



PUBLIC NOTICE

Federal Communications Commission
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DA 09-675
March 25, 2009

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION FOR RULEMAKING
FILED BY GOAMERICA, INC. CONCERNING INTERNET-BASED
TELECOMMUNICATIONS RELAY SERVICE (TRS) PROVIDER CERTIFICATION
REQUIREMENTS**

RULEMAKING NO. RM – 11512

CG DOCKET NO. 03-123

Comments Due: 30 days after release of Public Notice
Reply Comments Due: 45 days after release of Public Notice

On January 23, 2009, GoAmerica, Inc. (GoAmerica) filed a petition for rulemaking to amend Section 64.606(a)(2) of the Federal Communications Commission's (Commission's) rules pertaining to the certification of Internet-based telecommunications relay service (TRS) providers.¹ GoAmerica requests the Commission amend its rules (1) to prohibit the practice of providing "white label" services by uncertified entities receiving compensation from the Interstate TRS Fund through certified providers, and (2) to require applicants for Internet-based TRS certification to demonstrate sufficient resources and capabilities to provide an Internet-based TRS service.² GoAmerica contends that amending the rule is necessary to preserve the integrity of the TRS program and to maintain the quality of Internet-based TRS service.³

Pursuant to sections 1.4 and 1.405 of the Commission's rules, 47 C.F.R. §§ 1.4, 1.405, interested parties may file comments in this proceeding (**30 days after release of Public Notice**) and reply comments may be filed (**45 days after release of Public Notice**). When filing comments, please reference **CG Docket No. 03-123**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS); (2) the Federal Government's eRulemaking Portal; or (3) by filing

¹ See *Telecommunications Relay Services for Deaf and Hard of Hearing and Speech Disabled Persons*, CG Docket No. 03-123, GoAmerica, Inc. Petition for Rule Making (filed Jan. 23, 2009) (GoAmerica Petition); see generally *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 (Dec. 20, 2005) (establishing federal certification procedure for eligibility to receive compensation from the Interstate TRS Fund); 47 C.F.R. 64.606(a)(2).

² GoAmerica Petition at 1. GoAmerica describes providers offering "white label" services as "the process where entities that are not certified relay providers offer Internet-based relay (generally VRS), and bill for the service through certified providers." *Id.* at 2. In other words, the certified entity is a non-facilities based provider; it does not actually relay calls, but does that through a subcontractor.

³ *Id.* at 2.

paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal Rulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments. If multiple docket or rulemaking numbers appear in the caption of this proceeding, commenters must transmit one electronic copy of the comment to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Services mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Parties who choose to file by paper should also submit their comments on CD-Rom. The CD-Rom should be submitted, along with three paper copies, to: Dana Wilson, Consumer & Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW, Room 3-C418, Washington, D.C. 20554. Such a submission should be on CD-Rom formatted in an IBM compatible format using Word 2003 or compatible software. The CD-Rom should be accompanied by a cover letter and should be submitted in "read only" mode. The CD-Rom should be clearly labeled with the commenter's name, proceeding (including the lead docket number) in this case, **CG Docket No. 03-123**, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the CD-Rom. The label should also include the following phrase "CD-Rom Copy - Not an Original." Each CD-Rom should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send CD-Rom copies to the Commission's copy contractor, Portals II, 445 12th Street, SW, Room CY- B402, Washington, D.C. 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are subject to disclosure.

The full text of this document and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554. This document and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact the Commission's contractor at their web site www.bcpweb.com, email at

fcc@bcpiweb.com, or by calling 1-800-378-3160. A copy of the Petition for Rulemaking may also be found by searching ECFS at <http://www.fcc.gov/cgb/ecfs> (insert **CG Docket No. 03-123** into the proceeding block).

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 & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Public Notice* can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/trs.html>.

For further information, please contact Gregory Hlibok, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (800) 311-4381 (voice), (202) 418-0431 (TTY), or email at Gregory.Hlibok@fcc.gov.

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