

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

In the Matter of)
Structure and Practices of the Video Relay Service) CG Docket No. 10-51
Program)
Telecommunications Relay Services and Speech-) CG Docket No. 03-123
to-Speech Services for Individuals with Hearing)
and Speech Disabilities)

ORDER

Adopted: April 8, 2011

Released: April 8, 2011

By the Chief, Consumer and Governmental Affairs Bureau:

1. Under section 64.604(c)(5)(iii)(E) and (H) of the Commission's rules, the Interstate Telecommunications Relay Services (TRS) Fund (Fund) administrator is required to file TRS payment formulas and revenue requirements with the Commission on May 1 of each year, to be effective the following July 1. In this Order, the Consumer and Governmental Affairs Bureau, pursuant to delegated authority, waives this May 1, 2011 Fund administrator filing requirement for video relay service (VRS) payment formulas and revenue requirements only.

2. Generally, the Commission's rules may be waived for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

3. The Commission is currently considering the compensation structure for VRS for the 2011-12 Fund year, commencing July 1, 2011. During this time, we find that requiring the Fund

1 47 C.F.R. § 64.604(c)(5)(iii)(E), (H).

2 The Fund administrator currently is the National Exchange Carrier Association (NECA).

3 See 47 C.F.R. §§ 0.141, 0.361.

4 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion . . . if good cause therefor is shown").

5 Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

6 WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969); Northeast Cellular, 897 F.2d at 1166.

7 Northeast Cellular, 897 F.2d at 1166.

8 See FCC Items on Circulation, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; 2011-12 VRS Rates NPRM at: http://www.fcc.gov/fcc-bin/circ_items.cgi (continued . . .)

administrator to meet the May 1, 2011 filing deadline for VRS payment formulas and revenue requirements would impose needless administrative costs and burdens on the Fund administrator and the Fund. We therefore waive the May 1 Fund administrator filing requirement for VRS payment formulas and revenue requirements immediately. After considering the issues before it, the Commission will provide further guidance to the Fund administrator in a subsequent order.

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i)–(j), 225, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)–(j), 225, and 303(r), and sections 0.361, 1.3 and 64.604(c)(5)(iii) of the Commission’s rules, 47 C.F.R. §§ 0.361, 1.3, and 64.604(c)(5)(iii), this Order IS ADOPTED.

5. IT IS FURTHER ORDERED that the Fund administrator’s May 1, 2011 filing deadline for VRS payment formulas and revenue requirements, pursuant to section 64.604(c)(5)(iii)(E) and (H) of the Commission’s rules, 47 C.F.R. § 64.604(c)(5)(iii)(E), (H), IS WAIVED as provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Joel Gurin
Chief
Consumer and Governmental Affairs Bureau

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(visited April 8, 2011). See also *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Notice of Inquiry, 25 FCC Rcd 8597 (2010).