the Commission also committed to adopting, by second quarter 2008, a longer term emergency call handling solution for Internet-based TRS involving a system for assigning users of Internet-based TRS ten-digit telephone numbers linked to the NANP, with implementation to be completed no later than December 31, 2008.<sup>16</sup> To that end, on June 24, 2008, the Commission released the Internet-based TRS Numbering Order, which adopted a numbering plan and final emergency call handling requirements for VRS and IP Relay, to be implemented by December 31, 2008.<sup>17</sup> As relevant here, the Internet-based TRS Numbering Order amended section 64.605 to provide that, as of December 31st, certain interim rule sections, including the provision requiring Internet-based TRS providers to transmit to emergency response personnel the callback number of the CA, will no longer apply to providers of VRS and IP Relay.<sup>18</sup> Instead, as of December 31st, VRS and IP Relay providers will be required, in connection with the processing of an emergency call, to transmit to emergency response personnel, among other things, the Automatic Number Identification (ANI) of the VRS or IP Relay user placing the call (i.e., the callback number of the calling party).<sup>19</sup>

5. On July 11, 2008, Sorenson filed the instant petition for limited waiver of interim section 64.605(c).<sup>20</sup> Sorenson asserts that, at the outset of the outbound leg of an emergency VRS call, it should be permitted to deliver to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority the VRS caller's callback number, when known to Sorenson, rather  
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<sup>13</sup> Captioned telephone service (CTS) is a form of TRS generally used by someone who can speak and who has some residual hearing. A special telephone displays the text of what the other party is saying, so that the user can simultaneously listen to what is said over the telephone (to the extent possible) and read captions of what the other person is saying. See *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121 (Aug. 1, 2003). With IP CTS, the connection carrying the captions between the relay provider and the user is via the Internet, rather than the PSTN. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 383, para. 8 (Jan. 11, 2007) (*2007 IP CTS Declaratory Ruling*).

<sup>14</sup> See *Interim Emergency Call Handling Order*, 23 FCC Rcd at 5257, para. 1.

<sup>15</sup> See *id.*, 23 FCC Rcd at 5268, para. 21; see also 47 C.F.R. § 64.605(a)-(d).

<sup>16</sup> See *Interim Emergency Call Handling Order*, 23 FCC Rcd at 5257, para. 1.

<sup>17</sup> See *Internet-based TRS Numbering Order*. That order applies only to VRS and IP Relay. The Commission stated that it would address issues relating to IP CTS, if appropriate, in a separate order because IP CTS raises distinct technical and regulatory issues. *Id.* at para. 1 n.5.

<sup>18</sup> See *Internet-based TRS Numbering Order*, Appendix B (section 64.605(a)(1)).

<sup>19</sup> See *id.*, Appendix B (section 64.605(b)(2)(ii)).

<sup>20</sup> See Sorenson Petition; see also 47 C.F.R. § 64.605(c).

than the CA's callback number.<sup>21</sup> Sorenson asserts that providing to emergency authorities the ten-digit NANP number of an emergency VRS caller represents a more efficient method of re-establishing contact with that caller if the initial call becomes disconnected.<sup>22</sup> In particular, Sorenson states that, for emergency calls placed by VRS users to whom Sorenson has assigned NANP toll-free numbers, emergency response personnel could re-establish relayed communications with the caller by dialing the user's toll-free number.<sup>23</sup> In that instance, the call would be routed via a Sorenson CA to the deaf emergency caller, and the emergency call would be re-established "without the PSAP having to engage in the intermediate step of calling the same [CA] who handled the original emergency call."<sup>24</sup> To the extent that it already has the ability to provide emergency response personnel with a means of directly contacting an emergency VRS caller via the caller's NANP callback number, Sorenson contends that granting its request would serve the public interest by facilitating the callback in this situation. According to Sorenson, granting its request also would "effectively implement," ahead of the December 31st deadline established by the Commission, the requirement set forth in the Commission's final emergency call handling rules that VRS and IP Relay providers transmit the caller's ANI, rather than the CA's callback number, at the outset of the outbound leg of an emergency VRS call.<sup>25</sup>

### III. DISCUSSION

6. A Commission rule may be waived for "good cause shown."<sup>26</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>27</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>28</sup> Waiver of a Commission rule is therefore appropriate if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>29</sup> Applying these standards to the instant petition, we find good cause has been demonstrated to grant Sorenson's request for a limited waiver of interim section 64.605(c), as discussed below, as well as to extend the waiver to similarly situated VRS providers.

7. First, as Sorenson correctly notes, the Commission's goal in adopting interim section 64.605(c) was to ensure that emergency response personnel have a means of re-establishing contact with an Internet-based relay user whose emergency call has been disconnected.<sup>30</sup> Although it was logical for the Commission in its Interim Emergency Call Handling Order to require providers to deliver the callback number of the CA, rather than of the user (since many VRS and IP Relay users do not yet have unique ten-digit NANP numbers and therefore cannot be reached directly by dialing a ten-digit number), where a

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<sup>21</sup> See Sorenson Petition at 1.

<sup>22</sup> See *id.* at 4-5.

<sup>23</sup> See *id.* at 4.

<sup>24</sup> See *id.*

<sup>25</sup> See *id.* at 1.

<sup>26</sup> See 47 C.F.R. § 1.3.

<sup>27</sup> See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>28</sup> See *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>29</sup> See *Northeast Cellular*, 897 F.2d at 1166.

<sup>30</sup> See Sorenson Petition at 4.

relay user does have a unique ten-digit NANP number, such as the toll-free NANP numbers provided to Sorenson users, we find no reason why this number should not be provided to emergency response authorities at the outset of the outbound leg of an emergency call. Indeed, to the extent that a callback via a user's ten-digit NANP number is given priority call handling and does not necessitate re-establishing contact with the specific CA who handled the original emergency call (who himself may be experiencing technical or other difficulties), we agree that the approach described by Sorenson represents a more efficient method of re-establishing contact with the emergency caller. Therefore, where an emergency caller can be reached directly via a ten-digit NANP callback number, we find that it is in the public interest to permit VRS providers to provide this number to emergency response personnel, in lieu of the CA's callback number as currently required by interim rule section 64.605(c).

8. Second, as Sorenson also notes, where an emergency VRS caller can be reached directly via a unique, ten-digit NANP number, providing this callback number to emergency response personnel more closely approximates the callback approach adopted by the Commission in the recent Internet-based TRS Numbering Order.<sup>31</sup> In that order, the Commission determined that 911 calls placed by VRS or IP Relay users must be routed "through the use of ANI"<sup>32</sup> and specifically stated that "ANI identifies the calling party and may be used as the callback number."<sup>33</sup> By permitting Sorenson to provide at this time the same callback number that the Commission has determined providers ultimately may transmit under the final rules, we find that granting the petition before us also is appropriate in that doing so will further the intent underlying the Commission's Internet-based TRS Numbering Order and the final emergency call handling rules adopted therein.

9. In sum, we find that the record supports granting VRS providers a waiver of section 64.605(c)'s requirement that the CA deliver to emergency response authorities, at the onset of the call, the CA's callback number, to the extent that the VRS CA can deliver, instead, the VRS caller's unique ten-digit NANP callback number. In so doing, we merely permit VRS providers that are able to do so to process this aspect of an emergency call in the manner prescribed in the final emergency call handling rules adopted in the *Internet-based TRS Numbering Order*. We reiterate, however, our requirement that VRS providers implement a system to ensure that all incoming emergency calls (including callbacks from emergency personnel) are answered by the provider before non-emergency calls.<sup>34</sup> We also recognize that a callback from emergency personnel may be handled by a CA other than the CA who handled the initial 911 call from the emergency caller. We expect providers will have in place a procedure by which they will obtain from the first CA in that situation all information relevant to the emergency, including any information that he or she obtained during the course of the initial call but that was not conveyed, and that the provider will transmit this information to the appropriate emergency personnel. Finally, because the provision of section 64.605(c) waived herein terminates as of December 31, 2008, the waiver granted herein to VRS providers shall also terminate on that date.

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<sup>31</sup> See Sorenson Petition at 1-3, nn.7 & 8, citing section 64.601(a)(3) ("ANI identifies the calling party and may be used as the callback number") and section 64.605(b)(2)(ii) (as of December 31, 2008, VRS and IP Relay providers must "transmit all 911 calls, as well as ANI, the caller's Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number for each call") of the rules adopted in the *Internet-based TRS Numbering Order*.

<sup>32</sup> See *Internet-based TRS Numbering Order*, para. 82.

<sup>33</sup> See *id.*, para. 82 n.202 (emphasis added).

<sup>34</sup> See 47 C.F.R. § 64.605(a), adopted in the *Interim Emergency Call Handling Order*; see also 47 C.F.R. § 64.605(a)(2)(ii) adopted in the *Internet-based TRS Numbering Order*.

**IV. ORDERING CLAUSES**

10. Accordingly, IT IS ORDERED, pursuant to the authority contained in 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 C.F.R. §§ 0.141, 0.361, 1.3, that this Order is ADOPTED.

11. IT IS FURTHER ORDERED that the Petition for Limited Waiver of Interim Section 64.605(c) of the Commission's Rules, filed by Sorenson Communications, Inc. on July 11, 2008, is granted to the extent described above and is extended to all VRS providers.

12. IT IS FURTHER ORDERED that the limited waiver of interim section 64.605(c), as described herein, shall expire as of December 31, 2008.

13. IT IS FURTHER ORDERED that this Order is effective upon release.

14. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This Order can also be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro/trs.html#orders>.

FEDERAL COMMUNICATIONS COMMISSION

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Secretary