

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 Services Program
Misuse of Internet Protocol (IP) Captioned Telephone Service
Petition for Rulemaking and Interim Waiver of Convo Communications, LLC
CG Docket No. 03-123
CG Docket No. 10-51
CG Docket No. 13-24

REPORT AND ORDER, NOTICE OF PROPOSED RULEMAKING, ORDER, AND DECLARATORY RULING

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By the Commission:

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I. INTRODUCTION AND SUMMARY

1. Today, the Commission continues the work of improving the efficacy and quality of the relay services supported by the Interstate Telecommunications Relay Services Fund (TRS Fund or Fund).¹ In the Report and Order, we amend our rules for Video Relay Service (VRS) and Internet Protocol Captioned Telephone Service (IP CTS) to allow consumers who are registering for service for the first time, or changing their service provider, to begin using the service without delay, pending completion of the user registration process.²

2. In the Notice of Proposed Rulemaking, we propose to modify or eliminate several restrictions, applicable only to VRS, that we believe are no longer needed in their current form. We propose rule amendments to: (1) increase from 50% to 80% the portion of monthly VRS minutes that may be handled by communications assistants (CAs) working at home;³ (2) reduce or eliminate the requirement that VRS CAs who work from home must have at least three years of interpreting experience;⁴ (3) allow VRS providers to use contract CAs for up to 30% of their monthly call minutes;⁵ and (4) allow TRS Fund compensation of calls placed by registered VRS users to the United States from outside the country, for up to one year after leaving the country, as long as they notify their provider of such travel at any time before placing such a call.⁶

3. In the Order, we temporarily waive the following VRS rules for up to one year pending the outcome of this proceeding: the 50% cap on at-home call minutes, the three-year experience requirement for at-home CAs, and the prohibition on contracting for VRS CAs. These rules have been waived for the past two years due to the COVID-19 pandemic.⁷ In the Declaratory Ruling, we revisit a prior Commission interpretation of the rule requiring that, as a condition for compensating VRS providers for calls placed to the United States from abroad, VRS users must notify their providers of the periods of time for which they will be making such calls. We determine that the maximum period that may be specified, under the current rule, is one year.⁸

¹ Telecommunications relay services (TRS) are telephone transmission services that enable people with speech or hearing disabilities to communicate by wire or radio in a manner that is functionally equivalent to communication using voice services. See 47 CFR § 64.601(a)(42).

² See *id.* § 64.611(a)(4) (registration requirements for VRS users); *id.* § 64.611(j)(2) (registration requirements for IP CTS users).

³ See *id.* § 64.604(b)(8)(i).

⁴ See *id.* § 64.604(b)(8)(ii)(A).

⁵ See *id.* § 64.604(c)(5)(iii)(N)(1)(iii).

⁶ See *id.* § 64.604(a)(7).

⁷ 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, Order, DA 22-324 (CGB Mar. 25, 2022) (*March 2022 TRS Waiver Order*).

⁸ See 47 CFR § 64.604(a)(7) (authorizing TRS Fund compensation for calls from international points to the United States for VRS users “during specified periods of time while on travel”); *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

II. BACKGROUND

4. Under section 225 of the Communications Act of 1934, as amended (the Act), the Commission must ensure that TRS is available “to the extent possible and in the most efficient manner” to persons “in the United States” who are deaf, hard of hearing, or deafblind, or who have speech disabilities, so that they can communicate by telephone in a manner that is functionally equivalent to voice communication service.⁹ VRS, a form of TRS, enables people with hearing or speech disabilities who use sign language to make telephone calls over a broadband connection using a video communication device.¹⁰ The video link allows a CA to view and interpret the party’s signed conversation and relay the conversation back and forth with a voice caller.¹¹ IP CTS, another form of TRS, permits a person with hearing loss to have a telephone conversation while reading captions of what the other party is saying on an Internet-connected device.¹² Providers of VRS and IP CTS are compensated from the TRS Fund for service provided in accordance with applicable rules.¹³ To be eligible to receive payment from the TRS Fund, a VRS provider must be granted certification by the Commission.¹⁴ To allow TRS users to choose among competing service providers, the Commission has certified multiple firms to offer each of these services.¹⁵

A. TRS User Registration

5. Before commencing service to a subscriber, a VRS or IP CTS provider must register the user by collecting certain identifying information, as well as a signed self-certification of eligibility for TRS.¹⁶ In addition, registration data for VRS users must be submitted to the Commission’s TRS User Registration Database (User Database or Database), a centralized system of registration records established to protect the TRS Fund from waste, fraud, and abuse and to improve the Commission’s ability to manage and oversee the program.¹⁷ IP CTS user registration data also will be submitted and maintained in the Database once it is activated for that purpose.¹⁸ Upon receiving the registration data for

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Rcd 5545, 5564, para. 32 n.105 (2011) (*2011 VRS Call Practices Order*) (interpreting the rule as limiting such periods of time to four weeks).

⁹ 47 U.S.C. § 225(a)(3), (b)(1).

¹⁰ 47 CFR § 64.601(a)(50).

¹¹ *Id.*

¹² *Id.* § 64.601(a)(22).

¹³ *See id.* § 64.604(c)(5)(iii)(D), (E).

¹⁴ *Id.* § 64.604(c)(5)(iii)(F)(2).

¹⁵ *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, 15 FCC Rcd 5140, 5152-54, paras. 22-26 (2000) (*2000 VRS Authorization Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration, 20 FCC Rcd 20577, 20588, para. 21 (2005); *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, 390, para. 25 (2007) (*2007 IP CTS Declaratory Ruling*).

¹⁶ 47 CFR § 64.611(a), (j). This registration information includes, among other things, the user’s full name, address, telephone number, Social Security Number or tribal identification number (last four digits only), and date of birth. *Id.* § 64.611(a)(4), (j)(2).

¹⁷ *Id.* § 64.611(a)(4); *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 Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8647-49, paras. 62-67 (2013) (*2013 VRS Reform Order*), *vacated in part, Sorenson Communications, Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. 2014).

a newly registered TRS user, the Database administrator verifies the user's identity.¹⁹ Providers are prohibited from seeking compensation for service to users who do not pass this identity verification check.²⁰

6. In 2019, the Commission proposed to amend the Database registration rules for both IP CTS and VRS to allow TRS Fund compensation for the provision of service to a new or porting-in user²¹ for up to two weeks prior to Database verification of the user's registration information.²² The Commission explained that allowing service to commence pending identity verification would eliminate unnecessary delay and inconvenience to consumers in obtaining service from a new provider.²³ Under the proposals, VRS and IP CTS providers would receive compensation for pre-verification calls only if the user is ultimately verified and deemed eligible for TRS.²⁴ Commenters on both the *2019 IP CTS Further Notice*²⁵ and the *2019 VRS Further Notice*²⁶ unanimously support allowing service to new users pending identity verification. Some commenters urge that a longer grace period be allowed.²⁷

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¹⁸ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 691, 696-707, paras. 14-32 (2019) (*2019 IP CTS Order* or *2019 IP CTS Further Notice*). Preparations to expand the Database to include IP CTS user data are underway. Registration data for currently registered IP CTS users must be submitted within one year after public notice of such activation. 47 CFR § 64.611(j)(2)(iv). Subsequently, registration data for newly registered IP CTS users must be submitted by the date that service is initiated. *Id.* § 64.611(j)(2)(iv).

¹⁹ See 47 CFR § 64.615(a)(6)(i); *2013 VRS Reform Order*, 28 FCC Rcd at 8655-56, paras. 84-86. The current administrator is Rolka Loube Associates, LLC (Rolka Loube).

²⁰ 47 CFR § 64.615(a)(6)(ii), (iii), (iv).

²¹ A "porting-in user" is a user who is switching to a new IP CTS provider or a new "default" VRS provider. Verification is required when a provider acquires a new customer, even if the customer is porting-in their telephone number from another TRS provider. See *id.* § 64.611(a)(3)(v-vi) (VRS), (j)(2)(iv-v) (IP CTS).

²² *2019 IP CTS Further Notice*, 34 FCC Rcd at 708-09, paras. 34-35; *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123, 34 FCC Rcd 3396, 3423-24, paras. 55-57 (2019) (*2019 VRS Further Notice*). The Commission's proposal to provide such a pre-verification "grace period" for VRS users was made after the filing of a joint petition by five VRS providers. Joint Petition of VRS Providers for a Waiver, CG Docket Nos. 03-123 and 10-51 (filed June 20, 2018), [https://www.fcc.gov/ecfs/file/download/DOC-5907699ba4000000-A.pdf?file_name=2018-06-19%20Industry%20Waiver%20Petition%20\(FINAL\).pdf](https://www.fcc.gov/ecfs/file/download/DOC-5907699ba4000000-A.pdf?file_name=2018-06-19%20Industry%20Waiver%20Petition%20(FINAL).pdf) (VRS Joint Petition); *Consumer and Governmental Affairs Bureau Invites Comment on VRS Providers' Joint Petition for Waiver*, CG Docket Nos. 03-123 and 10-51, Public Notice, 33 FCC Rcd 6237 (CGB 2018).

²³ See *2019 IP CTS Further Notice*, 34 FCC Rcd at 708-09, paras. 34-35; *2019 VRS Further Notice*, 34 FCC Rcd at 3423, paras. 55-56.

²⁴ See *2019 VRS Further Notice*, 34 FCC Rcd at 3423-24, para. 57; *2019 IP CTS Further Notice*, 34 FCC Rcd at 708-09, para. 35.

²⁵ In the IP CTS proceeding, comments in support of the Commission's proposal were submitted (April 15, 2019) by the American Speech-Language-Hearing Association (ASHA IP CTS Comments); CaptionCall, LLC (CaptionCall IP CTS Comments); ClearCaptions, LLC (ClearCaptions IP CTS Comments), and Hamilton Relay, Inc. (Hamilton IP CTS Comments); and jointly by Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Association of Late-Deafened Adults (ALDA), Cerebral Palsy and Deaf Organization (CPADO), American Association of the Deaf-Blind (AADB), Deaf Seniors of America (DSA), California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), Deaf/Hard of Hearing, Technology Rehabilitation Engineering Center (DHH-RERC), and Rehabilitation Engineering Research Center on Universal Interface & Information Technology (IT-RERC) (Consumer Groups IP CTS Comments). Reply comments, also in support, were filed (April 29, 2019) by the

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B. Restrictions on VRS Provider Arrangements with CAs

7. *Adoption of Anti-Fraud Rules in 2011.* More than ten years ago, a wave of fraud and abuse “plagued the [VRS] program and threatened its long-term sustainability.”²⁸ Numerous uncertified entities were providing VRS or purporting to do so, without effective supervision, while using certified VRS providers as billing agents to obtain payment—sometimes fraudulently—from the TRS Fund.²⁹ In response, the Commission prohibited or restricted a number of VRS provider practices that increased the likelihood of fraud and abuse, such as provider involvement in VRS calls for “remote training” and per-minute payments by providers to subcontractors conducting marketing via VRS.³⁰ In addition, to decrease the VRS program’s vulnerability to fraud and abuse, the Commission amended its rules to add certain recordkeeping and reporting requirements.³¹ The Commission required providers to: (1) submit call detail for each call submitted for TRS Fund compensation;³² (2) retain records supporting compensation claims for five years;³³ (3) have a senior executive certify the validity of VRS minutes and data submitted to the Fund administrator;³⁴ (4) submit to Commission and administrator audits;³⁵ (5) make all provider contracts available for inspection;³⁶ and (6) report the location and staffing of call centers.³⁷

8. The Commission also adopted rules concerning VRS providers’ employment and oversight of CAs. Specifically, the Commission prohibited TRS Fund compensation for VRS calls handled by CAs working at home. Due to lack of direct supervision, the Commission found, allowing CAs to work at home increased the risk of VRS fraud and compromised the protection of confidentiality, service reliability, and service quality.³⁸ The Commission also prohibited compensation arrangements that tie a CA’s compensation to the number of minutes or calls processed by a CA.³⁹ Such incentives, the

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Consumer Groups (Consumer Groups IP CTS Reply) and Sprint Corporation (Sprint IP CTS Reply). All comments and reply comments were filed in CG Docket Nos. 13-24 and 03-123.

²⁶ In the VRS proceeding, comments in support of the Commission’s proposal were submitted (August 5, 2019) by Convo Communications, LLC (Convo VRS Comments); CSDVRS d/b/a ZVRS and Purple Communications, Inc. (ZVRS and Purple VRS Comments); and Sorenson Communications LLC (Sorenson VRS Comments); and jointly by TDI, NAD, CPADO, and AADB (Consumer Groups VRS Comments). Reply comments, also in support, were submitted (September 4, 2019) by Convo (Convo VRS Reply), ZVRS and Purple (ZVRS and Purple VRS Reply), and Sorenson (Sorenson VRS Reply). All comments and reply comments were filed in CG Docket Nos. 10-51 and 03-123.

²⁷ See Consumer Groups VRS Comments at 2-3; ClearCaptions IP CTS Comments at 2; Sorenson VRS Reply at 3; Sprint IP CTS Reply at 2-3; Consumer Groups IP CTS Reply at 3-4.

²⁸ 2011 VRS Call Practices Order, 26 FCC Rcd at 5546, para. 1.

²⁹ See generally *id.* at 5570-76, paras. 47-63.

³⁰ *Id.* at 5546-48, para. 1.

³¹ *Id.* The Commission also adopted whistleblower protection rules for provider employees and contractors. *Id.*; see 47 CFR § 64.604(c)(5)(iii)(M).

³² 47 CFR § 64.604(c)(5)(iii)(D)(2).

³³ *Id.* § 64.604(c)(5)(iii)(D)(7).

³⁴ *Id.* § 64.604(c)(5)(iii)(D)(5).

³⁵ *Id.* § 64.604(c)(5)(iii)(D)(6).

³⁶ *Id.* § 64.604(c)(5)(iii)(N)(1)(v).

³⁷ *Id.* § 64.604(c)(5)(iii)(N)(2).

³⁸ See 2011 VRS Call Practices Order, 26 FCC Rcd at 5556-5559, paras. 16-20 (adopting 47 CFR § 64.604(b)(4)(iii)).

³⁹ *Id.* at 5560, para. 23 (adopting 47 CFR § 64.604(c)(5)(iii)(N)(3)).

Commission found, “encourage CAs to process additional traffic, artificially lengthen the time of a call, or even engage in illicit schemes to create fictional calls where no relaying takes place.”⁴⁰ In addition, the Commission amended its rules to prohibit an eligible (i.e., FCC-certified) VRS provider from “contract[ing] with or otherwise authoriz[ing] any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible [VRS] provider.”⁴¹ In light of the proliferation of unauthorized “white label” entities providing VRS, with insufficient supervision, via revenue-sharing arrangements with FCC-certified providers, the Commission concluded that a rule prohibiting certified providers from contracting for interpretation or call center services was necessary “to reduce fraud[,] establish better oversight of the VRS program, and address [such] unauthorized revenue sharing arrangements.”⁴²

9. Further, the Commission sharply restricted compensation of VRS providers for calls placed to the United States from foreign locations.⁴³ The Commission found that a large number of VRS calls were placed from IP addresses indicating a non-U.S. location and that “many of these minutes are likely attributable to fraudulent or abusive activities.”⁴⁴ Therefore, the Commission adopted a rule prohibiting TRS Fund compensation for such VRS calls, subject to a limited exception for calls placed during travel—by “a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers.”⁴⁵ In a footnote to the *2011 VRS Call Practices Order*, the Commission added that “this exception is not intended to apply to calls made by individuals who remain outside the U.S. for extended periods of time, which we define as more than four weeks.”⁴⁶

10. *Subsequent Reauthorization of At-Home VRS Call Handling.* In 2017, recognizing that anti-fraud safeguards and advances in network technology appeared to have reduced the fraud and abuse risks associated with CAs working at home, the Commission authorized a pilot program whereby participating VRS providers could permit some CAs to work at home, so long as the provider complied with the Commission’s mandatory minimum standards and with specified personnel, technical, and environmental safeguards, as well as with monitoring, oversight, and reporting requirements.⁴⁷ Three years later, the Commission further amended its rules to allow at-home call-handling on a permanent basis, subject to safeguards similar to those of the pilot program.⁴⁸ Among other requirements, the current

⁴⁰ *Id.*

⁴¹ *Id.* at 5574, para. 58 (adopting 47 CFR § 64.604(c)(5)(iii)(N)(I)(iii)).

⁴² *See id.* at 5574, para. 57.

⁴³ *Id.* at 5564, para. 32 (adopting 47 CFR § 64.604(a)(7)). This restriction applies to VRS calls placed by *video* users located outside the United States to *voice* users in the United States, but does not apply to VRS calls placed by *voice* users located outside the United States to *video* users in the United States. *Id.*

⁴⁴ *Id.*

⁴⁵ 47 CFR § 64.604(a)(7); *see also 2011 VRS Call Practices Order*, 26 FCC Rcd at 5564, para. 32.

⁴⁶ *See 2011 VRS Call Practices Order*, 26 FCC Rcd at 5564, para. 32 n.105.

⁴⁷ *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, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436, 2455-61, paras. 46-54 (2017) (*2017 VRS Improvements Order*); 47 CFR § 64.604(b)(8) (2019) (pilot program rules).

⁴⁸ *See* 47 CFR §§ 64.604(b)(8), 64.606(a)(4); *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, 35 FCC Rcd 831 (2020) (*2020 VRS At-Home Call-Handling Order*).

rules limit at-home call handling to a maximum of 50% of a provider's monthly VRS minutes and require that CAs working at home have at least three years of American Sign Language (ASL) interpreting experience.⁴⁹

11. *COVID-19 Pandemic Waivers.* During the COVID-19 pandemic national emergency, to ensure the uninterrupted availability of VRS, the Commission temporarily waived several rules applicable to VRS providers. At the beginning of the pandemic, VRS providers reported sharp increases in the volume of calls and decreases in call center staffing, which made it difficult to comply with certain minimum TRS standards. Providers also moved CAs to home workstations to comply with social distancing requirements and stay-at-home orders.⁵⁰ In addition, travel became unpredictable, and some VRS users were stranded abroad.⁵¹ To address these extraordinary circumstances, CGB, on its own motion, temporarily waived the following VRS rules: (1) the cap on the percentage of VRS providers' minutes that may be handled at home workstations;⁵² (2) certain rules governing how at-home call handling is conducted and overseen by providers, including the requirement that CAs working at home have three years' interpreting experience;⁵³ (3) the prohibition on contracting for interpretation services with third parties who are not also certified VRS providers;⁵⁴ and (4) the restriction on compensation for VRS calls placed to the United States from abroad by registered VRS users.⁵⁵ Due to the pandemic's continuing impact on VRS operations, all the above waivers were extended for additional periods in successive orders, including one by the full Commission.⁵⁶ The most recent extension expires June 30, 2022.⁵⁷

⁴⁹ 47 CFR § 64.604(b)(8)(i), (ii)(A).

⁵⁰ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 2715, 2715-16, para. 2 (CGB 2020) (*March 2020 TRS Waiver Order*).

⁵¹ See *id.* at 2716-17, paras. 3-5; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 4894, 4896-97, para. 6 (CGB 2020) (*May 2020 TRS Waiver Order*).

⁵² *March 2020 TRS Waiver Order*, 35 FCC Rcd at 2716-17, paras. 3-5.

⁵³ *Id.*

⁵⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 3018, 3018, para. 2 (CGB 2020) (*April 2020 TRS Waiver Order*).

⁵⁵ *March 2020 TRS Waiver Order*, 35 FCC Rcd at 2716-17, paras. 3-5; *May 2020 TRS Waiver Order*, 35 FCC Rcd at 4896-97, para. 6. Certain rule waivers, not at issue in this proceeding, also were granted to providers of forms of TRS other than VRS.

⁵⁶ *May 2020 TRS Waiver Order*, 35 FCC Rcd 4894; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 6432 (CGB 2020); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 9783 (CGB 2020); *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10892, para. 54 (2020); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 36 FCC Rcd 4264 (CGB 2021); *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 21-1064 (CGB Aug. 27, 2021); *Telecommunications Relay Services and Speech-to-Speech Services for*

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12. *Convo Petition for Rulemaking.* On June 4, 2021, Convo Communications, LLC (Convo) filed a petition requesting that the Commission initiate a rulemaking proceeding to modify the rules limiting VRS minutes handled by CAs working at home and prohibiting the use of contract CAs.⁵⁸ Arguing that VRS providers' success serving users during the pandemic without resulting waste, fraud, and abuse justifies relief from these regulatory burdens,⁵⁹ Convo urges the Commission to raise the percentage of permitted VRS at-home call-handling to 80% of a provider's monthly minutes and to allow a VRS provider to use contract CAs for up to 30% of its monthly minutes.⁶⁰ Convo also asks that the Commission continue to waive the relevant provisions of its current rules during the pendency of any rulemaking.⁶¹

13. On June 17, 2021, the Bureau released a public notice seeking comment on Convo's Petition.⁶² The Commission received comments from a VRS provider, a coalition of accessibility advocates, and several VRS interpreters,⁶³ and reply comments from two VRS providers and a coalition of accessibility advocates.⁶⁴ Commenters generally supported the proposed increase in VRS minutes

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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 21-1653 (CGB Dec. 30, 2021); *March 2022 TRS Waiver Order*.

⁵⁷ *March 2022 TRS Waiver Order*.

⁵⁸ Convo, Petition for Rulemaking and Interim Waiver, CG Docket Nos. 03-123 and 10-51 (filed June 4, 2021), https://www.fcc.gov/ecfs/file/download/DOC-5e760e7d36400000-A.pdf?file_name=Convo%20Petition%20for%20Rulemaking%20and%20Waiver.pdf (Convo Petition) (requesting amendment of 47 CFR § 64.604(b)(8)(i) and (c)(5)(iii)(N)(I)(iii)).

⁵⁹ *Id.* at 2-3.

⁶⁰ *See id.* at 1.

⁶¹ *See id.* at 2.

⁶² *See Request for Comment on Petition for Rulemaking and Interim Waiver of Convo Communications, LLC, Regarding Certain Video Relay Service Rules*, CG Docket Nos. 10-51 and 03-123, Public Notice, 36 FCC Rcd 9906 (CGB 2021).

⁶³ *See* Comments of Sorenson Communications, LLC, re Convo Petition for Rulemaking and Interim Waiver, CG Docket Nos. 10-51 and 03-123 (filed July 19, 2021) (Sorenson PFR Comments); Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), American Deafness and Rehabilitation Association (ADARA), Deaf Seniors of America (DSA), Cerebral Palsy and Deaf Organization (CPADO), and National Cued Speech Association (NCSA), Comments, CG Docket Nos. 10-51 and 03-123 (filed July 19, 2021) (Consumer Groups PFR Comments); Jessica Steele Express Comment, CG Docket Nos. 03-123 and 10-51 (filed July 19, 2021) (Steele PFR Comment); Comment of Brooke Schumacher, CG Docket Nos. 03-123 and 10-51 (filed July 19, 2021) (Schumacher PFR Comment); Comment of Chelsea Robitaille on Convo Waiver Request, CG Docket Nos. 03-123 and 10-51 (filed July 9, 2021) (Robitaille Waiver Comment); Comment of Chelsea Robitaille on Convo Petition, CG Docket Nos. 03-123 and 10-51 (filed July 9, 2021) (Robitaille PFR Comment); Comment of LeTishia Whitney-Rindaris on Convo Waiver Request, CG Docket Nos. 03-123 and 10-51 (filed July 12, 2021) (Whitney-Rindaris Waiver Comment); Comment of LeTishia Whitney-Rindaris on Convo Petition, CG Docket Nos. 03-123 and 10-51 (filed July 12, 2021) (Whitney-Rindaris PFR Comment).

⁶⁴ *See* Reply Comments of ASL Services Holdings, LLC d/b/a GlobalVRS re Convo Petition for Rulemaking and Interim Waiver, CG Docket Nos. 10-51 and 03-123 (filed Aug. 3 2021) (GlobalVRS PFR Reply); Reply Comments of Convo Communications, LLC, CG Docket Nos. 10-51 and 03-123 (filed Aug. 3, 2021) (Convo PFR Reply); Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Deaf Seniors of America (DSA), and Cerebral Palsy and Deaf Organization (CPADO), Reply Comments, CG Docket Nos. 10-51 and 03-123 (filed Aug. 3, 2021) (Consumer Groups PFR Reply).

handled by CAs at home,⁶⁵ but Consumer Groups and two VRS providers raised concerns regarding the elimination of the ban on contract interpreters.⁶⁶

III. REPORT AND ORDER

A. Two-Week Grace Period

14. We adopt the Commission's proposal to modify the TRS rules to allow VRS and IP CTS providers to receive compensation for providing service to new and porting-in customers for up to two weeks after initial submission of the consumer's registration data to the User Database, provided that the consumer's identity is verified by the Database administrator within that period.⁶⁷

15. A two-week "grace period" will promote the availability and efficiency of TRS.⁶⁸ New and porting users of VRS and IP CTS will be able to immediately start making and receiving relay calls, including 911 calls, as well as point-to-point video calls,⁶⁹ without waiting for the completion of identity verification. Although User Database registration is usually completed within a few hours of data submission, it sometimes takes longer if the administrator's initial attempt to verify a registrant's identity is unsuccessful, requiring the provider to obtain corrected information or additional documentation from the registrant.⁷⁰ By allowing new or porting users to avoid unnecessary delay in obtaining VRS or IP CTS, we increase the efficiency of the registration process and ensure that TRS users' experience in ordering new service is comparable to that of voice telephone service customers.⁷¹ Further, as the VRS joint petitioners noted, immediate access to service can assist new users in obtaining documents and information they need for identity verification.⁷²

16. In addition, by making porting between TRS providers easier, the grace period will tend to enhance the beneficial effects of competition among providers.⁷³ The Commission has long placed high priority on ensuring that Internet-based TRS users can port numbers from one Internet-based TRS provider to another.⁷⁴ As the VRS Consumer Groups explain, "[m]inimizing 'switching costs' allows

⁶⁵ Sorenson PFR Comments at 2; Consumer Groups PFR Comments at 3-4; Robitaille PFR Comment (citing benefits to CAs); Whitney-Rindaris Waiver Comment (citing benefits to CAs); Schumacher PFR Comment; GlobalVRS PFR Reply at 2-3 (supporting elimination of cap); Steele PFR Comment (citing benefits to CAs).

⁶⁶ See Consumer Groups PFR Comments at 6-8; GlobalVRS PFR Reply at 3 (lifting the ban would open a Pandora's Box of waste, fraud, and abuse); Sorenson PFR Comments at 4-6 (claiming record is incomplete to support Convo's assurances that lifting the ban would not lead to waste, fraud, and abuse).

⁶⁷ The first day of the two-week period will be the day the provider initially submits registration information for the user, and the period will run through 11:59:59 pm on the 13th day following the first day. See Appx. B.

⁶⁸ See 47 U.S.C. § 225(b)(1).

⁶⁹ Point-to-point video calls are made without the assistance of CAs, directly between two parties using video equipment. Point-to-point video calls are not compensable from the TRS Fund. See 47 CFR § 64.601(a)(31), (32).

⁷⁰ See VRS Joint Petition at 7; 2019 VRS Further Notice, 34 FCC Rcd at 3423, para. 56; 2019 IP CTS Further Notice, 34 FCC Rcd at 708, para. 35. For this reason, we disagree with ASHA's arguments that because verification can happen quickly, no grace period is needed. ASHA IP CTS Comments at 2.

⁷¹ See, e.g., Consumer Groups IP CTS Comments at 13 ("There are incalculable benefits to ensuring people who rely on IP CTS to communicate with people in their lives have access to the service while awaiting verification."); CaptionCall IP CTS Comments at 2-3; Sprint IP CTS Reply at 1-2; Consumer Groups VRS Comments at 2-3; Sorenson VRS Comments at 4-5; ZVRS and Purple VRS Comments at 14; Convo VRS Reply at 2-3; ZVRS and Purple VRS Reply at 11.

⁷² VRS Joint Petition at 8 (after failed verification, "the user then needs the ability to place calls in order to obtain additional information for resubmission in a timely manner").

⁷³ See *id.* at 11-13; ZVRS and Purple VRS Comments at 11.

VRS users to move more seamlessly between VRS service providers and enables deaf and/or hard of hearing individuals to find providers that better suit their needs and tastes.”⁷⁵ We find that facilitating the ability of VRS and IP CTS users to port their numbers will encourage providers to compete on service quality and customer service, promoting functional equivalency, efficiency, and technological advancement.⁷⁶

17. We also conclude that the two-week grace period will not contribute to waste, fraud, and abuse of the TRS Fund. As under the current rule, compensation will be paid only if and after the new user’s identity is verified.⁷⁷ Accordingly, this rule change will not increase any risk of TRS Fund payment for ineligible calls or encourage the making of calls that otherwise would not have been made.⁷⁸ Because TRS providers will bear the cost of any calls placed by unverifiable users, the adoption of a two-week grace period is unlikely to cause waste of TRS Fund resources.

18. *Alternative Proposals.* We decline to extend the grace period beyond two weeks, as recommended by some commenters.⁷⁹ The two-week period was recommended by VRS providers based on their experience with the actual operation of the User Database. They explained that almost all registrations are completed within two weeks, even if providers must obtain additional information and documentation from users.⁸⁰ Further, extending the grace period would unnecessarily complicate the TRS

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⁷⁴ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements of IP-Enabled Services Providers*, CG Docket No. 03-123 and WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11606, para. 34 (2008) (*First TRS Numbering Order*).

⁷⁵ Comments of Consumer Groups in Response to the Joint Petition of VRS Providers for Waiver, CG Docket Nos. 10-51 and 03-123, at 4-5 (filed July 26, 2018) (Consumer Groups Comments on VRS Joint Petition).

⁷⁶ “The Commission has consistently sought to encourage and preserve the availability of a competitive choice for VRS users, because it ensures a range of service offerings analogous to that afforded voice service users and because it provides a competitive incentive to improve VRS offerings. Further, the continuing presence of such competitive offerings is likely to encourage the lowest-cost provider to maintain higher standards of service quality than if it faced no competition.” *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Order, 32 FCC Rcd 5891, 5907, para. 31 (2017) (*2017 VRS Compensation Order*), *aff’d sub nom. Sorenson Communications, LLC v. FCC*, 897 F.3d 214 (D.C. Cir. 2018) (*Sorenson 2018*); see also *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, Notice of Proposed Rulemaking and Order, 36 FCC Rcd 8802, 8808-09, paras. 13-14 (2021) (in setting compensation plan, discussing goal of maintaining users’ ability to choose among VRS providers).

⁷⁷ ClearCaptions contends that the porting-in provider should be compensated for calls during the two-week period even if verification is not completed, pointing out that the user’s identity was previously verified with the porting-out provider. ClearCaptions IP CTS Comments at 2; see also Sprint IP CTS Reply at 2-3. We do not agree. The porting-in provider is responsible for verifying the identity of each user of its services. We also note that, as explained below, if the two-week period expires without verification of the ported number, service to that number reverts to the porting-out provider. Accordingly—and because TRS users do not pay for their calls—the user in these circumstances would not be “penalized for changing providers.” See Consumer Groups IP CTS Reply at 3-4 (supporting ClearCaptions proposal so “existing users are not penalized for changing providers”).

⁷⁸ See 47 CFR § 64.604(c)(13)(i)(C) (prohibiting provider practices that would cause or encourage the “making of VRS or IP CTS calls that would not otherwise be made”).

⁷⁹ See ClearCaptions IP CTS Comments at 2; Consumer Groups IP CTS Reply at 3-4; Sprint IP CTS Reply at 2-3.

⁸⁰ VRS Joint Petition at 6-7.

Fund administrator's task of distinguishing compensable from non-compensable calls. Commenters supporting a longer period do not provide evidence demonstrating a need for additional time.⁸¹

19. We also decline to adopt a longer grace period specially applicable to individuals who are deafblind or who are deaf with additional disabilities.⁸² Extending the grace period for a subset of TRS users would increase the complexity of administering this exemption and is unwarranted in the absence of actual evidence of a need for additional time. However, we understand the concern that it may be more time consuming for some consumers with multiple disabilities to locate identification documents or take other necessary steps to complete registration. If evidence develops that the grace period adopted in this Report and Order is insufficient, either in general or for particular classes of users, the Commission can reevaluate this rule or take other appropriate action.

20. We agree with the VRS Consumer Groups that, in the event verification of registration data for a newly assigned TRS telephone number is not completed within two weeks, the telephone number should not be immediately reassigned.⁸³ Under the current rules, a new number is not entered in the Database until such time as the user's identity is verified. The same is true under the rules we adopt in this Report and Order. Therefore, if registration data for a new telephone number is submitted to the Database, and the user's identity has not been verified within the two-week grace period, then the number shall not be entered in the Database, and no provider may request compensation for compensable calls from that number after expiration of the two-week period.⁸⁴ However, because the consumer has already begun using the submitted number, he or she should not be automatically deprived of the opportunity to recommence service with the same number, if verification is successfully completed within a reasonable period after the two weeks expires.⁸⁵ Therefore, even if verification cannot be completed within the two-week grace period, the submitting provider shall retain that number in inactive status, for an additional period of 30 days or the pendency of any appeal,⁸⁶ whichever is later, before reassigning it to a new user

⁸¹ We note that this grace period is applicable only to users registering for a service for the first time or registering with a different default service provider. Upon the activation of the User Database for IP CTS registrations, we allow a one-year period for the submission and verification of registration data for already-registered IP CTS users. If a provider submits the required information for an existing IP CTS user on or before the end of the data submission period, and verification by the Database has not been completed, the provider may still request compensation for minutes of use incurred by such user after the deadline while verification is being completed, and the TRS Fund administrator will provide compensation for such minutes if the user is ultimately verified, including minutes of service that occur while an appeal of a user verification failure is pending. *2019 IP CTS Order*, 34 FCC Rcd at 699, para. 17.

⁸² See Consumer Groups VRS Comments at 2-3; ClearCaptions IP CTS Comments at 2; Sorenson VRS Reply at 3; Sprint IP CTS Reply at 1-3.

⁸³ See Consumer Groups VRS Comments at 3. The discussion in this paragraph and the next are applicable to VRS registration, but not to IP CTS registration. IP CTS users are not ordinarily given a telephone number by their IP CTS provider, and their telephone numbers are not entered in the TRS Numbering Directory.

⁸⁴ Similarly, the new telephone number and associated routing information, which were entered in the Telephone Numbering Directory to allow calls to be made to and from the new number on a provisional basis, shall be removed from the Directory. As a result, upon expiration of the two-week period, the number will not be usable until such time as the user's identity is verified or the number is reassigned to a different customer.

⁸⁵ See Consumer Groups VRS Comments at 3.

⁸⁶ VRS providers currently have the opportunity to appeal, on a consumer's behalf, the rejection of a telephone number submitted to the Database. *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, Order, 33 FCC Rcd 2062, 2064-65, paras. 7-8 (OMD CGB 2018) (*2018 Database Extension Order*) (clarifying the procedures for a "verification check" for VRS registration). The same procedure will apply to Database registration of IP CTS users. See *2019 IP CTS Order*, 34 FCC Rcd at 699, para. 17. The addition of the grace period will not change the opportunity for providers to appeal a failure of the verification check on behalf of the user.

or otherwise making it available for re-use. If the user's identity is later verified, the telephone number may be entered in the Database at that time and calls made to or from the number from that time forward may be submitted for compensation.

21. When an existing TRS telephone number has been *ported*, a failure to verify the number within the two-week grace period will have somewhat different consequences. Under the current rules, when a number is being ported, the Database registration of that number is not changed to designate the porting-in VRS provider until the registration data collected by the porting-in provider has been verified.⁸⁷ By adopting the grace period, we permit a port to be completed on a provisional basis, pending verification of the registration data submitted by the porting-in provider. Therefore, the porting-in provider's routing information shall be entered in the TRS Numbering Directory, so that during the two-week grace period, calls to and from the ported number are handled by the porting-in VRS provider. However, the number will continue to be registered in the User Database under the name of the porting-out VRS provider until the registration data submitted by the porting-in provider has been verified. If such verification is not completed within the two-week grace period, then the port will be reversed, and the porting-out provider's routing information will be re-entered in the TRS Numbering Directory.⁸⁸

B. Technical Corrections to TRS Rules

22. We amend section 64.604(d) of the Commission's rules to delete an obsolete cross-reference. Section 64.604(d) provides that the applicable requirements of certain provisions of the Commission's rules are to be considered mandatory minimum standards for TRS.⁸⁹ Among the listed provisions is section 64.617, which directed the establishment of a Neutral Video Communication Service Platform.⁹⁰ Section 64.617 was repealed in 2017,⁹¹ but the cross-reference to that provision in section 64.604(d) was not deleted.⁹²

23. We find good cause for making this correction without prior notice and comment. The cross-reference is clearly incorrect and without any substantive effect, now that section 64.617 has been deleted. We therefore conclude that notice and comment are unnecessary to make this conforming change to our rules.⁹³

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As under the current rule, if an appeal results in verification of the new or ported number, providers are *not* compensated for providing service to the new number while the appeal is pending. In the initial activation phase of the Database, VRS providers were compensated for service to *existing* numbers that were ultimately verified, pending the outcome, *2018 Database Extension Order*, 33 FCC Rcd at 2065, para. 9, but such compensated service is not permitted pending the outcome of a verification appeal of a *new* (or ported) number. *2019 IP CTS Order*, 34 FCC Rcd at 700, para. 18 n.52. Likewise, IP CTS providers may be compensated for service to *existing* numbers timely submitted to the Database during the activation period, pending resolution of verification issues, but they will not be compensated for service to *new or ported* numbers pending such verification, unless such verification issues are resolved before the end of the two-week grace period. *Id.* at 699-700, paras. 17-18.

⁸⁷ See 47 CFR § 64.615(a)(6)(iii) (VRS providers may not seek compensation for calls if the user does not pass the verification check). Further, telephone calls handled by the porting-out provider continue to be compensable until verification of the porting-in provider's submission of registration data is completed.

⁸⁸ Thus, in the event that verification of a ported number is not completed within the grace period, neither the porting-out nor porting-in provider may seek compensation for calls placed to or from the ported number during those two weeks.

⁸⁹ 47 CFR § 64.604(d).

⁹⁰ See *id.* § 64.617 (2016).

⁹¹ See *2017 VRS Compensation Order*, 32 FCC Rcd at 5930-31, paras. 74-76.

⁹² See *id.* at 5937, Appx. B.

⁹³ 5 U.S.C. § 553(b)(B).

24. We also adopt a technical correction, proposed in the *2019 VRS Further Notice*, of section 64.604(c)(5)(iii)(D)(I) of the Commission's rules, which addresses data reporting requirements.⁹⁴ The following text (shown in bold, underlined type), inadvertently deleted previously from that provision, is restored:

TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, **total operating expenses and** total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.

IV. NOTICE OF PROPOSED RULEMAKING

25. To help ensure that VRS continues to be a readily available, high quality service, we seek comment on the following proposals to modify or eliminate certain provisions of our VRS rules.

A. Measures to Address the Shortage of VRS CAs

26. VRS providers report an increasing shortage of ASL interpreters able and willing to work as VRS CAs. This shortage, which appears to have begun before the onset of the COVID-19 pandemic,⁹⁵ has been aggravated by the pandemic⁹⁶ but appears likely to continue well beyond its end.⁹⁷ In light of these developments, we propose to eliminate or modify certain requirements that may be no longer

⁹⁴ See 47 CFR § 64.604(c)(5)(iii)(D)(I); *2019 VRS Further Notice*, 34 FCC Rcd at 3430, para. 77. No comments were received regarding this proposed correction.

⁹⁵ See Letter from Amanda Montgomery, Chief Legal Officer, Convo Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, at 2 (filed Mar. 14, 2022) (*Convo Mar. 14 Ex Parte*) (“The deaf community has suffered from a lack of qualified [ASL] interpreters for many years”).

⁹⁶ See Letter from John T. Nakahata, Counsel to Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, at 4 (filed Jan. 27, 2022) (*Sorenson Jan. 27 Ex Parte*) (“Sorenson is finding that it is more difficult to attract interpreters who are already fully qualified”); Letter from Gabrielle Joseph, Chief Operating Officer, ASL Services Holdings, LLC dba GlobalVRS, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, at 2 (filed Jan. 28, 2022) (*GlobalVRS Jan. 28 Ex Parte*) (the COVID-19 pandemic continues to impact employment dynamics); Letter from Amanda Montgomery, Chief Legal Officer, Convo Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, at 1 (filed Feb. 11, 2022) (*Convo Feb. 11 Ex Parte*) (discussing the challenges in interpreter staffing due to pandemic-related labor shortages); *Convo Mar. 14 Ex Parte* at 1 (discussing additional challenges); Letter from Gregory Hlibok, Chief Legal Officer, ZVRS Holding Company, parent to ZP Better Together, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, at 3 (filed Mar. 15, 2022) (*ZP March 15 Ex Parte*) (“Even before the emergence of the COVID-19 pandemic in early 2020, the available pool of qualified VRS interpreters was not keeping pace with the needs of the VRS Program, putting a strain on providers and CAs alike. During these last-two years, the pandemic’s imprint on our society and on VRS in particular has only exacerbated this strain.”).

⁹⁷ See *Convo Petition* at 2-4 (discussing the lack of qualified video interpreters in the workforce); *Convo PFR Reply* at 7-8 (expecting CA shortage to continue as pandemic subsides); cf. Letter from Jeff Rosen, Convo, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51 (filed Oct. 21, 2021) (noting “the growing challenge among providers in interpreter staffing to ensure appropriate availability of services due to pandemic related labor shortages and competing with the increased demand for a variety of interpreting services nationwide”) (*Convo October 21 Ex Parte*).

needed in their current form and that may unnecessarily restrict the available pool of ASL interpreters who are able and willing to work as VRS CAs.⁹⁸

1. Cap on VRS Minutes Handled by CAs Working at Home

27. We propose to increase from 50% to 80% the percentage of a VRS provider's monthly minutes that may be handled by CAs working at home. In adopting permanent rules to allow at-home call handling, the Commission found that allowing CAs to work at home improves the efficiency and effectiveness of VRS by "enabl[ing] VRS providers to attract and retain qualified CAs for whom working at the companies' call centers is not a practical option."⁹⁹ In addition, the Commission took note of evidence that working at home "can reduce CA stress and improve productivity and performance."¹⁰⁰ Based on our experience with at-home call handling to date, we believe these benefits can be enhanced by allowing VRS providers, on a permanent basis, more flexibility to employ additional teleworking CAs if warranted by a provider's own assessment of the effects on efficiency and service quality.¹⁰¹ We also believe that, in general, VRS providers are unlikely to add more teleworking CAs if doing so will detract from service quality.¹⁰² Finally, we believe the safeguards of our at-home rules are sufficient to ensure that a permanent increase in reliance on at-home call handling, up to the proposed 80% maximum, does not adversely affect call confidentiality or increase the risk of waste, fraud, and abuse.

28. In light of the shortage of ASL interpreters, described above, we believe that permanently raising the cap is a necessary measure to help maintain a sufficient supply of qualified VRS CAs, and would be especially timely under the current circumstances. During the pandemic, pursuant to the Bureau's emergency waiver of the cap,¹⁰³ all VRS providers have allowed greater numbers of CAs to work at home.¹⁰⁴ There are indications that, like the employees of other businesses, many VRS CAs have

⁹⁸ See ZP March 15 *Ex Parte* at 2 ("As the Commission is aware, there is a serious shortage of CAs already. It is crucial at this juncture that the Commission not impose or enforce arbitrary qualifications for CAs that are not necessary to ensure quality of service."); *id.* at 4 ("ZP's experience during the COVID-19 pandemic has shown that waiving the three-year experience rule for at-home interpreting has had no impact on the quality of VRS, and probably has improved it by enabling ZP to hire and put in service more interpreters.").

⁹⁹ 2020 VRS At-Home Call-Handling Order, 35 FCC Rcd at 833-34, para. 7.

¹⁰⁰ *Id.*

¹⁰¹ See Sorenson PFR Comments at 2 (use of at-home CAs has resulted in increased efficiency without harm to quality of service); Convo PFR Reply at 5-6 (the at-home rules provide sufficient safeguards to protect quality of service and privacy without risking waste, fraud, and abuse).

¹⁰² We note that the VRS program is structured to promote service quality competition among VRS providers, and such competitive incentives are buttressed by the service quality safeguards of our at-home rules. See 2017 VRS Compensation Order, 32 FCC Rcd at 5908-09, paras. 33-35; 2020 VRS At-Home Call-Handling Order, 35 FCC Rcd at 836-38, paras. 13-19.

¹⁰³ Initially, CGB waived the 30% cap imposed by the pilot program rules, which were still in effect in early 2020. See March 2020 TRS Waiver Order, 35 FCC Rcd at 2716, para. 3, n.6. The 50% cap specified by the permanent at-home call-handling rules was waived after those rules became effective on October 23, 2020. See *Effective Date and Compliance Dates for Telecommunications Relay Services Rules Subject to the Paperwork Reduction Act*, Docket Nos. 03-123 et al., Public Notice, 35 FCC Rcd 12013 (2020); Federal Communications Commission, *Improving Video Relay Service and Direct Video Calling; Implementing Kari's Law and Section 506 of RAY BAUM'S Act; Inquiry Concerning 911 Access, Routing and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service; Video Relay Service Call Handling*, 85 FR 67447 (Oct. 23, 2020).

¹⁰⁴ See Letter from John T. Nakahata, Counsel to Sorenson, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123, at 1-2 (filed Mar. 7, 2022) (Sorenson March 7 *Ex Parte*) (asking the Commission not to reapply the cap on at-home CA call minutes); Letter from John T. Nakahata, Counsel to Sorenson, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123, 10-51, and 13-24, at 1 (filed Dec. 2, 2021) (same); Letter from Gregory Hlibok, ZP, to Marlene H. Dortch, Secretary, FCC., CG Docket Nos. 03-123 and 10-51 (filed Nov. 18, 2021) (ZP

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become acclimated to working at home and are reluctant to return to call centers, despite reduced public health risks.¹⁰⁵ The comments on Convo's petition requesting an increase in allowed at-home minutes generally support permanently raising the cap and claim that the Commission's safeguards for at-home call-handling have allowed for increased flexibility without risking waste, fraud, or abuse of the TRS Fund.¹⁰⁶

29. We seek comment on our proposal to increase the cap on monthly minutes to 80%, including comment on the assumptions above and the costs, risks, and benefits. If the cap is permanently raised, would VRS providers maintain or increase the percentage of CAs working at home? What factors do providers consider (apart from public health considerations related to the pandemic) in deciding whether to maintain or increase reliance on CAs working at home? For example, do providers consider primarily the opportunity to save costs, or to improve or maintain service quality, e.g., by maintaining or adding CAs who may be unable or unwilling to work in call centers, and in particular more experienced CAs? Would permanently raising the cap substantially expand the pool of interpreters potentially able to work as VRS CAs, and if so, by how much? Would a return to the 50% cap result in a loss of CAs and a reduction in service quality? What kinds of cost savings, if any, have resulted or will result from increased at-home call-handling, and how are the net costs or cost savings of this practice calculated? For example, do hourly wages differ for CAs working at home or in call centers—and if so, by how much? We also ask commenters to provide quantitative data on the extent to which increasing the percentage of at-home CAs has resulted in or will result in a reduction in call center overhead costs over the costs of establishing and maintaining at-home workstations. To the extent that there are both benefits and harms from increasing the use of at-home CAs, how should they be balanced?

30. We also seek comment on the possible adverse effects, if any, of raising the cap. How is the quality of interpreting affected, if at all, when calls are handled by CAs working at home, without a supervisor being physically present? Are consumers able to discern that a call is being handled by a CA working at home?¹⁰⁷ If so, what differences, if any, do consumers detect in the quality of at-home versus

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Nov. 18 *Ex Parte*) (asking FCC to continue waiver of cap on at-home call minutes and noting that ZP had exceeded the current 50% cap); Letter from Andrew O. Isar, Consultant to GlobalVRS, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123, at 1 (filed Nov. 12, 2021) (GlobalVRS Nov. 12 *Ex Parte*) (urging the Commission to continue the waiver of the cap on at-home call minutes).

¹⁰⁵ See Sorenson PFR Comments at 4 (removing the cap allows providers to respond better to the needs of their workforce); Convo PFR Reply at 5-6 (CAs have transitioned to home work stations and are not interested in returning to call centers at pre-pandemic levels); ZP March 15 *Ex Parte* at 5 (“If forced to work from call centers, many CAs will simply exit the VRS labor market altogether and pursue other opportunities that allow them to work from home, such as community interpreting.”); GlobalVRS Nov. 12 *Ex Parte* at 1-2 (explaining the “reticence for interpreters to return to call centers, primarily due to concerns over the potential for COVID-19 exposure and/or the need to care for family members, among other concerns”); ZP Nov. 18 *Ex Parte* at 2 (“Many ZP Communications Assistants currently working from home remain concerned about the health risks associated with returning to call centers, and many are currently living in more distant locations that may make it impossible for them to return to a call center if required to do so.”).

¹⁰⁶ See Sorenson PFR Comments at 2 (arguing that lack of a cap during the pandemic has increased efficiency without evidence of waste, fraud, or abuse); Consumer Groups PFR Comments at 3-4 (not opposing raising the cap as long as safeguards remain in place); Robitaille PFR Comment (citing benefits to CAs); LeTishia Whitney-Rindaris PFR Comment (citing benefits to CAs); Schumacher PFR Comment (supporting Convo Petition); GlobalVRS PFR Reply at 2-3 (supporting elimination of cap); Steele PFR Comment (citing benefits to CAs); Convo PFR Reply at 6-7 (at-home safeguards for oversight, privacy, and accountability have been effective at preventing waste, fraud, and abuse).

¹⁰⁷ Staff has reviewed available information on complaints described in VRS providers' complaint logs and complaints received by the Bureau's Disability Rights Office (DRO). Such complaints rarely indicate whether a CA handling a call is working at home or in a call center.

call-center calls? We also invite VRS providers to share the results of any analyses they have conducted regarding differences, if any, in call quality or complaint frequency for call-center and teleworking CAs.

31. What specific concerns, if any, would be raised by permanently raising the cap, with respect to providers' ability to serve demand efficiently, protect the confidentiality of conversations, and prevent waste, fraud, and abuse?¹⁰⁸ What technical, operational, training, or other challenges have been faced by providers, and how have they responded to ensure that service quality, confidentiality, and other requirements do not suffer? What specific lessons have VRS providers learned about the advantages, disadvantages, and challenges of having calls handled by CAs working at home?

32. We also seek information on how providers select and train CAs allowed to work at home. Do providers require CAs to work in call centers if one is available within commuting distance and there is no valid reason why the CA must work at home? Or is each CA allowed to choose where to work, if qualified to work at home? Should we impose any additional training or other requirements in connection with increased use of CAs working at home or other proposals in this Notice?

33. We also seek comment, supported by quantitative data where possible, on whether 80%—or a different percentage—is an appropriate limit for monthly at-home minutes.¹⁰⁹ Alternatively, should we eliminate the cap altogether, as Sorenson suggests, and rely solely on VRS providers' business judgement to determine to what extent it is appropriate to rely on at-home CAs?¹¹⁰ Is a minimum level of call center staffing necessary to ensure continuity of service?¹¹¹ Alternatively, is such a minimum necessary to ensure that certain types of calls are handled appropriately—e.g., emergency calls?¹¹² Are there other types of calls or call scenarios, e.g., those requiring multiple interpreters, that are more effectively handled at a call center? How frequent are such calls? Would it be feasible to transfer such calls to a call center once it is determined that multiple CAs are required?

2. Experience Requirement for CAs Working at Home

34. We propose to reduce or eliminate the requirement that an at-home CA have at least three years of experience providing interpretation services.¹¹³ This rule was adopted to ensure that CAs working at home are able to handle and interpret VRS calls without in-person supervision.¹¹⁴ However, the Commission also sought to avoid imposing requirements that impede VRS providers' ability to recruit CAs from an expanded pool of skilled labor.¹¹⁵

¹⁰⁸ Convo Petition at 8 (“An 80 percent cap on at-home call handling preserves the important role of the VRS call center for emergency call handling and for those who prefer to work in an office environment, while providing needed flexibility for [CA]s who do not live in close proximity to a call center or cannot regularly be away from their homes for prolonged periods.”).

¹⁰⁹ In establishing the 50% cap, the Commission noted that “the record does not provide specific guidance as to the optimum level of [the percentage] cap.” *2020 VRS At-Home Call-Handling Order*, 35 FCC Rcd at 835, para. 10.

¹¹⁰ See Sorenson PFR Comments at 3 (noting the absence of a cap on at-home handling of IP CTS calls); *but see* Consumer Groups PFR Reply at 2-3 (FCC should not eliminate cap until there are policies and procedures in place to ensure that home work stations are secure, reliable, and redundant).

¹¹¹ See 47 CFR § 64.604(b)(4)(i), (ii); *see also id.* § 64.604(b)(2) (speed-of-answer requirements).

¹¹² See Convo Petition at 8 (explaining that the immediate support available in a call center facilitates interactions between CAs and callers in distress). We note that, regardless of the level of call center staffing, our rules require VRS providers to prioritize the answering of emergency calls. See 47 CFR § 9.14(b)(2)(ii) (requiring an Internet-based TRS provider to “[i]mplement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls (*i.e.*, prioritize emergency calls and move them to the top of the queue)”).

¹¹³ 47 CFR § 64.604(b)(8)(ii)(A).

¹¹⁴ See *2020 At-Home Call-Handling Order*, 35 FCC Rcd at 836-37, para. 14; *2017 VRS Improvements Order*, 32 FCC Rcd at 2458-59, para. 52.

35. We revisit the need for this rule in light of the ongoing shortage of VRS CAs.¹¹⁶ Based on the last two years of experience with at-home call-handling—during which this requirement has been waived—we now believe that the requirement for three years’ experience is not needed to maintain service quality. VRS providers, like other employers, report that during the pandemic VRS CAs have demonstrated an ability to work effectively in the home environment.¹¹⁷ In addition, we note that our personnel safeguards for at-home CAs require that a CA must be “a qualified interpreter” who “has the experience, skills, and knowledge necessary to effectively interpret VRS calls without in-person supervision, has learned the provider’s protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards.”¹¹⁸ VRS providers must also provide at-home CAs with the same support and supervision as CAs in call centers.¹¹⁹ These rules, coupled with the technical requirements for effective supervision,¹²⁰ help ensure that teleworking CAs will handle calls efficiently and effectively in the home environment.¹²¹

36. We also believe that competition among VRS providers will help ensure that VRS providers make appropriate decisions regarding the qualifications of CAs they allow to work at home. Pursuant to our longstanding policy to allow VRS users to choose among multiple providers, consumers have the opportunity to choose the VRS provider that offers the highest quality of service.¹²² Therefore, it appears that VRS providers have a substantial incentive to ensure that any CA allowed to work at home is qualified to do so.¹²³

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¹¹⁵ *2020 At-Home Call-Handling Order*, 35 FCC Rcd at 836-37, para. 14 (modifying the experience requirement to require three years of *ASL interpreting* experience rather than three years of *VRS* experience).

¹¹⁶ *See supra* para. 26.

¹¹⁷ *See, e.g.*, ZP March 15 *Ex Parte* at 3 (“The last two years have amply demonstrated that the use of at-home CAs . . . has not impeded the ability of VRS interpreters to effectively handle calls.”); Sorenson March 7 *Ex Parte* at 2 (“The COVID-19 pandemic has shown the success of relying significantly on at-home interpretation with both VRS and IP CTS.”).

¹¹⁸ 47 CFR § 64.604(b)(8)(ii)(A).

¹¹⁹ *Id.* § 64.604(b)(8)(ii)(B).

¹²⁰ *See id.* § 64.604(b)(8)(ii-iv) (personnel, technical, and monitoring safeguards).

¹²¹ *See* ZP March 15 *Ex Parte* at 5 (“CAs working from home must be ‘sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities,’ to the same extent as CAs working from centers.”).

¹²² *See 2017 VRS Compensation Order*, 32 FCC Rcd at 5907, para. 31 (“The Commission has consistently sought to encourage and preserve the availability of a competitive choice for VRS users, because it ensures a range of service offerings analogous to that afforded voice service users and because it provides a competitive incentive to improve VRS offerings.”). Currently, there are four VRS providers and two potential new entrants. Convo Communications, ASL Services Holdings d/b/a GlobalVRS, Sorenson Communications, and ZP Better Together are all certified to provide VRS. The applications of Tive, LLC, and BHIS Blessed Hands Interpreting Services for certification as VRS providers are pending. *See* Application of Tive, LLC, d/b/a Tive, for Full Certification to Provide Video Relay Service, CG Docket No. 03-123 (filed July 15, 2021); BHIS-Blessed Hands Interpreting Services, dba, 3Way Video Relay Service, VRS, VRS Application to Federal Communications Commission, CG Docket No. 03-123 (filed Mar. 18, 2022).

¹²³ *See* ZP March 15 *Ex Parte* at 2 (“Through appropriate screening, training, and management tools, such as fully vetting potential CAs, performing call-quality checks, and making virtual teaming resources available any time a CA needs support, ZP has been able to guarantee the quality and reliability of interpreting on its VRS calls” while the three-year requirement has been waived); *id.* at 4 (“When screening and onboarding new CAs, providers can fully assess not only core ASL skills, but also familiarity with Deaf culture and etiquette.”).

37. We seek comment on our proposal and these underlying assumptions. What are the costs and benefits of maintaining a three-year experience requirement for at-home CAs? How should we balance the need for effective interpretation skills with allowing VRS providers access to a larger pool of available interpreters?

38. We also seek comment on alternative ways to modify the rule. For example, should we retain an experience requirement, while reducing the number of years required? Would one or two years of interpreting experience meet our goal of ensuring effective interpretation without direct supervision? Is it necessary for initial VRS training to be conducted at a call center? Should CAs have logged a certain number of minutes of supervised, call-center based VRS call handling before being allowed to work at home? Or are the remaining requirements in section 64.604(b)(8)(ii)(A) sufficient to provide assurance that a VRS CA can work effectively without in-person supervision? Are there any other conditions that may be warranted to support continued high quality VRS service in connection with any of our proposals?

3. Other At-Home Rules

39. We seek comment on whether other changes should be made in the at-home VRS call-handling rules, based on experience over the last two years. Commenters should identify any current rule that they think should be modified, explain in detail why such modifications would advance the purposes of section 225 of the Act, and provide factual support for their recommendations based on actual experience.¹²⁴

4. Contracting for CAs

40. We propose to modify the TRS rules' restriction on VRS providers' ability to contract for CA services, to allow VRS providers to contract for interpretation services for up to 30% of their monthly call minutes.

41. Section 64.604(c)(5)(iii)(N)(I)(iii) of the Commission's rules states:

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, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.¹²⁵

The Commission adopted this rule in 2011 to end the proliferation of arrangements whereby uncertified entities were providing VRS pursuant to subcontracting agreements with eligible providers. Due to the obstacles they posed to effective oversight, the Commission reasoned, such arrangements encouraged and facilitated fraudulent billing of the TRS Fund for non-compensable calls.¹²⁶ To reduce fraud and establish better oversight of the VRS program, the Commission amended its rules to prohibit the subcontracting of interpreting and call-center functions to third parties whose operations are not under the direct supervision of the Commission.¹²⁷

¹²⁴ We note, in response to a concern raised by Convo, that the current at-home rules do not preclude a VRS provider from allowing a CA to work part-time in a call center and part-time at home—provided that, when working at home, they comply with all applicable requirements of our at-home rules. See Convo Petition at 9.

¹²⁵ 47 CFR § 64.604(c)(5)(iii)(N)(I)(iii).

¹²⁶ See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 25 FCC Rcd 6012, 6030-31, para. 45 (2010) (*2010 VRS Call Practices NPRM*).

¹²⁷ See *2011 VRS Call Practices Order*, 26 FCC Rcd at 5574, para. 58.

42. Like the proposed rule changes discussed above, we believe that our proposed modification of the current restriction on contracting for interpretation services (which would not change the rule's restriction on contracting for call center functions) will help alleviate the ongoing shortage of VRS CAs. The restriction on contracting for interpretation services has been waived on an emergency basis during the COVID-19 pandemic,¹²⁸ but the shortage of VRS CAs, while aggravated by the pandemic, is likely to outlast it.¹²⁹

43. The record suggests that permanently allowing VRS providers to contract for interpretation services will enable providers to continue retaining the services of many qualified ASL interpreters who prefer not to sign up as VRS provider employees. According to Convo, many of the VRS interpreters it hires through a contractor “only want a short assignment or want to supplement their community-interpreting income by working limited shifts as a [VRS CA].”¹³⁰ Convo also asserts that contract CAs “can also help providers respond to short term fluctuations in both demand and [CA] availability, for example, when a weather event causes both a spike in traffic and the closing of a call center.”¹³¹ We believe that VRS providers and users can benefit from the flexibility that contracting allows providers during short-time fluctuations in demand. Does allowing VRS providers to contract for up to 30% of their monthly minutes provide sufficient flexibility for that purpose? We seek comment on our proposal, these underlying assumptions, and the costs and benefits of allowing VRS providers to contract for interpretation services from uncertified entities.

44. We also seek comment on any risks of harm currently posed by the use of contract CAs.¹³² Some commenters on the Convo Petition raised the concern that relaxing the rule could reinstate incentives and opportunities for fraud and abuse by VRS providers.¹³³ Have there been changes in the VRS industry in the last 10 years that reduce these concerns?¹³⁴ Are other measures instituted by the Commission sufficient to prevent fraud and abuse? Since April 2020, when the Bureau initially waived the prohibition on contracting for CA services, has there been any indication of increased waste, fraud, and abuse?¹³⁵ Would allowing VRS providers to contract for interpretation services on a permanent basis

¹²⁸ *April 2020 TRS Waiver Order*, 35 FCC Rcd at 3018-19, para. 2. This waiver, which was extended through June 30, 2022, does not relieve VRS providers from the rule's restrictions on contracting for the provision of call center functions. *See April 2020 TRS Waiver Order*, 35 FCC Rcd at 3018-19, para. 2 n. 5; *March 2022 TRS Waiver Order* (extending waivers through June 30, 2022).

¹²⁹ *See supra* para. 26.

¹³⁰ Convo Petition at 11.

¹³¹ *Id.*; *contra* Consumer Groups PFR Comments at 7 (“While the use of independent contractors might make it marginally easier for VRS Providers to address the need for CAs during short-term surges without incurring the costs and administrative burdens associated with hiring a traditional employee, there are no other public interest benefits to relaxing the ban on independent contractor CAs....”).

¹³² *See* GlobalVRS PFR Reply at 3 (lifting the ban would open a Pandora's Box of waste, fraud, and abuse as under the “white label” contractor days of the TRS program).

¹³³ *See* Sorenson PFR Comments at 4-6 (claiming record is incomplete to support Convo's assurances that lifting the ban would not lead to waste, fraud, and abuse); Consumer Groups PFR Comments at 6 (petition does not address that contractors have less accountability, cannot be effectively certified and managed, and are generally more susceptible to waste, fraud, and abuse).

¹³⁴ *See 2011 VRS Call Practices Order*, 26 FCC Rcd at 5571-72, paras. 51-53 (discussing ineligible VRS providers that bill the TRS Fund through eligible providers).

¹³⁵ *See* Convo Petition at 13 (“The Commission now has had more than a year of experience with the use of independent contractor [CAs] by the VRS industry without any indication of fraud, waste, or abuse, or any other problems.”).

run the risk of changing providers' incentives regarding the making of VRS calls that would not otherwise be made?¹³⁶

45. We also seek comment on what conditions the Commission could impose to limit any risk of waste, fraud, and abuse that may result from the use of contract CAs. In adopting the contracting restriction, the Commission explained that the proliferation of ineligible VRS providers prior to 2011 had frustrated its ability to exercise effective oversight of the VRS program:

Because these ineligible providers circumvent our eligibility requirements, proper oversight by the Commission and the Fund administrator is nearly impossible. . . . [T]he Commission, as well as other investigatory authorities, often has a difficult time identifying who these entities are or what services they provide. This, in turn, has impacted the ability of the Commission to take swift and effective enforcement action when such action is deemed necessary. Although the eligible provider is responsible for ensuring that the calls it bills to the Fund are legitimate, we are concerned that in many instances, the eligible provider may exercise very little oversight over the call handling operations of these affiliates and subcontractors. We note that the majority of all the fraud that has been reported to the Commission has been through the use of these ineligible providers, and that all of the individuals indicted to date in the ongoing criminal investigations of fraud in the VRS industry worked for ineligible providers.¹³⁷

46. For example, should organizations contracting with a VRS provider for interpretation services be required to register with the Commission and agree to direct oversight, including audits, inspection of records, etc.?¹³⁸ Alternatively, should we require the VRS provider to expressly accept responsibility for any fraud or abuse committed by a contracting CA or agency? In addition, what records should we require VRS providers to keep regarding transactions with and services provided by contracting CAs or agencies, in addition to copies of the contracts themselves?¹³⁹ What information about the use of contract CAs should be included in VRS providers' annual reports? For example, should we require VRS providers to identify each entity with which it has contracted for interpretation services and the number of conversation minutes handled by each? Should we allow contract CAs to be stationed outside the United States?¹⁴⁰

47. We also seek comment on permissible payment arrangements for contract CAs. For example, our current rules prohibit VRS providers from providing compensation or other benefits to CAs in any manner that is based upon the number of VRS minutes or calls that the CA relays, "either individually or as part of a group."¹⁴¹ Is this rule sufficient—and sufficiently clear—to prevent incentives to "generate minutes that would not otherwise have been made by individuals using VRS," "artificially lengthen the time of a call," or "create fictional calls where no relaying takes place"?¹⁴² To limit

¹³⁶ See 47 CFR § 64.604(c)(13)(i).

¹³⁷ 2011 VRS Call Practices Order, 26 FCC Rcd at 5572-73, para. 55 (internal citations removed).

¹³⁸ See Convo PFR Reply at 9-10.

¹³⁹ See 47 CFR § 64.604(c)(5)(iii)(N)(I)(v) (requiring that VRS providers' contracts with third parties must be in writing and be made available to the Commission and administrator upon request).

¹⁴⁰ We also note that entering into a contract with an agency that has its own call center facilities requires notification to the Commission and the TRS Fund administrator. See *id.* § 64.606(f)(2).

¹⁴¹ *Id.* § 64.604(c)(5)(iii)(N)(3). This rule would thus limit the kinds of payment plans that a VRS provider could agree to with either a contracting CA or an agency.

incentives for fraud and abuse, as Convo suggests, should we expressly require VRS providers to pay contract interpreters or agencies based on hours of availability, rather than call or session minutes?¹⁴³ Are there other safeguards that we should require in contracts with contracting CAs or agencies?

48. Is 30% an appropriate cap on the number of minutes handled by contract interpreters?¹⁴⁴ Would a different percentage cap strike a more appropriate balance between the need for provider flexibility and the risk of waste, fraud, and abuse? Should we direct the Consumer and Governmental Affairs Bureau to conduct a review of the level of the cap, e.g., three years after the effective date of the rules, to determine if the 30% limit continues to be necessary to prevent waste, fraud, and abuse, or if adjustments are needed in light of experience?

49. To enable enforcement of the cap and facilitate review of the need for or possible changes in the cap, we propose to require VRS providers to identify, in their monthly call reports, those CAs that are working on a contract basis. We seek comment on this proposal.

50. We also seek comment on how our rules on at-home call-handling should be amended to address the use of contract CAs to work from home workstations. Should we allow contract CAs to work from home workstations and, if so, what amendments to our rules, if any, are needed to ensure compliance with our at-home call-handling requirements? Because contract CAs are not employees of the VRS provider, should VRS providers be required to obtain written assurance from contract CAs that they will comply with each relevant requirement if they are allowed to work from home?

B. International Calling Restrictions

51. We propose to modify the current restriction on TRS Fund compensation for calls placed to the United States by registered VRS users temporarily located abroad. We propose to modify the current notice requirement for such calls, to allow payment of compensation if the default VRS provider has been notified of the user's travel plans at any time before such a call is placed. In addition, we propose to codify the accompanying Declaratory Ruling, i.e., by amending our rules to provide that such calls may be compensated if placed up to one year after a user leaves the United States.

52. Our rules currently prohibit TRS Fund compensation for any VRS calls placed to the United States from foreign IP addresses, except "calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the [United States], during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers."¹⁴⁵ In adopting this rule, the Commission stated, in a footnote, that "specified periods of time" was not intended to mean "extended periods of time, which we define as more than four weeks."¹⁴⁶

53. In the accompanying Declaratory Ruling, we find that interpreting this exception as limited to periods of no longer than four weeks imposes unnecessary restrictions on registered VRS users who are traveling internationally. That interpretation was adopted at a time when the VRS program was plagued by fraud and abuse, much of which involved international calls placed to the United States from

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¹⁴² 2011 VRS Call Practices Order, 26 FCC Rcd at 5560, para. 23.

¹⁴³ See Convo PFR Reply at 9. That is, a CA who contracted to work four hours on two days would receive a flat rate for each hour without regard to call minutes handled during those eight hours.

¹⁴⁴ See Convo Petition at 10-11 (asking the Commission to "allow VRS providers to utilize independent contractor [CA]s to interpret up to 30 percent of a VRS provider's total relayed minutes in a month or 30 percent of the provider's average projected monthly conversation minutes for the calendar year").

¹⁴⁵ 47 CFR § 64.604(a)(7).

¹⁴⁶ See 2011 VRS Call Practices Order, 26 FCC Rcd at 5564, para. 32 n.105. In the Declaratory Ruling, *infra* paras. 67-70, we revisit this interpretation of the adopted rule and conclude that travel periods of up to one year may be specified.

foreign IP addresses.¹⁴⁷ Since then, however, the anti-fraud measures adopted by the Commission appear to have been effective in suppressing illegal VRS calling.¹⁴⁸ Further, in 2019, the Commission implemented the User Database, in which the identity of each registered VRS user is entered and verified in a central database.¹⁴⁹ The vetting of each VRS user by the TRS Fund administrator provides additional assurance against payment of compensation for fraudulent VRS calls, including calls from unknown users located outside the United States.¹⁵⁰

54. We revisit this interpretation in the Declaratory Ruling below, and here we propose to revise section 64.604(a)(7) of the rules to clarify that calls originating from international IP addresses may be compensated if placed within one year after a user leaves the United States. Our proposed revision would: (1) relax the current preregistration requirement to allow notification to the user's default VRS provider at any time prior to placing such calls; and (2) clarify that such notifications may specify travel periods of up to one year.¹⁵¹ Under this proposed modification, the content of the required notification must include the specific regions of travel, the date of departure from the United States, and the approximate date when the individual intends to return to the United States. We seek comment on our proposal and its costs and benefits. Does the proposed revision to section 64.604(a)(7), in conjunction with the existing User Database rules and other fraud prevention measures, sufficiently address the risk of waste, fraud, and abuse that the current rule was intended to prevent?

55. We also note that as a result of the pandemic waiver orders, the prohibition on calling the United States from abroad has been largely waived. Is there evidence of waste, fraud, or abuse in international calling during that period? If so, does such evidence warrant changes to this proposal?

56. *Statutory Authority.* We seek comment on whether these proposed revisions are consistent with section 225, which directs the Commission to ensure the availability of TRS to persons with hearing or speech disabilities "in the United States."¹⁵² Other than requiring that compensable calls must either originate or terminate in the United States,¹⁵³ the Commission has not formally determined what limits this statutory language places on TRS Fund support for calls placed by persons located abroad. However, the Commission requires that, to register for Internet-based TRS, a consumer must establish that he or she is a U.S. resident, at least on a temporary basis.¹⁵⁴ In the accompanying

¹⁴⁷ See *2011 VRS Call Practices Order*, 26 FCC Rcd at 5564, para. 32.

¹⁴⁸ See *id.* at 5553-87, paras. 9-91.

¹⁴⁹ See 47 CFR § 64.611 (User Database requirements). VRS providers are required to submit the TRS-URD registration information for, and a user self-certification of eligibility from, each of its registered users. *Id.* § 64.611(a)(3)(v), (4)(ii)-(iii); see also *2013 VRS Reform Order*, 28 FCC Rcd at 8650-51, 8654, paras. 70, 82.

¹⁵⁰ VRS providers must ensure that each user's identity is verified and that each registered user is assigned a unique identifier. See 47 CFR § 64.615(a); see also *2013 VRS Reform Order*, 28 FCC Rcd at 8651-52, 8655-56, paras. 73, 84-86; 47 CFR § 64.604(c)(5)(iii)(D)-(L) (requiring the submission of call data with payment requests and providing for review of all such requests).

¹⁵¹ In other words, a VRS provider may request compensation for any such call placed after receiving the required notice from the user.

¹⁵² 47 U.S.C. § 225(b)(1) ("the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.").

¹⁵³ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, 25 FCC Rcd 1868, 1872, para. 9 (CGB 2010); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 25 FCC Rcd 6012, 6024, para. 27 (2010). In this context, "United States" includes U.S. Territories. See 47 U.S.C. § 153(58).

¹⁵⁴ 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, Order, 30 FCC Rcd 4806 (CGB 2015) (*2015 Bureau VRS Order*) (waiving the requirement that VRS providers

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Declaratory Ruling, we find that one year is long enough to cover most reasons why U.S. residents would be traveling abroad and is a reasonable “default” time limit to prevent the use of TRS funds to support VRS calls by persons who can no longer be considered U.S. residents.

57. We seek comment on codifying these determinations. Is one year an appropriate maximum duration? For example, is this period long enough to cover students studying abroad, employees on temporary work assignments abroad, or individuals on extended travel? Is a one-year limit, combined with other safeguards such as the User Database, an effective means of ensuring that the use of VRS by individuals located outside the United States is limited to U.S. residents who are only temporarily living abroad and have an intent to return to the United States?

58. *Extensions.* We also seek comment on whether to allow extensions of the one-year limit. For example, should we adopt an informal process for individuals to apply to the Disability Rights Office for an extension of the one-year maximum period, and be granted such an extension upon a showing that the individual’s primary residence remains in the United States, even though the individual will remain abroad longer than one year?

59. *Proposed Exception for Military and U.S. Government Personnel.* We propose an exception to the one-year maximum time period for calls to the United States by registered VRS users who are U.S. military personnel, federal government employees, or federal contractors (or their accompanying immediate family members) temporarily stationed outside the United States.¹⁵⁵ Under this proposed exception, the content of the required notification to the default provider must include the specific regions of foreign assignment, the date of departure from the United States, the contemplated end date for the foreign assignment,¹⁵⁶ and that the user (or a family member of the user) is a member of the military services, or is employed by a federal government agency or federal contractor, and is temporarily stationed outside the United States. We propose that this exception apply for the duration of the user’s (or family member’s) foreign assignment plus an additional time period following the end of such assignment to allow the user additional time to travel abroad and return to the United States. How long should we allow as an additional time period beyond the end of the foreign assignment? We also propose that, if the foreign assignment is extended, the user must notify his or her default provider of the new end date of the assignment to continue making VRS calls during such extension (plus the permitted additional time period). We seek comment on this proposed exception, including its costs and benefits. We also propose to apply this exception to individuals placing calls to the United States from U.S. military and government organizations with enterprise VRS registrations.¹⁵⁷

60. Should the scope or conditions of this proposed exception be modified? For example, are there other categories of users who should be included in such exception? In the case of lengthy foreign assignments, how should providers (and indirectly the Fund administrator) be made aware of the status of such users—via an ad hoc notice from the user, from the relay official or other responsible individual

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obtain the last four digits of a user’s Social Security Number for persons in the United States without such identification); *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 30 FCC Rcd 1093, 1098-1100, paras. 13-14 (CGB 2015). Persons who may use TRS in the United States include temporary residents, such as foreign students attending colleges and universities in the United States.

¹⁵⁵ A family member would be eligible for this exception even if the federal military person, employee, or contractor does not use VRS.

¹⁵⁶ If the user’s foreign assignment does not contain an end date, the user may specify an end date that is one year after the date of departure. If the assignment lasts longer, we propose that the user may follow the extension procedures discussed herein.

¹⁵⁷ See 47 CFR § 64.611(a)(6) (allowing enterprise registration for VRS users).

specified in an enterprise registration,¹⁵⁸ or in some other way? Should confirmation of the user's eligibility for this exception be required?

V. ORDER

61. In this Order, we waive for one year, pending Commission action on the proposals in this *Notice*, the following provisions of our rules: (1) the 50% cap on at-home CA call minutes;¹⁵⁹ (2) the requirement that CAs working at home have three years of experience as an ASL interpreter;¹⁶⁰ and (3) the ban on contracting with non-certified entities for VRS interpretation services.¹⁶¹ To prevent disruption in the provision of VRS during the pandemic, each of these requirements has been waived, on an emergency basis, for the past two years.¹⁶² In the accompanying *Notice*, we propose to substantially modify these requirements by: (1) raising the cap on the percentage of VRS traffic handled by at-home CAs from 50% to 80% of a VRS provider's monthly minutes; (2) reducing or eliminating the requirement that CAs working at home have three years of interpreting experience; and (3) allowing a VRS provider to contract for interpretation services for up to 30% of its monthly minutes.

62. *Waiver Standard.* A Commission rule may be waived for "good cause shown."¹⁶³ In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.¹⁶⁴ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁶⁵ 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.¹⁶⁶

63. The record indicates that there is an ongoing shortage of ASL interpreters available for work as VRS CAs.¹⁶⁷ While this shortage has been aggravated by the COVID-19 pandemic,¹⁶⁸ it appears

¹⁵⁸ See *id.* § 64.611(a)(6)(ii)(A) (requiring that enterprise VRS registrations include certification by "the individual responsible for the videophone . . . that the organization, business, or agency will make reasonable efforts to ensure that only persons with a hearing or speech disability are permitted to use the phone for VRS"); see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, DA 21-1262, at 7-8, para. 17-19 (CGB Oct. 8, 2021) (*GSA TRS Registration Order*) (granting waiver to allow registration of federal workers for IP CTS via the equivalent of a VRS enterprise registration). GSA proposed to have federal agencies designate a "relay official" to submit and certify registration information for TRS provided to eligible agency employees and contractors. *Id.* at 4-5, 7-8, paras. 8, 17.

¹⁵⁹ 47 CFR § 64.604(b)(8)(i).

¹⁶⁰ *Id.* § 64.604(b)(8)(ii)(A).

¹⁶¹ *Id.* § 64.604(c)(5)(iii)(N)(1)(iii).

¹⁶² See *supra* para. 11; see also *March 2022 TRS Waiver Order*.

¹⁶³ 47 CFR § 1.3.

¹⁶⁴ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁶⁵ *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.

¹⁶⁶ *Northeast Cellular*, 897 F.2d at 1166.

¹⁶⁷ See ZP March 15 *Ex Parte* at 2; Convo Oct. 21 *Ex Parte*; Convo Petition at 2-4; ASLDeafined, "Shortage of ASL Interpreters" (last visited Mar. 29, 2022) ("Statistics Show a Disturbing Shortage of American Sign Language Interpreters"), <https://www.asldeafined.com/2019/04/shortage-of-asl-interpreters/>; Rise Interpreting, "Why Some ASL Interpreters Are Better Than Others" (Nov. 4, 2020) (noting lack of ASL interpreters), <https://riseinterpreting.com/uncategorized/why-some-asl-interpreters-are-better-than-others/>; ILoveLanguages, "Is there a need for sign language interpreters?" (last visited Mar. 29, 2022) ("A recent study by the U.S. federal government found that the American Sign Language interpreters field has high demand. Throughout the period 2018 to 2028, the BLS says demand will remain 19 percent higher."), <https://www.ilovelanguages.com/is-there-a-need-for-sign-language-interpreters/>.

likely to continue well beyond the end of the pandemic.¹⁶⁹ Further, during the pandemic, pursuant to the Bureau's emergency waiver orders, VRS providers have greatly increased their reliance on CAs working at home and on a contract basis.¹⁷⁰ Concurrently, the changes imposed on the nation's workforce in all sectors during the pandemic—especially the shift to remote work—have led to altered expectations on the part of CAs, as well as other workers, regarding their work environment and the necessity of returning to a centralized worksite.¹⁷¹

64. In these circumstances, allowing the workforce-preserving waivers of these rules to expire would substantially increase the costs and other burdens VRS providers must bear to continue providing functionally equivalent relay service.¹⁷² Providers have reported that returning to compliance

(Continued from previous page) _____

¹⁶⁸ See Sorenson Jan. 27 *Ex Parte* at 2 (“Sorenson is finding that it is more difficult to attract interpreters who are already fully qualified”); GlobalVRS Jan. 28 *Ex Parte* at 2 (the COVID-19 pandemic continues to impact employment dynamics); Convo Feb. 11 *Ex Parte* at 1 (discussing the challenges in interpreter staffing due to pandemic-related labor shortages); Convo Mar. 14 *Ex Parte* at 1 (discussing additional challenges); ZP March 15 *Ex Parte* at 3 (“Even before the emergence of the COVID-19 pandemic in early 2020, the available pool of qualified VRS interpreters was not keeping pace with the needs of the VRS Program, putting a strain on providers and CAs alike. During these last-two years, the pandemic's imprint on our society and on VRS in particular has only exacerbated this strain.”).

¹⁶⁹ See Convo Petition at 2-4 (discussing the lack of qualified video interpreters in the workforce); Convo PFR Reply at 7-8 (expecting CA shortage to continue as pandemic subsides); *cf.* Convo Oct. 21 *Ex Parte* (noting “the growing challenge among providers in interpreter staffing to ensure appropriate availability of services due to pandemic related labor shortages and competing with the increased demand for a variety of interpreting services nationwide”).

¹⁷⁰ See Convo March 21 *Ex Parte* at 1 (continued waivers of the cap on at-home call minutes and contracting for CA services are necessary to ensure VRS staffing needs are met); Letter from Andrew O. Isar, Consultant to GlobalVRS, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, at 2-3 (filed March 18, 2022) (describing equipment purchased for use in at-home call work stations); ZP March 15 *Ex Parte* at 3 (“Over the past two years, at-home interpreting has been vital to the success of VRS in meeting the needs of individuals who are deaf and hard of hearing during the COVID-19 pandemic, and continues to be essential to ensuring full communication access for VRS users dependent on this service.”); Sorenson March 7 *Ex Parte* at 2 (“The COVID-19 pandemic has shown the success of relying significantly on at-home interpretation with both VRS and IP CTS.”); Convo PFR Reply at 2 (VRS providers greatly valued the increased flexibility afforded by waivers of the at-home call minute and CA contracting rules); GlobalVRS PFR Reply at 2 (“providers should be given the flexibility to manage at-home interpreting to the extent that its interpreters are qualified, and its existing performance obligations are unaffected”); Sorenson PFR Comments at 2 (“One of the most successful adaptations [to the challenges posed by the pandemic] has been the significant increase and investment in at-home VRS call interpretation.”).

¹⁷¹ See *supra* note 105; ZP March 15 *Ex Parte* at 2 (“The Commission should recognize that even as the worst of the pandemic may be winding down, it is still not ‘business as usual’ for many sectors of the economy.”).

¹⁷² See, e.g., ZP March 15 *Ex Parte* at 2 (failing to continue the waiver of the three-year rule “will upset the already challenging CA and interpreter labor market”); *id.* at 5 (“If forced to work from call centers, many CAs will simply exit the VRS labor market altogether and pursue other opportunities that allow them to work from home, such as community interpreting.”); *id.* (“re-imposing the three-year professional interpreting requirement is likely to diminish the CA worker pool and directly harm VRS users as there will be fewer available CAs, hampering the availability of the service. . . . Providers, too, would be harmed as they would come under significant financial and operational strain to ensure adequate staffing for VRS calls.”); Convo March 14 *Ex Parte* at 2 (“Terminating the waiver on the rule requiring three years of VRS experience in order to work from home would hamper Convo's ability to remain properly staffed throughout the year and only serve to increase the need for contract interpreters.”); Sorenson March 7 *Ex Parte* at 2 (terminating the waivers “would unnecessarily disrupt the lives of [CAs], could lead to a reduction in available [CAs] for VRS”); Sorenson Dec. 2 *Ex Parte* at 2 (forcing [CAs] to return to call centers when they are currently working at home “threatens to exacerbate the [CA] shortage”); Convo Nov 18 *Ex Parte* at 2 (“VRS providers continue to have significant difficulty finding, training, and retaining new employees, and this challenge is much greater for VRS providers than other employers due to the specialized skills required of [CAs]”); Convo PFR Reply at 5 (declining to increase the cap on call minutes would cause significant disruptions to VRS provider work forces).

with the current at-home call-handling cap, three-year experience requirement, and ban on contract CAs would cause serious disruption to their operations and the availability of service to consumers.¹⁷³ For example, many CAs currently working at home do not live near call centers and would be unlikely to move closer if the 50% cap on at-home VRS minutes is reimposed.¹⁷⁴ Similarly, reimposing the experience requirement for at-home CAs would preclude further VRS employment of ASL interpreters with less than three years of experience unless they are able and willing to work in VRS call centers,¹⁷⁵ causing further shrinkage of the available VRS work force.¹⁷⁶ Similarly, re-imposing the prohibition on contracting for interpretation services would preclude VRS providers from retaining the services of many qualified ASL interpreters who prefer not to sign up as VRS employees, and would make it harder for providers to respond effectively to short-term fluctuations in traffic.¹⁷⁷

65. Extending the waiver of these rules for an additional year will alleviate the costs and burdens described above, enabling providers to retain more of their CAs and continue hiring from an expanded pool of ASL interpreters, many of whom would not otherwise be available and willing to work for a VRS provider.¹⁷⁸ This in turn will help ensure that VRS providers can maintain a high quality of service and have more resources for responding to unexpected traffic surges.¹⁷⁹ In addition, in the event

¹⁷³ See Convo Petition at 6 (noting that it “expects its [CA] workforce to require continued flexibility with respect to work location and working hours”); Sorenson March 7 *Ex Parte* at 2 (“a sudden change in policy would unnecessarily disrupt the lives of [CAs], could lead to a reduction in available [CAs] for VRS, and would require substantial lead time to allow staffing to be adjusted”).

¹⁷⁴ Convo PFR Reply at 6; *cf.* Whitney-Rindaris PFR Comment (“I have been able to work successfully from home for the last 16 months and I do not believe there is any reason to bring us back to a call center.”).

¹⁷⁵ ZP March 15 *Ex Parte* at 4-5.

¹⁷⁶ *Id.* at 2 (“Failure to extend its duration will upset the already challenging CA and interpreter labor market, and harm consumers who are dependent on VRS for their communication needs”); *see also* Convo March 14 *Ex Parte* at 2 (“Terminating the waiver on the rule requiring three years of VRS experience in order to work from home would hamper Convo’s ability to remain properly staffed throughout the year”).

¹⁷⁷ Convo March 14 *Ex Parte* at 1 (contract CAs allow company to supplement its labor pool with CAs “who only desire a short term assignment, or who want to supplement their community-interpreting based income by working limited shifts for a VRS provider”); *id.* (“The use of contract interpreting has allowed for providers to respond to short term fluctuations in both demand and [CA] availability”).

¹⁷⁸ *See, e.g.*, ZP March 15 *Ex Parte* at 2 (waiving the three-year rule has “proven absolutely essential to ensuring sufficient staffing [for] VRS nationwide”); Convo March 14 *Ex Parte* at 1 (“Convo has been able to benefit from shortages in [CA] applications by supplementing its labor pool with video interpreters who only desire a short term assignment, or who want to supplement their community-interpreting based income by working limited shifts for a VRS provider.”); Sorenson March 7 *Ex Parte* at 2 (“The COVID-19 pandemic has shown the success of relying significantly on at-home interpretation with both VRS and IP CTS.”); Convo Nov. 18 2021 *Ex Parte* at 3 (“the use of contract interpreters has been essential to navigating unexpected changes in call volume as patterns remain volatile”); Comment of Chelsea Robitaille, CG Docket Nos. 03-123 and 10-51 (filed Dec. 23, 2021) (Robitaille Dec. 23 Comment) (working from home for CAs means a safer environment without travel time).

¹⁷⁹ *See, e.g.*, ZP March 15 *Ex Parte* at 4 (“waiving the three-year experience rule for at-home interpreting has had no impact on the quality of VRS, and probably has improved it by enabling ZP to hire and put in service more interpreters”); Convo PFR Reply at 7 (Convo has received no complaints regarding privacy issues while using at-home CAs); *id.* at 8 (access to contract CAs has allowed VRS providers to address staffing issues at reduced costs relative to overstaffing); Sorenson PFR Comments at 2 (“Sorenson has not observed any kind of decrease in the quality of interpreting” with at-home CAs); Robitaille Dec. 23 Comment (at-home call-handling means “interpreters could be on call allowing for unexpected increased call volumes to be handled immediately instead of waiting for staff to have drive time to get to the center to be able to help with a queue of waiting callers”); Whitney-Rindaris Waiver Comment (at-home call-handling means there is “a lessened impact on the environment when you take commuting into account, and there is more flexibility in scheduling, enabling our company to provide better service at any time”).

that the Commission subsequently adopts the proposals in the *Notice*, extending the waivers of these rules in the interim will have avoided unnecessarily imposing on VRS providers the significant costs and burdens involved in “winding down” their use of at-home and contract CAs and then “restarting” such hiring after the adoption of amended rules.¹⁸⁰ Finally, waiving these rules does not appear to have increased the risk of waste, fraud, and abuse of the TRS Fund.¹⁸¹

66. Therefore, in order to prevent the hardship to VRS providers and disruption of service to consumers that would result from termination of the waivers of these rules, we find good cause to extend the current waivers of these three requirements for one year, through June 30, 2023, or until the Commission acts on the proposed rule amendments in the *Notice*. These waivers are granted without prejudice to the Commission’s final determinations on the proposals in the *Notice*.

VI. DECLARATORY RULING

67. As explained in the accompanying *Notice*, when adopting the current restriction on TRS Fund support for VRS calls to the United States from abroad, the Commission created an exception for “calls made during specified periods of time while on travel.”¹⁸² In the *2011 VRS Call Practices Order*, the Commission noted in a footnote that the exception for these “specified periods of time” was “not intended to apply to calls made by individuals who remain outside the U.S. for extended periods of time, which we define as more than four weeks.”¹⁸³ We note that this footnote constitutes an interpretation made by the Commission at the time, not a codified provision of the rule as adopted.

68. Revisiting the footnote interpretation in light of subsequent experience, we find that interpreting the rule’s exception for “specified periods of time” as limited to periods of four weeks or less imposes an unnecessary restriction on eligible VRS users traveling abroad. The footnote was included in the *2011 VRS Call Practices Order* at a time when strong measures were considered necessary to put an end to the fraudulent calls then plaguing the VRS program.¹⁸⁴ Since then, the anti-fraud safeguards adopted in the *2011 VRS Call Practices Order* appear to have been effective in suppressing such illegal calling.¹⁸⁵ In addition, the required verification of each VRS user registered in the User Database by the TRS Fund administrator provides a reliable method of verifying the identity of VRS callers,¹⁸⁶ making it far less likely that VRS calls can be illegally placed by ineligible users located outside the United States. Further, to alleviate the impact of travel restrictions imposed during the COVID-19 pandemic, the Commission has not enforced a four-week time limit for the last two years, and there does not appear to

¹⁸⁰ 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, Order, 34 FCC Rcd 9880, 9882-84, paras. 6-7 (CGB 2019) (extending expiration date of pilot program for VRS at-home call-handling in part to avoid imposing wind-down and start-up costs on providers while the Commission considers adopting permanent program).

¹⁸¹ See, e.g., Convo Nov. 18 *Ex Parte* at 3 (Convo “has not seen cause for concern regarding fraud or privacy issues with either the use of At Home interpreters or contract interpreters”); Convo PFR Reply at 4-5 (the Commission’s at-home call handling rules contain sufficient protections for service quality and privacy to prevent waste, fraud, and abuse while maintaining a higher cap on call minutes); Sorenson PFR Comments at 2 (Sorenson “is unaware of the increased reliance on at-home interpreting leading to any waste, fraud, or abuse”); cf. Sorenson Dec. 2 *Ex Parte* at 1 (“at-home caps are unnecessary to safeguard consumers”).

¹⁸² 47 CFR § 64.604(a)(7).

¹⁸³ *2011 VRS Call Practices Order*, 26 FCC Rcd at 5564, para. 32 n.105.

¹⁸⁴ See *id.* 5552, paras. 7-8.

¹⁸⁵ See *supra* para. 53.

¹⁸⁶ See *2013 VRS Reform Order*, 28 FCC Rcd at 8651-52, 8655-56, paras. 73, 84-86; see also 47 CFR §§ 64.604(c)(5)(iii)(D)-(L) (requiring the submission of call data with payment requests and providing for review of all such requests).

be any evidence of resulting fraud or abuse.¹⁸⁷ We also find that a four-week limit unnecessarily prevents functionally equivalent communication by eligible U.S. residents who remain abroad for longer periods.

69. We now interpret “specified periods of time while on travel” in section 64.604(a)(7) of the rules to cover longer periods of travel, up to one year. We find that a one-year limit appropriately reflects the longer periods for which U.S. residents sometimes remain abroad,¹⁸⁸ and is therefore a reasonable “default” time limit, consistent with section 225 of the Act,¹⁸⁹ to prevent TRS Fund support for VRS calls by persons who are no longer U.S. residents. Accordingly, we conclude that VRS providers may be compensated for calls made during such a time period by registered users traveling abroad, provided that the travel period is specified in a VRS user’s pre-travel notice to his or her default service provider, in accordance with the current rule.¹⁹⁰

70. Finally, we remind VRS providers and users that the requirement for users to pre-register with the user’s default provider regarding international travel prior to leaving the United States remains in place unless and until it is modified by the Commission.¹⁹¹

VII. PROCEDURAL MATTERS

71. *Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹⁹² the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order. The FRFA is set forth in Appendix D.

72. *Initial Regulatory Flexibility Certification.* As required by the RFA,¹⁹³ the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) relating to this Notice of Proposed Rulemaking. The IRFA is contained in Appendix E.

73. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Report and Order, Notice of Proposed Rulemaking, and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).¹⁹⁴

¹⁸⁷ See *March 2020 TRS Waiver Order*, 35 FCC Rcd at 2716-17, paras. 3-4; *May 2020 TRS Waiver Order*, 35 FCC Rcd at 4896-97, paras. 6-7; see also *March 2022 TRS Waiver Order* (extending all pandemic-related TRS waivers through June 30, 2022).

¹⁸⁸ As an example, according to the U.S. Department of Homeland Security, in determining whether a (non-citizen) permanent U.S. resident, by traveling abroad for an extended period, has abandoned permanent-residence status, “a general guide used is whether you have been absent from the United States for more than a year.” U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *Travel Outside the U.S. as a Permanent Resident*, <https://www.uscis.gov/forms/explore-my-options/travel-outside-the-us-as-a-permanent-resident> (last updated July 10, 2020).

¹⁸⁹ 47 U.S.C. § 225(b)(1) (directing the Commission to ensure the availability of TRS to persons with hearing or speech disabilities “in the United States”).

¹⁹⁰ See 47 CFR § 64.604(a)(7).

¹⁹¹ In the *Notice*, we propose to also modify the codified rule to allow TRS Fund support for calls placed to the United States by registered VRS users located abroad, for travel periods of up to one year, provided that the user has notified the default VRS provider of their travel plans at any time prior to making such calls. While we find that, under the current rule, periods of up to one year may reasonably be specified by consumers in travel plans disclosed to VRS providers, this ruling is without prejudice to the Commission’s adoption of a different rule based on the record compiled in response to the *Notice*.

¹⁹² 5 U.S.C. § 601 *et seq.*

¹⁹³ *Id.* § 603.

¹⁹⁴ *Id.* § 801(a)(1)(A).

74. *Paperwork Reduction Act Analysis.* The Report and Order contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).¹⁹⁵ It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA.¹⁹⁶ OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002,¹⁹⁷ we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In Appendix D, we have assessed the effects of the required collection of information about registration of VRS and IP CTS users in the TRS User Database. We find that the requirements are no more burdensome than those currently applicable to VRS and IP CTS providers and are needed to ensure compliance with the Commission's rules and protect against waste, fraud, and abuse of the TRS program.

75. *Initial Paperwork Reduction Act of 1995 Analysis.* The Notice of Proposed Rulemaking may contain new or modified information collection(s) subject to the PRA.¹⁹⁸ If the Commission adopts any new or modified information collection requirements, they will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, pursuant to the Small Business Paperwork Relief Act of 2002,¹⁹⁹ we seek specific comment on how we might "further reduce the information collection burden for small business concerns with fewer than 25 employees."²⁰⁰

76. *Comments.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before the dates indicated on the first page of this document.²⁰¹ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).²⁰²

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- Paper Filers:
 - Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Currently, the Commission does not accept any hand delivered or messenger delivered filings as a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. In the event that the Commission

¹⁹⁵ Pub. L. No. 104-13, 109 Stat 163 (1995) (codified at 44 U.S.C. §§ 3501-3520).

¹⁹⁶ 44 U.S.C. § 3507(d).

¹⁹⁷ Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3520 (2016).

¹⁹⁸ Public Law 104-13.

¹⁹⁹ Public Law 107-198.

²⁰⁰ 44 U.S.C. § 3506(c)(4).

²⁰¹ 47 CFR §§ 1.415, 1.419.

²⁰² See FCC, Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (May 1, 1998).

announces the lifting of COVID-19 restrictions, a filing window will be opened at the Commission's office located at 9050 Junction Drive, Annapolis Junction, MD 20701.²⁰³

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail may be addressed to 45 L Street, NE, Washington, DC 20554.
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

77. *Ex Parte Rules.* The proceeding the Notice of Proposed Rulemaking initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules.²⁰⁴ Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with section 1.1206(b). In proceedings governed by section 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

78. *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.

79. *Availability of Documents.* Comments, reply comments, and ex parte submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. When the FCC Headquarters reopens to the public, these documents will also be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

80. *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.

²⁰³ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closesheadquarters-open-window-and-changes-hand-delivery-policy>.

²⁰⁴ 47 CFR § 1.1200 *et seq.*

VIII. ORDERING CLAUSES

81. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, and 225, the foregoing Report and Order IS ADOPTED, and the Commission's rules are hereby AMENDED as set forth in Appendix B.

82. IT IS FURTHER ORDERED that the Report and Order and the amendments to the Commission's rules SHALL BE EFFECTIVE 30 days after publication of a summary in the Federal Register, except that the amendments to sections 64.611 and 64.615 will not become effective until OMB completes any review that the Consumer and Governmental Affairs Bureau determines is required under the Paperwork Reduction Act and provides an effective date by subsequent Public Notice.

83. 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), 225, the foregoing Notice of Proposed Rulemaking IS ADOPTED.

84. IT IS FURTHER ORDERED that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on the Notice of Proposed Rulemaking on or before 30 days after publication in the Federal Register, and reply comments on or before 60 days after publication in the Federal Register.

85. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Evaluation and Records Management, SHALL SEND a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

86. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of the Report and Order, Notice of Proposed Rulemaking, Order, and Declaratory Ruling, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

87. 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), 225, the foregoing ORDER and the DECLARATORY RULING ARE ADOPTED.

88. 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), 225, and section 1.3 of the Commission's rules, 47 CFR § 1.3, the cap on at-home call minutes in section 64.604(b)(8)(i) of the Commission's rules, 47 CFR § 64.604(b)(8)(i), the three-year experience requirement for at-home CAs in section 64.604(b)(8)(ii)(A) of the Commission's rules, 47 CFR § 64.604(b)(8)(ii)(A), and the prohibition on contracting for VRS CAs in section 64.604(c)(5)(iii)(N)(I)(iii) of the Commission's rules, 47 CFR § 64.604(c)(5)(iii)(N)(I)(iii), are TEMPORARILY WAIVED, to the extent set forth in the Order, for one year or until the effective date of Commission action regarding amendment of these provisions, whichever is earlier.

89. IT IS FURTHER ORDERED that, pursuant to sections 1.4(b)(2) and 1.103(a) of the Commission's rules, 47 CFR §§ 1.4(b)(2), 1.103(a), the ORDER and DECLARATORY RULING SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A**List of Commenting Parties***2019 IP CTS FNPRM***Comments:**

American Speech-Language-Hearing Association (ASHA)
CaptionCall, LLC
ClearCaptions, LLC
Hamilton Relay, Inc.
Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing (TDI), National Association of the Deaf (NAD), Association of Late-Deafened Alts (ALDA), Cerebral Palsy and Deaf Organization (CPADO), American Association of the Deaf-Blind (AADB), Deaf Seniors of America (DSA), California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), Deaf/Hard of Hearing, Technology Rehabilitation Engineering Center (DHH-RERC), Rehabilitation Engineering Research Center on Universal Interface & Information Technology (IT-RERC)

Reply Comments:

Sprint Corporation
Consumer Groups

*2019 VRS Improvements FNPRM***Comments:**

Convo Communications, LLC
CSDVRS d/b/a ZVRS and Purple Communications, Inc.
Sorenson Communications LLC
Telecommunications for the Deaf and Harding of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Cerebral Palsy and Deaf Organization (CPADO), and American Association of the Deaf-Blind (AADB)

Reply Comments:

Convo
ZVRS and Purple
Sorenson

*Convo Petition for Rulemaking and Interim Waiver***Comments:**

Sorenson Communications, LLC
Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), American Deafness and Rehabilitation Association (ADARA), Deaf Seniors of America (DSA), Cerebral Palsy and Deaf Organization (CPADO), and National Cued Speech Association (NCSA)
Brooke Schumacher
Chelsea Robitaille
LeTishia Whitney-Rindaris

Reply Comments

ASL Services Holdings, LLC d/b/a GlobalVRS
Convo Communications, LLC
Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Deaf Seniors of America (DSA), and Cerebral Palsy and Deaf Organization (CPADO)

APPENDIX B

Final Rules

The Federal Communications Commission amends Title 47 of the Code of Federal Regulations as follows:

Part 64 - MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. [to be completed prior to publication in the Federal Register], unless otherwise noted.

2. Amend section 64.604 by revising paragraphs (c)(5)(iii)(D)(I) and (d) to read as follows:

§ 64.604 Mandatory Minimum Standards.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(D)(I) TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total operating expenses and total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.

* * * * *

(d) *Other standards.* The applicable requirements of § 9.14 of this chapter and §§ 64.611, 64.615, 64.621, 64.631, 64.632, 64.5105, 64.5107, 64.5108, 64.5109, and 64.5110 of this part are to be considered mandatory minimum standards.

3. Amend section 64.611 by revising paragraph (a)(4)(iii), adding paragraph (a)(4)(iv), redesignating paragraph (j)(2)(v) as (j)(2)(vi), and adding paragraph (j)(2)(v) to read as follows:

§ 64.611 Internet-based TRS registration.

(a) * * *

(4) * * *

(iii) VRS providers must submit the information in the introductory text of paragraph (a)(4) of this section upon initiation of service for users registered after 60 days of notice from the Commission that the TRS User Registration Database is ready to accept such information. VRS providers may provide service to such users for up to two weeks after the user's registration information has been submitted to the TRS User Registration Database pending verification of the user's identity. After the user's identity is verified by the Database administrator, VRS providers may seek TRS Fund compensation for calls handled during such pre-verification period of up to two weeks.

(iv) If a VRS user's registration data submitted pursuant to paragraph (a)(4)(iii) of this section is not verified by the TRS User Registration Database administrator within two weeks after submission, the VRS provider shall hold the assigned number for up to 30 days or the pendency of an appeal, whichever is later, pending the outcome of any further efforts to complete verification, before returning the number to inactive status or assigning it to another user. If a VRS user's identity is verified within such 30-day period, or during the pendency of an appeal, whichever is later, the administrator may enter the number into the Database (and the TRS Numbering Directory) as assigned to that user.

* * * * *

(j) * * *

(2) * * *

(v) IP CTS providers may provide service to new users for up to two weeks after the user's registration information has been submitted to the TRS User Registration Database pending verification of the user's identity. After a user's identity is verified by the Database administrator, IP CTS providers may seek TRS Fund compensation for calls handled during such pre-verification period.

(vi) When registering a user who is transferring service from another IP CTS provider, IP CTS providers shall obtain and submit a digital copy of a user's self-certification of eligibility if a query of the TRS User Registration Database shows a properly executed certification has not been filed.

* * * * *

4. Amend section 64.615 by adding paragraphs (a)(6)(v)-(vi) to read as follows:

§ 64.615 TRS User Registration Database and administrator.

(a) * * *

(6) * * *

(v) Notwithstanding paragraphs (ii)-(iv) of this paragraph (6), VRS and IP CTS providers may provide service to a new or porting user for up to two weeks after the user's registration information has been submitted to the TRS User Registration Database, pending verification of the user's identity. After such user's identity is verified by the Database administrator, a TRS provider may seek TRS Fund compensation for calls handled during such pre-verification period.

(vi) If a VRS provider submits registration information for a TRS telephone number that is being ported from another VRS provider, and user's identity cannot be immediately verified, then the porting-in provider's routing information for that telephone number shall be provisionally entered in the TRS Numbering Directory for up to two weeks to allow the routing of calls to the porting-in VRS provider pursuant to paragraph (a)(6)(v) of this section. If the user's identity is not verified by the TRS User Registration Database administrator within the allowed two-week period, the porting-out provider's routing information shall be re-entered in the TRS Number Directory.

* * * * *

APPENDIX C

Proposed Rules

The Federal Communications Commission proposes to amend Title 47 of the Code of Federal Regulations as follows:

Part 64 – Mandatory Minimum Standards

The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. [to be completed prior to publication in the Federal Register], unless otherwise noted.

Amend section 64.604 by revising paragraphs (a)(7), (b)(8)(i)(A), (B), and (ii), and (c)(5)(iii)(N)(I)(iii) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(a) * * *

(7) *International calls.* (i) VRS calls that originate from an international IP address will not be compensated, except in accordance with this section. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States and its territories.

(ii) A VRS provider may seek TRS Fund compensation for VRS calls placed to the United States by a United States resident who is a registered VRS user, if:

(A) Such calls are placed one year or less after the VRS user departs the United States; and

(B) At any time prior to placing such calls, the VRS user notifies the user's default provider of the specific region(s) of travel, the date of departure from the United States, and the intended date of return to the United States.

(iii) A registered VRS user may request approval from the Commission's Disability Rights Office for an extension of the one-year international calling period. Such request shall include a showing that the user's primary residence remains in the United States, even though the user will remain outside the United States longer than one year. Upon approval of such an extension, the user shall notify the user's default VRS provider of such change, and the provider may seek compensation for international calls placed by the user through the end of such extended return date.

(iv) A VRS provider may seek TRS Fund compensation for VRS calls placed to the United States, pursuant to an individual or enterprise VRS registration, by a United States resident who is a United States military or federal government employee or contractor temporarily stationed abroad, or an immediate family member of such employee or contractor, if:

(A) Such calls are placed either during the period of such foreign assignment or within 90 days after the end date of such foreign assignment; and

(B) At any time prior to placing such calls, the registered VRS user, or the Relay official or other responsible individual designated in an enterprise registration, notifies the default VRS provider of the specific regions of foreign assignment, the date of departure from the United States, and the intended end date of the foreign assignment, and that the user (or an immediate family member of the user) is a United States military or federal employee or contractor, and is temporarily stationed outside the United States. If the foreign assignment is extended, the registered VRS user, or the Relay official or other responsible individual designated in an enterprise registration, shall notify the default VRS provider of the new end date of such foreign assignment and of any change of the region where the user is stationed.

(C) For purposes of this section, an “immediate family member” is a parent, spouse, or child of a United States military or federal government employee or contractor.

(D) If the intended end date of the foreign assignment is not known as of the time of notification to the default VRS provider, the notification may specify one-year from the date departure from the United States as the end date.

(b) * * *

(8) * * *

(i) * * *

(A) Eighty percent (80%) of a VRS provider’s total minutes for which compensation is paid in that month; or

(B) Eighty percent (80%) of the provider’s average projected monthly conversation minutes for the calendar year, according to the projections most recently filed with the TRS Fund administrator.

(ii) * * *

(A) Allow a CA to work at home only if the CA is a qualified interpreter who has the experience, skills, and knowledge necessary to effectively interpret VRS calls without in-person supervision, has learned the provider's protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards set out in this section; and

* * * * *

(c) * * *

(5) * * *

(iii)

(N) * * *

(I) * * *

(iii) Contracting of call center functions. (a) An eligible VRS provider shall not contract with or otherwise authorize any third party to provide call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration, but not including interpretation services) on its behalf, unless that authorized third party also is an eligible provider.

(b) An eligible VRS provider may contract with third parties to provide interpretation services for up to a maximum of the greater of:

(A) Thirty percent (30%) of a VRS provider’s total minutes for which compensation is paid in that month; or

(B) Thirty percent (30%) of the provider’s average projected monthly conversation minutes for the calendar year, according to the projections most recently filed with the TRS Fund administrator.

(c) A VRS provider that contracts for interpretation services shall submit a written report every six months that identifies each entity with which it contracted for interpretation services and the number of conversation minutes handled by each such contractor. Such reports shall be submitted on August 1 covering the six months from January through June and February 1 covering the six months from July through December, and shall be included with the semi-annual call center reports required by section 64.604(c)(5)(iii)(N)(2) of this chapter.

* * * * *

APPENDIX D

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980,¹ as amended (RFA), the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) into both the *2019 VRS Improvements FNPRM*² and the *2019 IP CTS Management FNPRM*.³ The Commission sought written public comment on the proposals in both FNPRMs, including comment on the IRFAs.⁴ No comments were received in response to the IRFAs. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.⁵ The Report and Order and FRFA (or summaries thereof) will also be published in the Federal Register.⁶

A. Need For, and Objectives of, the Rules

2. The Report and Order addresses the procedures for registering users of certain forms of Telecommunications Relay Services (TRS) and verifying their identities in the TRS User Registration Database (User Database). The purpose of these rules is to ensure that only persons with hearing and speech disabilities who are eligible to use TRS can make calls that are compensated from the Interstate TRS Fund. Providers of video relay services (VRS) and Internet Protocol Captioned Telephone Service (IP CTS) cannot receive compensation from the Fund unless the caller is registered in User Database and his or her identity has been verified in the User Database.

3. The Commission adopts a two-week grace period during which VRS and IP CTS providers can handle calls for new and porting-in customers after submitting the user's registration information while identity verification is pending and receive compensation for the calls as long as the user's identity is ultimately verified in the User Database as eligible for TRS within the same two-week period from the initial submission of the user's registration information. The Commission concludes that the grace period will improve functional equivalency for individuals with hearing and speech disabilities because it will allow them to start making calls immediately with their TRS provider just as most voice customers of landline and mobile services can start using the service when they sign up for service.

4. The Commission finds that the two-week grace period will not contribute to waste, fraud, and abuse of the TRS Fund. If the user is verified, then his or her calls during the two-week period are eligible for compensation. If the user is not verified, then the VRS or IP CTS provider will not be compensated for the calls. Accordingly, the TRS Fund will not be paying for ineligible calls.

¹ See 5 U.S.C. § 603. The RFA, see 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123, 34 FCC Rcd 3396, 3423-24, paras. 55-57 (2019) (*2019 VRS Further Notice*); see *id.* at 3449-52, App. E (IRFA).

³ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 691, 708-09, paras. 34-35 (2019) (*2019 IP CTS Further Notice*); see *id.* at 730-43, App. E (IRFA).

⁴ See *2019 VRS Further Notice*, 34 FCC Rcd at 3449-52, App. E; *2019 IP CTS Further Notice*, 34 FCC Rcd at 739-43, App. E.

⁵ See 5 U.S.C. § 604.

⁶ See *id.* § 604(b).

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

5. No comments were filed in response to the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

6. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.⁷ The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to which the Rules will Apply

7. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rule changes.⁸ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁹ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.¹⁰ A “small business concern” is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.¹¹

8. The amendments to rules adopted in the Report and Order will affect the obligations of VRS and IP CTS providers. These services can be included within the broad economic category of All Other Telecommunications. There are currently four providers of VRS (ASL Services Holdings, LLC d/b/a GlobalVRS; Convo Communications, LLC; Sorenson Communications, LLC; ZP Better Together, LLC) and six providers of IP CTS (Clarity Products, LLC; Hamilton Relay, Inc.; MachineGenius, Inc.; Mezmo Corporation d/b/a InnoCaption; CaptionCall, LLC; and ClearCaptions, LLC.).

9. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.¹² This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.¹³ Providers of Internet services (e.g. dial-up ISPs) or voice over Internet protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry.¹⁴

⁷ 5 U.S.C. § 604(a)(3).

⁸ *Id.* § 603(b)(3).

⁹ *Id.* § 601(6).

¹⁰ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). The statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.” *Id.*

¹¹ 15 U.S.C. § 632.

¹² See U.S. Census Bureau, *2017 NAICS Definition, “517919 All Other Telecommunications,”* <https://www.census.gov/naics/?input=517919&year=2017&details=517919>.

¹³ *Id.*

¹⁴ *Id.*

The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small.¹⁵ U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year.¹⁶ Of those firms, 1,039 had revenue of less than \$25 million.¹⁷ Based on this data, the Commission estimates that the majority of “All Other Telecommunications” firms can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

10. In allowing VRS and IP CTS providers to receive compensation for up to two weeks while the identity verification is pending for new users and users changing providers for calls by or to such users, the Commission retains the reporting, recordkeeping, and other compliance requirements currently applicable to VRS and IP CTS providers and adopts minor modified reporting requirements related to the timing for requesting compensation for calls by and to such users.

11. For new users and users changing providers, VRS and IP CTS providers must track what calls are made by and to such users while their identity verification remains pending and only seek compensation from the Interstate TRS Fund for those call minutes within the two-week grace period if the user’s identity is verified by the User Database administrator before the end of that period. For users whose identity cannot be verified within the two-week period, VRS and IP CTS providers can only seek compensation for calls by and to the user if and when the user’s identity has been verified.

12. These modified requirements are no more burdensome than those currently applicable to VRS and IP CTS providers and are needed to ensure compliance with the Commission’s rules and protect against waste, fraud, and abuse of the TRS program.

F. Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

13. The RFA requires an agency to provide “a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.”¹⁸ Such alternatives may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.¹⁹

14. The new rule, that allows VRS and IP CTS providers to provide service to new and ported-in users for up to two weeks while the Interstate TRS Database administrator is verifying the user’s registration information, does not impose any modified requirements that would increase

¹⁵ See 13 CFR § 121.201, NAICS Code 517919.

¹⁶ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 517919, <https://data.census.gov/cedsci/table?y=2017&n=517919&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>.

¹⁷ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

¹⁸ 5 U.S.C. § 604(a)(6).

¹⁹ *Id.* § 603(b).

regulatory burdens beyond those that are already required. The modified requirements apply equally to all VRS and IP CTS providers and are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that providers are not compensated for service provided to users who do not satisfy the verification requirements.

G. Report to Congress

15. The Commission will send a copy of the Report and Order, including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.²⁰ In addition, the Commission will send a copy of the Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

H. Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals

16. None.

²⁰ See 5 U.S.C. § 801(a)(1)(A).

APPENDIX E

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the Notice of Proposed Rulemaking (*Notice*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadline for comments on the *Notice* provided in the item. The Commission will send a copy of the entire *Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the *Notice* and the IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objective of, Proposed Rules

2. In the *Notice*, the Commission proposes to increase from 50% to 80% the cap on call minutes that can be handled by Video Relay Service (VRS) communications assistants from home work stations, eliminate the three-year experience requirement for at-home VRS CAs, and allow VRS providers to contract for interpretation services from entities that are not also certified VRS providers for up to 30% of their monthly call minutes. These changes would increase the pool of available VRS communications assistants and give VRS providers more flexibility in ensuring that they have sufficient staff to meet the demand from VRS users which can fluctuate during a day and over longer periods of time.

3. The Commission also proposes to allow compensation from the Interstate Telecommunications Relay Services (TRS) Fund for VRS calls originating from international IP addresses to the United States for up to one year while the user is on travel. Currently, VRS users must notify their default VRS provider prior to departure from the United States and can only make compensable VRS calls for up to four weeks. Since the Commission adopted that rule, it has implemented the TRS User Registration Database (User Database) with stringent requirements for VRS user registration and identity verification. The User Database also makes real-time validity checks so a VRS provider will know whether a call is from a registered user and can avoid fraudulent calls from or overseas points. The Commission seeks comment on relying on the User Database to allow compensable VRS calls for a registered user for up to one year while the user is abroad.

4. The NPRM also seeks comment on allowing United State military personnel and federal government workers and contractors who are stationed abroad to make compensable VRS calls to the United States for the duration of their required service overseas. The Commission proposed to include in this exception immediate family members living with the federal employee or contractor while stationed abroad.

B. Legal Basis

5. The authority for this proposed rulemaking is contained in sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 225.

C. Description and Estimate of the Number of Small Entities Impacted

6. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.⁴ The

¹ See 5 U.S.C. § 603. The RFA, *see id.* §§ 601-612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² See 5 U.S.C. § 603(a).

³ See *id.*

⁴ *Id.* § 603(b)(3).

RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁵ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁶ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁷

7. If the proposed rules are adopted, the rules will affect the obligations of Video Relay Service providers. These services can be included within the broad economic category of All Other Telecommunications. There are currently four providers of VRS: Sorenson Communications, LLC, ZP Better Together, LLC, Convo Communications, LLC, and ASL Services Holdings, LLC, d/b/a GlobalVRS.

8. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.⁸ This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.⁹ Providers of Internet services (e.g. dial-up ISPs) or voice over Internet protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry.¹⁰ The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small.¹¹ U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year.¹² Of those firms, 1,039 had revenue of less than \$25 million.¹³ Based on this data, the Commission estimates that the majority of “All Other Telecommunications” firms can be considered small.

⁵ *Id.* § 601(6).

⁶ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁷ 15 U.S.C. § 632.

⁸ See U.S. Census Bureau, *2017 NAICS Definition, “517919 All Other Telecommunications,”* <https://www.census.gov/naics/?input=517919&year=2017&details=517919>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See 13 CFR § 121.201, NAICS Code 517919.

¹² See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 517919, <https://data.census.gov/cedsci/table?y=2017&n=517919&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>.

¹³ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

9. The proposed changes for which comment is sought in the *Notice*, if adopted, would impose new or modified reporting, recordkeeping or other compliance obligations on certain small entities that provide VRS compensated from the Interstate TRS Fund.

10. The Commission's existing rules require VRS providers to report on the use of communications assistants in home work stations. The proposed rule would increase from 50% to 80% the percentage of a VRS provider's monthly call minutes that may be handled by at-home CAs, and VRS providers who rely on at-home CAs would have to separately track the monthly call minutes handled by CAs working at home. The Commission believes that permanently raising the cap is a necessary measure to help maintain a sufficient supply of qualified VRS CAs. The Commission seeks comment on its proposal to raise the cap and whether 80% or a different percentage is an appropriate limit for monthly at-home minutes—or whether to eliminate the cap altogether.

11. The Commission proposes to allow VRS providers to employ contract CAs and to permit contract CAs to handle up to 30% of a provider's total monthly call minutes. VRS providers may have to separately track call minutes handled by contract CAs. If a VRS provider employs contract CAs, it may be required to upon request make available to the Commission and the TRS Fund administrator written copies of such contracts. VRS providers who employ contract CAs also may be required to submit reports on such personnel at regular intervals.

12. The Commission proposes to allow VRS users to make calls to the United States from international locations for up to one year while on travel and require VRS users to notify their default VRS providers of their travel plans before they start making such calls. The Commission also proposes to allow federal employees, contractors, and their immediate family members to make VRS calls from international locations for the length of their service while stationed abroad plus up to an additional 90 days to allow for travel while returning to the United States after such individuals notify their default VRS provider of where they are stationed and the length of their service tour. New or modified reporting, recordkeeping, or other compliance obligations may be imposed on VRS providers in association with tracking VRS users while on international travel.

E. Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

13. The RFA requires an agency to provide, “a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.”¹⁴ Such alternatives may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.¹⁵

14. *CAs working from home.* The proposal to increase the cap on monthly call minutes that may be handled by CAs working at home is designed to increase the pool of American Sign Language (ASL) interpreters available and willing to work as a VRS CA. Participation in the at-home call-handling program would continue to be optional for VRS providers. The Commission is not proposing any new

¹⁴ 5 U.S.C. § 604(a)(6).

¹⁵ *Id.* § 603(b).

requirements that would increase regulatory requirements beyond those that are already required as part of the at-home call-handling program. The existing and proposed requirements would apply equally to all VRS providers and are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that CAs are subject to proper supervision and accountability. To the extent there are differences in operating costs resulting from economies of scale, those costs are reflected in the different rate structures applicable to large and small VRS providers.¹⁶

15. *Use of contract CAs.* The proposal to permit VRS providers to hire contract CAs is designed to increase the pool of American Sign Language interpreters available and willing to work as VRS CAs. Hiring contract CAs would be optional for VRS providers. Those VRS providers that choose to hire contract CAs may be subject to certain reporting, recordkeeping, and other obligations associated with the hiring of such personnel. The proposed requirements would apply equally to all VRS providers using contract CAs and are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that CAs are subject to proper supervision and accountability. To the extent there are differences in operating costs resulting from economies of scale, those costs are reflected in the different rate structures applicable to large and small VRS providers.¹⁷

16. *International calls.* The proposal to modify from four weeks to one year the period time during which VRS users may make calls to the United State from international locations is designed to provide more flexibility to VRS users and bring the specified period of time in line with the Commission's updated interpretation of this rule. Similarly, the Commission is proposing to allow federal military, employees, contractors, and their immediate family members to make international VRS calls to the United States for the time period of their tour of duty abroad plus an additional 90 days to allow for travel back to the United States. The Commission is not proposing any new requirements that would increase regulatory requirements beyond those that are already required of VRS providers handling international calls. The existing and proposed requirements would apply equally to all VRS providers and are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that only U.S. residents are permitted to make VRS calls to the United States from abroad. To the extent there are differences in operating costs resulting from economies of scale, those costs are reflected in the different rate structures applicable to large and small VRS providers.¹⁸

17. The NPRM seeks comment from all interested parties. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals outlined in the NPRM. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the NPRM, in reaching its final conclusions and taking action in this proceeding.

F. Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals

18. None.

¹⁶ 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, 32 FCC Rcd 5891, 5905-10, paras. 27-37 (2017).

¹⁷ *Id.*

¹⁸ *Id.*