



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC TAKES FURTHER STEPS TO ENSURE THAT VIDEO RELAY SERVICE WILL CONTINUE AS A VIBRANT SERVICE

Washington, DC -- As part of its multi-pronged approach to ensuring the viability of the Video Relay Service (VRS), a crucial telecommunications link for deaf and hard-of-hearing people, the Commission today took decisive action to defend this vital program from the waste, fraud and abuse that has plagued the program and threatens its long-term viability.

The Commission reiterated existing rules and adopted others, and sought comment on a broad array of other possible rule changes to further detect and deter the misuse of VRS and the billing of illegitimate minutes to the Interstate Telecommunications Relay Service (TRS) Fund. The Commission's goal is to eliminate unjustifiable payments to providers at American ratepayers' expense, and to eliminate the provision of service by unqualified providers or service that is not in compliance with the TRS rules.

In the Declaratory Ruling portion of the item, the Commission reiterated that payments from the Interstate TRS Fund may be suspended to providers that do not submit to audits. The Order section adopts an interim rule requiring senior executives to swear to the accuracy of information providers submit to receive compensation from the TRS fund. The Notice of Proposed Rulemaking section seeks comment on ways to amend the rules to detect and prevent fraud and misuse in the provision of VRS.

VRS allows persons with hearing or speech disabilities to use American Sign Language (ASL) to communicate with friends and family and to conduct business in near real time. VRS is a form of TRS in which a video link allows the caller to use ASL and a Communications Assistant to voice the message to the called party.

Declaratory Ruling

The Commission noted that TRS mandatory minimum standards authorize the FCC to audit providers. It noted that the Commission has conducted some audits but that not all providers have submitted to the auditing process. Therefore it reminded providers that if they do not submit to audits, whether requested by the FCC or the Fund Administrator, they are subject to suspension or delay of payments.

Order

The Commission adopted an emergency interim rule requiring the CEO, CFO or other senior executive of a provider submitting data to the Fund Administrator to make various certifications under penalty of perjury.

The Commission said it was adopting this interim rule without notice and comment in light of the explosive growth in the TRS Fund in recent years and evidence of fraud against the Fund, the fact that minutes are submitted for payment on a monthly basis, and the expectation that providers seeking compensation are doing so in compliance with the rules.

Notice of Proposed Rulemaking

The NPRM sought comment a host of additional anti-waste, fraud, and abuse measures, such as:

- Whether the FCC should adopt specific whistleblower protection rules for the employees and subcontractors of TRS providers;
- Whether VRS providers must use automated, rather than manual, methods to capture a call's conversation time, to the nearest second, for each call submitted for compensation;
- Whether the FCC should adopt more specific and stringent auditing rules for VRS providers;
- Whether VRS providers should make public their cost and demand data;
- Whether Internet-based TRS providers must retain their call detail records, and other records to support their claims for payment from the Fund, for five years;
- Whether a CA should disconnect a VRS call in which the caller's face does not appear on the screen;
- How to address fraud and misuse associated with international VRS calls;
- Whether the Commission should make the senior executive certification requirement permanent; and,
- Whether the Commission should prohibit "white-label" Internet-based TRS services -- where non-certified providers offer service and bill the Fund through certified providers.

Action by the Commission May 24, 2010, by Declaratory Ruling, Order and Notice of Proposed Rulemaking (FCC 10-88). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker.

- FCC -

CG Docket 10-51

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