

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

In the Matter of)	
)	
Structure and Practices of the Video Relay Service Program)	CG Docket No. 10-51
)	
)	

ORDER SUSPENDING EFFECTIVE DATE

Adopted: May 31, 2011

Released: May 31, 2011

By the Commission: Commissioner Baker not participating.

1. In this *Order* we stay, on our own motion, the effective date of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules, as adopted in the *VRS Fraud Order and FNPRM*,¹ until October 1, 2011.² This rule, which prohibits certain revenue sharing arrangements, states that "an eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration) on its behalf unless that third party also is an eligible provider."³

2. We find good cause to stay the effective date of this rule because the Commission is undergoing a review of the certification requirements for IP-enabled TRS providers. Specifically, in the *FNPRM* portion of the *VRS Fraud Order and FNPRM* we seek comment on requiring all Internet-based relay providers to receive certification from the Commission to be eligible to receive compensation from the Interstate TRS Fund. The *FNPRM* proposes that certification will require evidence of an applicant's ability to comply with our rules, including those that govern the qualifications of CAs; facility redundancy to ensure continuance of the service; and operational and technical standards designed to assure provision of a service that is functionally equivalent to voice telephone service. The *FNPRM* also proposes that the certification process include, at the Commission's discretion, other measures, including on-site visits to the premises of applicants.⁴

3. On May 17, 2011, the Consumer and Governmental Affairs Bureau issued a public notice to provide guidance to entities seeking to file a request for waiver of Section 64.604(c)(5)(iii)(N)(1)(iii), and

¹ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii); 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 (2011) (*VRS Fraud Order and FNPRM*).

² This rule was originally scheduled to become effective on June 1, 2011. In addition, other rules adopted in the *VRS Fraud Order and FNPRM* will become effective on June 1, 2011, except that the rule prohibiting VRS Communications Assistants (CAs) from relaying calls from their homes, 47 C.F.R. § 64.604(b)(4)(iii), will become effective on August 30, 2011 (120 days after the date of *Federal Register* publication). Finally, rules containing information collections require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, Pub. L. 104-13 (PRA), and shall become effective after the Commission publishes a notice in the *Federal Register* announcing such approval and their effective date.

³ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii). See also *VRS Fraud Order and FNPRM*, 26 FCC Rcd at 5574, ¶ 58.

⁴ See *VRS Fraud Order and FNPRM*, 26 FCC Rcd at 5587-5593, ¶¶ 92-103.

several such requests have been filed.⁵ In light of our decision to stay the effective date of this rule, we dismiss the requests for waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules as moot.⁶

4. We anticipate releasing an order adopting a new certification process for Internet-based TRS services based on the record in the *FNRPM* within the stay period. Entities will be then given the opportunity to apply for certification prior to the expiration of the stay on October 1, 2011, in order to become eligible for compensation from the Interstate TRS Fund under the new process. We note that, in addition to any new rules adopted as a result of the ongoing VRS certification proceeding, applicants for VRS certification will be required to come into compliance with all existing Commission rules governing VRS,⁷ and all new rules adopted in the *VRS Fraud Order and FNPRM*, including the requirement for each provider to provide its own VRS communications assistants and call center functions.⁸ The additional measures adopted in the *VRS Fraud Order and FNPRM* are not impacted by this stay, and will go into effect on June 1, 2011, except for the new section 64.604(b)(4)(iii), prohibiting VRS CAs from relaying calls from their homes, which will become effective on August 30, 2011; and other rules containing information collections and requiring approval from OMB under the PRA prior to becoming effective.⁹

5. *Persons 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 (voice) or 202-418-0432 (TTY). This *Order* also can be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro/trs.html>.

6. *Congressional Review Act.* The Commission will send a copy of this *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.¹⁰

7. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, that the effective date of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules, 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii), as adopted in the *VRS Fraud Order and FNPRM*, 26 FCC Rcd 5545 (2011), IS STAYED until October 1, 2011.

⁵ See *Consumer and Governmental Affairs Bureau Provides Guidance on Filing Requests for Waiver of New Requirements Adopted in the Video Relay Service Fraud Order*, CG Docket No. 10-51, Public Notice, DA 11-893 (CGB rel. May 17, 2011). See also *VRS Fraud Order and FNPRM*, 26 FCC Rcd at 5574, ¶ 58; 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii). The entities that filed requests for waiver of this rule are listed in the Appendix to this *Order*.

⁶ See Appendix. These requests are mooted by this *Order* only to the extent that they seek waiver of section 64.604(c)(5)(iii)(N)(1)(iii). Requests for waiver of other Commission rules or requirements filed in response to the May 17, 2011 *Public Notice* are not mooted by this action, and thus remain pending.

⁷ See 47 C.F.R. § 64.604 *et. seq.*

⁸ See *VRS Fraud Order and FNPRM*, 26 FCC Rcd at 5574, ¶ 58; 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii).

⁹ See note 2, *supra*.

¹⁰ See 5 U.S.C. § 801(a)(1)(A).

8. IT IS FURTHER ORDERED that the requests for waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules, 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii), listed in the Appendix to this *Order*, ARE DISMISSED AS MOOT to the extent described herein.

9. IT IS FURTHER ORDERED that this *Order* is EFFECTIVE UPON RELEASE.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

Waiver Requests Filed

Communication Service for the Deaf, Inc. (filed April 15, 2011)

CSDVRS, LLC on behalf of Communication Service for the Deaf, Inc. (filed May 17, 2011)

SignOn: A Sign Language Interpreting Resource, Inc. (filed May 9, 2011)

Gallaudet University (filed May 13, 2011)

Western Interpreting Network (filed May 17, 2011)

Convo Communications, LLC (filed May 18, 2011)*

CODA VRS Corporation (filed May 23, 2011)

ASL Holdings LLC (filed May 23, 2011); CSDVRS, LLC on behalf of ASL Holdings (filed May 24, 2011)

Communication Axxess Ability Group (filed May 23, 2011)

Birnbaum Interpreting Services (filed May 23, 2011)

IWRelay, Inc. (filed May 23, 2011)

Sign Language Specialists, Inc. (filed May 23, 2011)

Healinc Telecom, LLC (filed May 23, 2011)

ASLwave, Inc. (filed May 23, 2011)

Say-Hey, Inc. (filed May 23, 2011)

NorthStar Relay, LLC (filed May 24, 2011)*

Communications Access Center for the Deaf and Hard of Hearing (filed May 24, 2011)

ONE Technologies, LLC (filed May 24, 2011)*

CSDVRS, LLC (filed May 24, 2011)

Deaf Link, Inc. (filed May 24, 2011)*

Malka Communications Group, Inc. (filed May 24, 2011)

* These requests for waiver are mooted in part, only to the extent they seek a waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules.

Letters Filed in Support of Waiver Requests

SnapTelecommunications, Inc. (supporting Convo Communications, LLC) (filed May 20, 2011)

NorthStar Relay, LLC (supporting Deaf Link, Inc.) (filed May 24, 2011)