

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 Service Program)
CG Docket No. 03-123
CG Docket No. 10-51

ORDER

Adopted: August 26, 2020

Released: August 26, 2020

By the Chief, Consumer and Governmental Affairs Bureau:

1. In light of the ongoing COVID-19 national emergency, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission), on its own motion, extends through November 30, 2020, the temporary waivers of certain rules governing the Telecommunications Relay Services (TRS).

2. Background. In the COVID-19 Waiver Orders, the Bureau found good cause to

1 See Executive Office of the President, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), https://www.whitehouse.gov/presidentialactions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak.

2 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 (CGB 2020) (temporarily waiving multiple TRS rules to ensure continued services at increased demand levels during the COVID-19 emergency) (March 16 TRS Waiver Order); 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 (CGB 2020) (temporarily waiving rule restricting VRS providers from contracting for interpretation services with non-VRS certified entities) (April 3 TRS Waiver Order); 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, 35 FCC Rcd 4894 (CGB 2020) (extending previous COVID-19 waivers, temporarily waiving provisions of the emergency call handling rule for IP Relay CAs working from home, and modifying March 16 TRS Waiver Order with respect to international VRS calls) (May 14 TRS Waiver Order); 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) (June 22 TRS Waiver Order) (extending all previous COVID-19 waivers). These orders are collectively referred to herein as the "COVID-19 Waiver Orders."

3 See 47 CFR § 1.3 (providing for suspension, amendment, or waiver of Commission rules, in whole or in part, on the Commission's own motion or pursuant to a petition, for good cause shown). Good cause may be found if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest. Northeast Cellular Tel. Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see also WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972).

temporarily waive certain rules governing TRS to ensure the uninterrupted availability of TRS during the extraordinary circumstances presented by the COVID-19 pandemic. As a result of the pandemic and states' responsive emergency regulations, call traffic levels have increased, and TRS providers' ability to staff call centers has been sharply reduced, severely challenging providers' ability to answer and process TRS calls.⁴ By granting temporary emergency waivers of the Commission's speed-of-answer requirement, at-home video relay service (VRS) call-handling rules, VRS subcontracting restrictions, and provisions of the emergency call handling rule, the Bureau has allowed TRS service providers greater flexibility to provide service during this difficult period, while facilitating a transition to greater reliance on communications assistants (CAs) working at home.⁵ To address consumer needs arising from worldwide restrictions on travel, an additional temporary waiver has allowed registered VRS users to make calls from outside the United States to locations within the United States.⁶ Each of these waivers was previously extended through August 31, 2020.⁷ We noted that we would continue to monitor the situation and address in a further order any necessary extension of COVID-19 relief.⁸

3. *Extension of Previously Granted Temporary Waivers.* At this time, the COVID-19 national emergency continues. Many state-imposed restrictions, including "social distancing" measures, "mask mandates," and mandatory quarantines, remain in effect with uncertain timetables for their removal.⁹ Many issues remain unsettled regarding the reopening and safe operation of schools, businesses, and other facilities.¹⁰ And, even with the implementation of new safety measures by various

⁴ *June 22 TRS Waiver Order*, 35 FCC Rcd at 6433, para. 2 (citing *March 16 TRS Waiver Order*, 35 FCC Rcd at 2715-76, para. 2; *May 14 TRS Waiver Order* 35 FCC Rcd at 4894-95, paras. 2, 4).

⁵ *March 16 TRS Waiver Order*, 35 FCC Rcd at 2715-76, para. 2; *April 3 TRS Waiver Order*, 35 FCC Rcd at 3018, para. 2; *May 14 TRS Waiver Order*, 35 FCC Rcd at 4894-95, paras. 4-5.

⁶ *May 14 TRS Waiver Order*, 35 FCC Rcd at 4896, para. 6.

⁷ *June 22 TRS Waiver Order*, 35 FCC Rcd at 6432, para. 1.

⁸ *Id.* at 6434, para. 4.

⁹ See, e.g., Hristina Byrnes & Grant Suneson, *Coronavirus Update: Here's Every State's Rules for Staying Open and Social Distancing* (Jul.26, 2020), <https://www.fdlreporter.com/story/money/2020/07/26/coronavirus-every-states-rules-for-staying-open-and-social-distancing/112351868/> (providing a state-by-state breakdown of social distancing requirements, face covering mandates, and capacity limitations on businesses); Geoff Whitmore, *Update on New York Travel Ban*, Forbes.com (Aug. 12, 2020), <https://www.forbes.com/sites/geoffwhitmore/2020/08/12/update-on-new-yorks-extensive-travel-restrictions/#64308ff530df> (travelers and returning residents from over 30 states and territories to New York, New Jersey, and Connecticut must quarantine for 14 days or the duration of their stay, whichever is shorter).

¹⁰ See, e.g., Elinor Aspegren, *Back to school? Despite CDC recommendations, most major schools going online as COVID-10 cases spike* (July 23, 2020), <https://www.usatoday.com/story/news/education/2020/07/23/covid-back-to-school-online-fall-semester-2020-reopening/5472142002/>; Allie Goulding & Stacy Fernandez, *Reopening Texas schools: Hope, fear and hula hoops. How four Texas schools are preparing to bring students back into classrooms* (Aug. 13, 2020), <https://www.texastribune.org/2020/08/13/reopening-schools-texas/> (social distancing and other precautions against spreading COVID-19 for in-person education).

units of government, many employers continue to maintain much of their workforce working remotely.¹¹ Many international travel restrictions also remain in place. Given the absence of material change in the circumstances justifying the grant of these waivers, the absence of any evidence of abuse, and the vital importance of providing robust, reliable TRS for persons who are deaf, hard of hearing, deafblind, or have speech disabilities, we find good cause to extend the previously-granted temporary TRS rule waivers through November 30, 2020.

4. We remain committed to the integrity of the TRS program, to guarding against waste, fraud, and abuse, and to ensuring that funds disbursed through the TRS program are used for appropriate purposes. We find that the overwhelming public interest in ensuring the continued availability of TRS services during this national emergency justifies extending the previously granted COVID-19 waivers through November 30, 2020. The Bureau will continue to monitor the emergency situation and will consider and take additional actions as warranted. In the event that the circumstances described in this Order appear likely to persist or evolve beyond the expiration of the extended waiver period, we will address in a further order any necessary additional extension of or modification to any of the temporary waivers granted in these orders.

5. *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.

6. *Additional Information.* For further information regarding this item, please contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716 or by email to William.Wallace@fcc.gov.

7. Accordingly, IT IS 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 sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR §§ 0.141, 0.361, and 1.3, the temporary waivers granted in the COVID-19 Waiver Orders shall remain in effect through November 30, 2020.

8. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre, Chief
Consumer and Governmental Affairs Bureau

¹¹ See, e.g., Katie Peralta, *Two of Charlotte's Largest Companies Just Told Employees They'll Work From Home for the Rest of 2020. Will Others Follow?* (Jul. 26, 2020), <https://www.charlotteagenda.com/225569/two-of-charlottes-largest-companies-just-told-employees-theyll-work-from-home-for-the-rest-of-2020-will-others-follow/> ("When Charlotte companies made the quick shift to all-remote work back in March, they had no idea how long the new arrangement would last. Now, Red Ventures and LendingTree are among a growing number of major local employers to say they won't physically return to the office until at least early 2021."); Jessica Bursztynsky, *Google Extends its Coronavirus Work-From-Home Order to Summer 2021* (Jul. 27, 2020), <https://www.cnbc.com/2020/07/27/google-employees-work-from-home-order-extended-to-summer-2021---report.html>; *Regional public sector employers extend teleworking until 2021* (July 28, 2020), <https://www.kingcounty.gov/elected/executive/constantine/news/release/2020/July/28-regional-telework.aspx> (three counties and eight cities in Washington extend teleworking for employees until January 2021).