

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 ) CG Docket No. 03-123
and Speech Disabilities )
Structure and Practices of the Video Relay Service ) CG Docket No. 10-51
Program )

ORDER

Adopted: October 27, 2023

Released: October 27, 2023

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) grants Tive, LLC (Tive) conditional certification to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund for the provision of Video Relay Service (VRS).1 This grant of conditional certification authorizes Tive to provide VRS for a two-year period, through October 27, 2025. The Bureau also finds good cause to grant Tive’s request for a short-term waiver of the VRS rule regarding documentary and other evidence demonstrating that the applicant leases, licenses, or has acquired its own facilities for VRS call centers.2

II. BACKGROUND

2. The Commission’s certification process for Internet-based TRS providers is set forth in section 64.606 of our rules and was established to ensure that providers receiving TRS Fund compensation are qualified to provide service in compliance with the TRS rules.3 Under section 64.606(b), applicants must submit specific documentation to the Commission (described further below),

1 See Application of Tive, LLC, dba Tive, for Full Certification to Provide Video Relay Service, CG Docket No. 03-123 (filed July 15, 2021) (redacted), https://www.fcc.gov/ecfs/document/10715632914790/1 (Application); see also Supplement to Application of Tive, LLC, dba Tive, for Full Certification to Provide Video Relay Service, CG Docket No. 03-123 (filed Mar. 31, 2023), https://www.fcc.gov/ecfs/document/103312913520807/1 (March Supplement), and Second Supplement to Application of Tive, LLC, dba Tive, for Full Certification to Provide Video Relay Service, CG Docket No. 03-123 (filed September 26, 2023) (September Supplement), https://www.fcc.gov/ecfs/document/109261559410685/1. The TRS Fund compensates eligible providers of Internet-based and interstate TRS for their reasonable costs of providing these services. See 47 CFR § 64.604(c)(5)(iii).

2 Application at 23; March Supplement at 7. While the Bureau ordinarily announces certification decisions by Public Notice, we elect to issue this decision as an Order because we also are addressing the applicant’s associated waiver request. We deem this Order to constitute conditional certification that Tive is eligible for compensation from the Interstate TRS Fund in accordance with section 64.606(b)(2) of the Commission’s rules for VRS. 47 CFR § 64.606(b)(2).

3 See 47 CFR § 64.606; Structure and Practices of the Video Relay Service Program, Second Report and Order, 26 FCC Rcd 10898, 10902-03, paras. 8-9 (2011) (2011 Internet-based TRS Certification Order).

and certification shall be granted upon a determination that the provider will meet all applicable mandatory minimum TRS standards and has adequate procedures and remedies for ensuring compliance with Commission rules.<sup>4</sup>

3. The Commission may grant conditional certification where additional time is needed to complete evaluation of an applicant's qualifications or verify information contained in the application.<sup>5</sup> After certification, Internet-based TRS providers must file annual reports updating the information in their application to demonstrate continuing compliance with the Commission's mandatory minimum TRS standards.<sup>6</sup> Each provider also must include within its annual report a compliance plan describing the provider's policies and procedures for complying with Commission rules prohibiting VRS providers from engaging in the unauthorized and unnecessary use of VRS.<sup>7</sup>

4. On July 15, 2021, Tive filed an application for certification to provide VRS and sought a waiver of the requirement to submit documentation that the applicant has leased, licensed, or acquired facilities for a call center.<sup>8</sup> On July 27, 2021, the Bureau sought comment on Tive's Certification application.<sup>9</sup> One party filed comments expressing concerns with Tive's application and opposing Tive's request for a waiver of the call center requirements.<sup>10</sup> Tive filed a reply to those comments.<sup>11</sup> Tive supplemented its application on March 31, 2023,<sup>12</sup> and again on September 26, 2023.<sup>13</sup>

### III. CERTIFICATION

5. We find that Tive's application, as supplemented, facially meets the applicable certification requirements, and we conditionally grant certification to Tive to provide VRS. Conditional certification allows the Commission to verify—based on actual operating conditions—that Tive's

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<sup>4</sup> 47 CFR § 64.606(b)(2); *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10909-13, paras. 23-34; *see also Structure and Practices of the Video Relay Service Program et al.*, CG Docket Nos. 10-51 *et al.*, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (clarifying and modifying TRS certification requirements).

<sup>5</sup> *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

<sup>6</sup> 47 CFR § 64.606(g).

<sup>7</sup> *See id.* § 64.604(c)(13).

<sup>8</sup> *See* Application at 1; *see* 47 CFR § 64.606(a)(2)(ii)(A). VRS is a form of Internet-based TRS that uses a broadband Internet connection between the VRS user and the communications assistant (CA) to enable a person using American Sign Language to communicate over video with another party through a CA. During a VRS call, the CA relays the communications between the two parties, signing what the other party says to the deaf or hard of hearing user and responding in voice to the other party to the call. The Interstate TRS Fund compensates eligible providers of VRS and other forms of interstate TRS for their reasonable costs of providing these services. *See* 47 CFR § 64.604(c)(5)(iii). Initially, Tive also sought waivers of section 64.606(c)(5)(iii)(N)(1)(ii), which requires, in part, providers of VRS to route VRS calls through a single URL address for each name or sub-brand under which service is offered, and section 64.604(c)(5)(iii)(D)(2)(x), which requires providers to identify in call detail records the URL address through which a call is initiated. 47 CFR §§ 64.606(c)(5)(iii)(N)(1)(ii), 64.604(c)(5)(iii)(D)(2)(x). Tive withdrew its request for those waivers in its March Supplement. *See* March Supplement at 7.

<sup>9</sup> *Comment Sought on Application of Tive, LLC for Certification to Provide Video Relay Service*, CG Docket No. 03-123, Public Notice, DA 21-914 (2021).

<sup>10</sup> National Association of the Deaf *et al.*, Comments on Application of Tive, LLC for VRS Certification, CG Docket No. 03-123 (filed Aug. 26, 2021) (Consumer Groups and Accessibility Researchers Comments).

<sup>11</sup> Reply Comments of Tive, LLC, CG Docket No. 03-123 (filed Sept. 10, 2021) (Reply).

<sup>12</sup> March Supplement.

<sup>13</sup> September Supplement.

provision of VRS will meet or exceed the minimum TRS standards.<sup>14</sup> This grant of conditional certification is without prejudice to the Commission's final determination of Tive's qualifications.<sup>15</sup>

6. *Tive's VRS Qualifications.* Tive's certification application and supplements provide the information and documentation required by the applicable rules. Specifically, Tive has provided: (1) a description of the service to be provided;<sup>16</sup> (2) a detailed description of how Tive will meet all non-waived mandatory minimum standards applicable to VRS;<sup>17</sup> (3) a description of the technology and equipment to be used to support call center functions;<sup>18</sup> (4) a description of Tive's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more of the securities of Tive, and the names of its executives, officers and members of its board;<sup>19</sup> (5) a confidential list of the number of its full-time and part-time employees involved in Tive's VRS operations by position;<sup>20</sup> (6) a confidential list of all sponsorship arrangements relating to the provision of Internet-based TRS;<sup>21</sup> (7) a description of Tive's complaint procedures;<sup>22</sup> (8) a statement that Tive will file annual compliance reports demonstrating continued compliance with the rules;<sup>23</sup> and (9) a certification by Tive's CEO confirming the accuracy and completeness of the information contained in the application.<sup>24</sup>

7. No party opposes conditional certification of Tive's proposed service. The Consumer Groups and Accessibility Researchers raise some questions about the application, which are addressed by Tive's subsequent filings as discussed herein.

8. *Interoperability.* VRS providers are subject to the Commission's interoperability and portability requirements.<sup>25</sup> Tive states that, pursuant to these requirements, its users will be able to place and receive calls through any of the VRS providers' services, and Tive will be able to receive calls from, and make calls to, any VRS user.<sup>26</sup> Tive also states it does not take any steps that restrict a user's unfettered access to another provider's service, and that its VRS access technologies and video

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<sup>14</sup> 2011 Internet-based TRS Certification Order, 26 FCC Rcd at 10914-15, para. 37.

<sup>15</sup> 2011 Internet-based TRS Certification Order, 26 FCC Rcd at 10914, para. 37.

<sup>16</sup> Application at 1; *see also* 47 CFR § 64.606(a)(2)(i).

<sup>17</sup> Application at 2-15; *see also* 47 CFR § 64.606(a)(2)(ii).

<sup>18</sup> Application at 15-21; March Supplement at 3-5; September Supplement at 2-3, Atts. 1-3; *see also* 47 CFR §§ 64.606(a)(2)(ii)(A)(1), (4)-(5), (8). Because Tive is not currently providing VRS, it does not yet have any operational call centers. In its March Supplement, Tive includes a Letter of Intent to lease space for a call center and stated it fully intends to finalize and execute a lease upon certification. March Supplement at 7.

<sup>19</sup> Application at 21; March Supplement at 5; *see also* 47 CFR § 64.606(a)(2)(ii)(B). This information was redacted as confidential in Tive's application and made publicly available in Tive's March Supplement.

<sup>20</sup> Application at Exh. 1 (confidential version); *see also* 47 CFR § 64.606(a)(2)(ii)(C).

<sup>21</sup> Application at Exh. 2 (confidential version); *see also* 47 CFR § 64.606(a)(2)(ii)(E).

<sup>22</sup> Application at 22; *see also* 47 CFR § 64.606(a)(2)(iii).

<sup>23</sup> Application at 23; *see also* 47 CFR § 64.606(a)(2)(iv).

<sup>24</sup> Application at 23; March Supplement at 7-8; *see also* 47 CFR § 64.606(a)(2)(v).

<sup>25</sup> 47 CFR § 64.621. Among other requirements, VRS providers must ensure that all VRS users and hearing point-to-point video users can place a VRS or point-to-point video call through any of the VRS providers' services, and that calls can be received from and placed to any VRS or hearing point-to-point video user. 47 CFR § 64.621(a)(1).

<sup>26</sup> Tive's application qualified this statement by adding the phrase "to the extent it is technically possible." Application at 14. In their comments, the Consumer Groups and Accessibility Researchers raised a concern about this phrase. Consumer Groups and Accessibility Researchers Comments at 5. We note that section 64.621(a)(1) does not contain a "technically possible" condition. In its September Supplement, Tive withdraws the "to the extent it is technically possible" limitation regarding interoperability with other providers. September Supplement at 1-2.

communication service platforms will be interoperable with the VRS Access Technology Reference Platform.<sup>27</sup>

9. In their comments, the Consumer Groups and Accessibility Researchers express concern that “Tive gives interoperability only a cursory mention” and request that Tive explain how it will adhere to the VRS Provider Interoperability Profile.<sup>28</sup> Tive responds that it will use a new VRS architecture relying on cloud-based service providers that implement communication protocols on a Software-as-a-Service basis,<sup>29</sup> which Tive accesses through the application programming interface (API) that these providers make available. Tive states this will not negate Tive’s ability to comply with the VRS Interoperability Profile.<sup>30</sup> In its March Supplement, Tive states that testing with the MITRE Corporation, a Commission contractor, confirms that Tive’s VRS software and platform are interoperable with other VRS providers.<sup>31</sup> We find that Tive has facially established that it will comply with the Commission’s interoperability rule. Our grant of conditional certification allows the Commission to verify, based on actual operating experience, that the operation of Tive’s service under its new VRS architecture will comply with this minimum standard.<sup>32</sup>

10. *Hiring and Training of CAs.* Commission rules set forth mandatory minimum standards for CAs, including those relating to their training, skills, and qualifications.<sup>33</sup> Tive’s application states it has developed an intensive in-house training program to ensure CAs are sufficiently instructed on how to effectively meet the specialized communication needs of individuals with hearing and speech disabilities and provides details on this program. In addition, Tive explains that it ensures that its CAs are sufficiently skilled in American Sign Language (ASL); have familiarity with hearing and speech disabilities, cultures, languages, and etiquette; have diversity, equity, and inclusion training; and possess clear and articulate voice communication skills. Finally, Tive explains that it ensures that all its CAs are qualified interpreters and that they are able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.<sup>34</sup>

11. The Consumer Groups and Accessibility Researchers raise concerns about the applicant’s ability to hire qualified CAs, stating that Tive fails to describe what interpreting standards it would apply when hiring CAs and how it would ensure a robust interpreter pipeline.<sup>35</sup> In response, Tive provides additional detail on its plans for CA hiring.<sup>36</sup> For example, Tive enumerates the kinds of testing

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<sup>27</sup> Application at 14.

<sup>28</sup> Consumer Groups and Accessibility Researchers Comments at 5.

<sup>29</sup> Software-as-a Service (SaaS), sometimes referred to as “on-demand software,” is a “software licensing and delivery model in which software is licensed on a subscription basis and is centrally hosted.” *FCC Announces Release of the Consolidated Final Report of the Task Force on Optimal PSAP Architecture*, 31 FCC Rcd 2864, 3080, Report, Appx. 4 (Definitions) (2016).

<sup>30</sup> Reply at 5.

<sup>31</sup> March Supplement at 3.

<sup>32</sup> See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

<sup>33</sup> 47 CFR § 64.604(a)(1)(i)-(ii).

<sup>34</sup> Application at 2-3.

<sup>35</sup> Consumer Groups and Accessibility Researchers Comment at 1-2. TRS providers report, as an ongoing effect of the COVID-19 pandemic, that they continue to experience difficulties in hiring and retaining CAs and consequently, continue to face challenges and uncertainties in staffing to meet call demand. 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; Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 03-123, 10-51, and 13-24, Order, para. 5 & n.14 (CG June 30, 2023).

<sup>36</sup> Reply at 2; March Supplement at 2-3.

applicants will undergo,<sup>37</sup> and states that CAs will be recruited through contacts with disability-related agencies and organizations, exhibiting at conferences conducted by the Registry of Interpreters for the Deaf (RID), the National Association of the Deaf (NAD), and regional interpreter groups, and advertisements and sponsorships.<sup>38</sup> In addition, Tive explains that it will allow CAs to work from home, which will offer more flexibility to CA candidates.<sup>39</sup>

12. The Consumer Groups and Accessibility Researchers also express concerns about who will train and supervise Tive's CAs and what the trainers' qualifications would be.<sup>40</sup> They also question whether Tive's founders have expertise in ASL and deaf culture, critique the company's use of outdated terminology, and question "whether the people behind Tive have the appropriate knowledge to ensure appropriate training of CAs."<sup>41</sup> In response, Tive explains that it has hired staff who have studied interpreting and deaf culture, worked within the deaf community, and worked with sign language interpreters or as interpreters.<sup>42</sup> Tive also describes the qualifications of its Director of ASL Operations, who will oversee call centers, provide training materials, and initially conduct the training of CAs.<sup>43</sup>

13. We note that, ultimately, the overall quality of a company's VRS must be assessed based on actual experience with the service, and that its success in attracting users who have other VRS options will depend, in part, on convincing potential subscribers that it understands the community it serves and offers good quality interpretation services. We find that Tive has sufficiently addressed the concerns of the Consumer Groups and Accessibility Researchers regarding its ability to hire, train, and supervise qualified CAs.

14. *Other Certification Criteria.* In sum, Tive's application and the additional information submitted in support of the application facially establish that Tive will meet or exceed the mandatory minimum standards applicable to its provision of VRS and that the company has in place sufficient procedures and remedies for ensuring compliance with the applicable TRS rules.<sup>44</sup>

15. *Conditional Certification.* We grant certification for Tive's provision of VRS on a conditional basis, for a period not to exceed two years, pending further verification that its VRS complies with the Commission's mandatory minimum TRS standards. For example, we note that this first-time applicant will use a new architecture for the provision of VRS,<sup>45</sup> and that it has yet to complete the establishment of a call center.<sup>46</sup> Conditional certification will allow the Commission to further verify, based on oversight of actual operations, review of consumer complaints, if any, and interoperability testing, that this service will meet or exceed the minimum TRS standards.<sup>47</sup>

16. To assist the Bureau in a final determination of Tive's qualifications to provide VRS, we require Tive to file quarterly reports of consumer complaints, in the same format and with the same

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<sup>37</sup> Reply at 2.

<sup>38</sup> March Supplement at 2-3.

<sup>39</sup> Application at 7; Reply at 3-4.

<sup>40</sup> Consumer Groups and Accessibility Researchers Comments at 2-3.

<sup>41</sup> Consumer Groups and Accessibility Researchers Comments at 2-3.

<sup>42</sup> March Supplement at 2-3. We note that, while CAs must have familiarity with hearing and speech disability cultures, languages and etiquette, 47 CFR 64.604(a)(1)(ii), our rules do not require owners or founders of VRS providers to have expertise in ASL or deaf culture.

<sup>43</sup> Tive Reply at 2-3.

<sup>44</sup> See 47 CFR § 64.606(b)(2).

<sup>45</sup> See *supra* para. 9.

<sup>46</sup> See *infra* paras. 20-21.

<sup>47</sup> See 2011 *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

degree of detail required in the log of consumer complaints that providers must file annually with the Commission.<sup>48</sup> The first report shall be due on the last day of the first month of the calendar quarter following the first calendar quarter in which Tive has been in operation for more than a month, and shall cover the period from the commencement of TRS-funded VRS service through the end of that quarter.<sup>49</sup> Each subsequent report shall be filed on the last day of the first month of each calendar quarter and shall cover the preceding calendar quarter. Tive shall continue to file reports on a quarterly schedule during the term of this conditional certification until the Commission acts on granting or denying full certification, whichever occurs earlier. As discussed below, Tive also must finalize the lease for its call center and submit a copy as an amendment to its application.

17. We emphasize that Tive must continue to operate in compliance with all relevant Commission rules and orders. As with other grants of TRS certification, the Commission reserves the right to conduct ongoing monitoring of the operations of Tive to ensure continuing compliance and to review any additional documentation necessary to ascertain the veracity of the assertions made in its applications and updates.<sup>50</sup> The Commission also reserves the right to investigate compliance by Tive with the Commission's rules and orders and to take enforcement action for past or future violations, including suspension or revocation of this certification, if circumstances warrant.<sup>51</sup> This may include unannounced on-site visits to Tive's headquarters, offices, or call centers for the purpose of ensuring continued compliance with the certification requirements and the Commission's rules. Conversion to full certification will be granted if, based on a review of the applicant's documentation and other relevant information, the Commission finds that Tive is in compliance with applicable Commission rules and orders and is qualified to receive compensation from the Fund for the provision of VRS. If, at any time during the period in which Tive is operating pursuant to this conditional certification, the Commission determines that Tive has failed to provide sufficient supporting documentation for any of the assertions in its application, determines that any of those assertions cannot be supported, or finds evidence of any apparent rule violation, fraud, waste, or abuse, the Commission will take appropriate action, which may include the denial of Tive's application. In the event of such denial, Tive's conditional certification for its VRS will automatically terminate thirty-five (35) days after such denial.<sup>52</sup>

#### IV. REQUESTS FOR WAIVER

18. Tive requests waiver of section 64.606(a)(2)(ii)(A)(I) of the Commission's rules, which requires for a provider operating five or fewer call centers, a copy of each deed or lease for each call center, and section 64.606(a)(2)(ii)(A)(5) of the rules, which requires a copy of each proof or purchase, lease, or license for all technology and equipment used to support the provider's call center functions for each call center.<sup>53</sup> The Bureau grants Tive's request for waiver of section 64.606(a)(2)(ii)(A)(I) with conditions and determines that Tive's request for waiver of section 64.606(a)(2)(ii)(A)(5) is moot.

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<sup>48</sup> See 47 CFR § 64.604(c)(1).

<sup>49</sup> The first report shall specify the date of Tive's first TRS Fund-supported call using VRS as its commencement of service date for VRS. For example, if Tive begins service on November 15, 2023, the first report shall be due on January 31, 2024, and cover the period from November 15, 2023, through December 31, 2023. If Tive commences service on December 15, 2023, the first report shall be due on April 30, 2024, and cover the period from December 15, 2023 through March 31, 2024.

<sup>50</sup> See *Internet-based TRS Certification Order*, 26 FCC Rcd at 10900, para. 2.

<sup>51</sup> See 47 CFR § 64.606(e)(2).

<sup>52</sup> See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, paras. 36-37. If the Commission terminates a conditional certification, the provider must give at least 30 days' notice to its customers that it will no longer offer service.

<sup>53</sup> 47 CFR § 64.606(a)(2)(ii)(A)(I), (5); see also Application at 23; March Supplement at 7 (narrowing the waiver request to the parts of the waiver request relating to call centers).

19. *Waiver Standard.* A Commission rule may be waived for “good cause shown.”<sup>54</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>55</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>56</sup> 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.<sup>57</sup>

20. In its request for waiver of section 64.606(a)(2)(ii)(A)(I), Tive explains that the company was conceived and developed during the COVID-19 pandemic, which presented much uncertainty.<sup>58</sup> Due to stay-at-home orders, as well as observance of safety guidelines, Tive was in an unprecedented situation of not knowing when it would be able to staff any call center for which it obtained a lease. Now that these uncertainties have lessened, Tive has advanced its plans to lease space for a call center, as evidenced by the letter of intent with a building owner.<sup>59</sup> However, due to uncertainties on when it will be authorized to commence operations, Tive is not yet ready to sign a lease and commence monthly lease payments on a call center facility until it receives certification; Tive also explains that once it is certified to be compensated for the provision of VRS, it will require a limited period of time to finalize and execute a lease for a call center facility to meet the requirements of section 64.606(a)(2)(ii)(A)(I).<sup>60</sup>

21. We find good cause to grant, in part, Tive’s request for waiver. The COVID-19 pandemic created extraordinary uncertainties for individuals and many segments of the U.S. economy, as the Commission found in a series of orders waiving certain TRS rules to accommodate these uncertainties and ensure the continued provision of TRS service despite the need for TRS providers to implement social distancing and stay-at-home orders.<sup>61</sup> At the time Tive filed its application, a waiver of the limit on percentage of call minutes that could be handled by VRS CAs working at home was still in effect.<sup>62</sup> As a

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<sup>54</sup> 47 CFR § 1.3.

<sup>55</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>56</sup> *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.

<sup>57</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>58</sup> March Supplement at 7.

<sup>59</sup> March Supplement at 7 & Att. 2.

<sup>60</sup> March Supplement at 7.

<sup>61</sup> *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) (*March 2020 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) (*April 2020 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) (*May 2020 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 14634 (CGB 2020) (*December 2020 Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Services Program*, CG Docket Nos. 03-123 and 10-51, Order, 36 FCC Rcd 4264 (*February 2021 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, DA 21-1653 (CGB 2021) (*December 2021 Order*) (allowing certain waivers to expire); *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 2022) (*March 2022 Order*).

<sup>62</sup> See *February 2021 Waiver Order*, 36 FCC Rcd at 4265-66, para. 3.

result, Tive may not have needed any call center facilities to start up its VRS business at that time. Accordingly, we find that strict compliance with the requirements of section 64.606(a)(ii)(2)(A) would have caused a hardship for Tive in that, as a start-up business, it could not know whether it needed to lease a call center, or whether it could initiate service with all at-home CAs. Therefore, we grant Tive a waiver of section 64.606(a)(2)(ii)(A)(I) of the Commission's rules for a limited period of time not exceeding 60 days after the effective date of this Order, in order to satisfy the requirements of sections 64.606(a)(2)(ii)(A)(I). Because Tive has stated that "[u]pon certification, Tive fully intends to finalize and execute a lease," we find that this additional time will be sufficient for Tive to finalize and execute a lease for its call center, and will serve the public interest.

22. Because of the same uncertainties with whether to lease a call center, Tive had initially requested a waiver of section 64.606(a)(2)(ii)(A)(5) of the Commission's rules, which would require Tive to provide the Commission a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support call center functions.<sup>63</sup> Since then, Tive has entered into agreements to lease or purchase technology and equipment which would support its call center, and has provided the Commission all necessary information and copies as required under this rule.<sup>64</sup> We determine that a waiver of section 64.606(a)(2)(ii)(A)(5) is no longer necessary, and, consequently, Tive's request for waiver of this section is dismissed as moot.

## V. PROCEDURAL MATTERS

23. *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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

24. *Additional Information.* For further information regarding this item, please contact Joshua Mendelsohn at (202) 599-7304 or by e-mail at [Joshua.Mendelsohn@fcc.gov](mailto:Joshua.Mendelsohn@fcc.gov). Individuals who use videophones and are fluent in American Sign Language (ASL) may call the FCC's ASL Consumer Support Line at (844) 432-2275.

## VI. ORDERING CLAUSES

25. IT IS ORDERED that, pursuant to the authority contained in sections 4(i) and 4(j) and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 225, and sections 0.141 and 0.361 of the Commission's rules, 47 CFR §§ 0.141, 0.361 and 1.3, this Order IS ADOPTED.

26. IT IS FURTHER ORDERED that Tive, LLC, is conditionally certified to be compensated from the Telecommunications Relay Services Fund to provide Video Relay Service, as conditioned in this Order.

27. IT IS FURTHER ORDERED, that Tive's Request for Waiver of section 64.606(a)(2)(ii)(A)(I) of the Commission's rules, 47 CFR § 64.606(a)(2)(ii)(A)(I) is GRANTED, subject to the conditions herein.

28. IT IS FURTHER ORDERED, that Tive's Request for Waiver of section 64.606(a)(2)(ii)(A)(5) of the Commission's rules, 47 CFR § 64.606(a)(2)(ii)(A)(5), is DISMISSED as moot.

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<sup>63</sup> 47 CFR § 64.606(a)(2)(ii)(A)(5); see March Supplement at 7.

<sup>64</sup> September Supplement at 2-3, Attachments 1-3.

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

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark  
Chief  
Consumer and Governmental Affairs Bureau