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

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	CG Docket No. 03-123
Individuals with Hearing and Speech Disabilities	)	
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	

REPORT AND ORDER

Adopted: March 11, 2008 **Released: March 19, 2008**

By the Commission: Commissioners Copps, Adelstein and Tate issuing separate statements.

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I. INTRODUCTION

1. In this Report and Order (*Order*), we adopt emergency call handling requirements for Internet-based telecommunications relay service (TRS)[1] providers. These measures will ensure that persons using Internet-based forms of TRS, *i.e.,* Video Relay Service (VRS),[2] Internet Protocol (IP)

[1] TRS, created by Title IV of the Americans with Disabilities Act of 1990, enables a person with a hearing or speech disability to access the nation's telephone system to communicate with voice telephone users through a relay provider and a Communications Assistant (CA). *See* Pub. L. No. 101-336, § 401, 104 Stat. 327, 366-69 (1990); 47 U.S.C. § 225; 47 C.F.R. § 64.601 *et seq.* (implementing regulations).

[2] VRS is an Internet-based form of TRS that allows individuals with hearing or speech disabilities to communicate using sign language through video equipment. The video link allows the CA to view and interpret the VRS user's (continued….)

Relay,[3] and IP captioned telephone relay service (IP CTS),[4] can promptly access emergency services, pending adoption of a solution that will permit Internet-based TRS providers to immediately and automatically place the outbound leg of an emergency call to an appropriate public safety answering point (PSAP), designated statewide default answering point, or appropriate local emergency authority.[5] In light of these measures, we do not renew the waivers of the emergency call handling requirement for VRS and IP Relay providers, which were scheduled to expire after December 31, 2007, and we terminate the waiver for IP CTS providers.[6] To avoid confusion surrounding providers' responsibilities after December

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signed conversation, and relay the conversation back and forth between the VRS user and the called party. *See* 47 C.F.R. § 64.601(17); *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-54, paras. 21-27 (Mar. 6, 2000) (*2000 TRS Order*).

[3] IP Relay permits individuals with hearing or speech disabilities to communicate in text messages via a computer (or other similar device), rather than with a teletypewriter (TTY) and the Public Switched Telephone Network (PSTN). *See Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (Apr. 22, 2002) (*IP Relay Declaratory Ruling & Second FNPRM*).

[4] Captioned telephone service is a form of TRS generally used by someone who can speak and who has some residual hearing. A special telephone displays the text of what the other party is saying, so that the user can simultaneously listen to what is said over the telephone (to the extent possible) and read captions of what the other person is saying. *See Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121 (Aug. 1, 2003). With IP CTS, the connection carrying the captions between the relay provider and the user is via the Internet, rather than the PSTN. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 383, para. 8 (Jan. 11, 2007) (*2007 IP CTS Declaratory Ruling*).

[5] The Commission's current emergency call handling requirements for TRS are set forth at section 64.604(a)(4) of the Commission's rules. *See* 47 C.F.R. § 64.604(a)(4) (requiring TRS providers to "use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point").

[6] *See generally Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98-67, Order, 17 FCC Rcd 157 (Dec. 31, 2001) (*2001 VRS Waiver Order*) (waiving emergency call handling requirement for VRS for two years); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Order, 18 FCC Rcd 26309 (Dec. 19, 2003) (extending VRS waiver through June 30, 2004); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12520-21, paras. 111-12 (June 30, 2004) (*2004 TRS Report & Order*) (extending VRS waiver through December 31, 2005); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 21 FCC Rcd 14554 (Dec. 15, 2006) (extending VRS waiver through December 31, 2007) (*2006 VRS Waiver Order*); *IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789, para. 30 (waiving emergency call handling requirement for IP Relay for one year); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98-67, Order on Reconsideration, 18 FCC Rcd. 4761, 4766, para. 12, and 4770-71, para. 28 (March 14, 2003) (*IP Relay Reconsideration Order*) (extending IP Relay waiver through December 31, 2007); *2007 IP CTS Declaratory* Ruling, 22 FCC Rcd at 391-92, para. 30 & n.100 (waiving emergency call handling requirement for IP CTS until 911 access for the Internet-based forms of TRS is resolved); *see generally 2004 TRS Report & Order,* 19 FCC Rcd at 12594, Appendix E (chart summarizing VRS and IP Relay waivers).

31, 2007, but prior to the effective date of this *Order*, we conclude that the previous waivers should be extended so that they terminate contemporaneously with the effective date of this *Order*. We also amend our rules to reflect the new requirements prescribed in this *Order*.[7] The Commission plans to move forward on adopting a ten-digit numbering plan in an expeditious manner. Specifically, the Commission simultaneously with this *Order* seeks to refresh quickly the record on relay service numbering issues and then plans to hold a stakeholder workshop immediately thereafter. The Commission commits to completing a final order on a ten-digit numbering plan in the second quarter of this year. In order to provide stakeholders sufficient time to implement these rules, the Commission will require that the ten-digit numbering plan be implemented no later than December 31, 2008.

II. BACKGROUND

2. Telecommunications Relay Services. TRS enables individuals with hearing or speech disabilities to access the public telephone system to communicate with voice telephone users through a communications assistant (CA) at a TRS relay center.[8] The CA relays conversations between persons using various types of assistive communication devices and persons who do not require such assistance. Congress established the TRS program in Title IV of the Americans with Disabilities Act of 1990 (ADA), which is codified in section 225 of the Communications Act of 1934.[9] Section 225 requires common carriers offering voice telephone service to offer TRS to persons with hearing and speech disabilities that is functionally equivalent to voice telephone service.[10] When section 225 was first implemented, TRS calls were placed using a text telephone, or TTY, connected to the PSTN (*i.e.*, traditional TRS). Since then, the Commission has recognized other forms of TRS, including Speech-to-Speech (STS), and captioned telephone service (CTS), as well as Internet-based forms of TRS, namely VRS, IP Relay, and IP CTS.[11]

3. Evolution of TRS Emergency Call Handling Requirement. Section 64.604 of the Commission's rules sets forth mandatory minimum standards that govern the provision of TRS.[12] The initial mandatory minimum standards, adopted in 1991, included the requirement that CAs "handle

[7] The *2007 IP CTS Declaratory Ruling* recognized that IP CTS "may be initiated, set up, and provided in numerous ways," using "various combinations of the PSTN and IP-enabled networks." *2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 388, para. 22. For this reason, we note that the requirements adopted herein shall apply to IP CTS providers only in circumstances where the call is initiated, or can be initiated, by the user contacting the provider via the Internet. By contrast, for example, if IP CTS were provided in such a way that the user first makes a voice telephone call to the called party, and then can elect to contact the provider via the Internet to receive captions, the requirements set forth herein would not be applicable. At the same time, a waiver of the emergency call handling requirement would not be necessary. In these circumstances, the user (like voice telephone users) is calling 911 directly using a phone service otherwise subject to 911 obligations while the relay provider plays no role in determining the appropriate PSAP to call or calling that PSAP.

[8] *See* 47 U.S.C. § 225(a)(3); *see also* 47 C.F.R. § 64.601(14) (defining TRS).

[9] Pub. L. No. 101-336, § 401, 104 Stat. 327, 366-69 (1990); 47 U.S.C. § 225.

[10] 47 U.S.C. § 225(a)(3), (c).

[11] *See generally Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Further Notice of Proposed Rulemaking, 21 FCC Rcd 8379, 8381-82, para. 3 (July 20, 2006) (describing various forms of TRS); *2007 IP CTS Declaratory* Ruling, 22 FCC Rcd at 379, para. 1.

[12] *See* 47 C.F.R. § 64.604.

emergency calls like any other TRS calls."[13] Although the Commission "strongly encourage[d]...TRS users to access emergency 911 services directly" – *i.e.,* through a direct TTY-to-TTY call (text telephone to text telephone) – the Commission recognized that callers might use relay to call 911 and therefore expressly required TRS providers to handle emergency calls.[14]

4. A person with a hearing or speech disability may call 911 directly with a TTY to contact a PSAP.[15] Such direct TTY-to-TTY calls are not TRS calls because a relay provider is not involved in the call. Such direct 911 TTY calls are automatically routed to the appropriate PSAP in the same manner as a 911 voice call over the PSTN, *i.e.,* through a selective router over the Wireline E911 Network,[16] and provide the PSAP with the same location and callback information as a voice call. By contrast, emergency calls made via TRS are connected through a CA, who must place a second, or outbound, call to the appropriate PSAP. Because the use of TRS (which requires two separate calls) in an emergency situation represents a less efficient method of accessing emergency services, the Commission has encouraged TRS users to access emergency services directly (by dialing 911 as a text-to-text, TTY-to-TTY call), rather than making emergency calls through a TRS provider.

5. In 1998, the Commission sought comment on various changes to the TRS rules (which, at the time, pertained only to traditional, non-Internet-based TRS services),[17] including the rule addressing access to emergency services.[18] The Commission noted that despite regulations requiring state and local governments to make emergency services directly accessible to TTY users (for direct TTY-to-TTY calls), many individuals with hearing and speech disabilities nevertheless were using TRS to contact emergency services.[19] The Commission expressed concern that there was "inconsistency and confusion among the

[13] *Id.* The final rule provided: "CAs shall handle emergency calls in the same manner as they handle any other TRS calls." *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 90-571, Report and Order and Request for Comments, 6 FCC Rcd 4657, 4669, Appendix B (section 64.604(a)(3)) (July 26, 1991) (*TRS I*) (adopting emergency call handling requirements for TRS).

[14] *TRS I*, 6 FCC Rcd at 4659, para. 10 (requiring TRS providers to handle any type of call normally handled by common carriers, including emergency calls, but "strongly encourag[ing]" TRS users to access emergency services directly).

[15] Under Title II of the ADA, PSAPs must be capable of directly receiving TTY calls. *See* 28 C.F.R. § 35.162 (United States Department of Justice regulations implementing Title II of the ADA and requiring telephone emergency services, including 911 services, to provide "direct access to individuals who use [TTYs]").

[16] The "Wireline E911 Network" is defined as a "dedicated wireline network that (1) is interconnected with but largely separate from the public switched telephone network, (2) includes a selective router, and (3) is utilized to route emergency calls and related information to PSAPs, designated statewide default answering points, appropriate local emergency authorities or other emergency answering points." 47 C.F.R. § 9.3. As the Commission has explained, the selective router receives 911 calls from the LEC central offices over dedicated trunks, queries the LEC-maintained Selective Router Database (SRDB) to determine the PSAP that serves the caller's geographic area, and forwards the call to the designated PSAP along with the caller's phone number (ANI). *See IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36 & 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10252, para. 15 (June 3, 2005) (*VoIP 911 Order*).

[17] *Telecommunications Services for Hearing-Impaired and Speech Impaired Individuals,* CC Docket No. 98-67, Notice of Proposed Rulemaking, 13 FCC Rcd 14187 (May 20, 1998) (*1998 TRS NPRM*). This NPRM followed a Notice of Inquiry. *See Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996,* CC Docket No. 90-571, Notice of Inquiry, 12 FCC Rcd 1152 (Jan. 14, 1997).

[18] *1998 TRS NPRM,* 13 FCC Rcd at 14203, paras. 40-41.

[19] *Id.* at 14203, para. 41.

states and TRS providers as to how such calls should be handled."[20] Accordingly, the Commission sought comment on how TRS providers were handling emergency calls and, more specifically, whether TRS providers should be required to pass a caller's automatic number identification (ANI) to an emergency services operator.[21]

6. In the *2000 TRS Order*, the Commission modified the TRS emergency call handling rule in two respects.[22] First, the Commission required providers to direct emergency calls as quickly as possible to the correct PSAP by matching a caller's phone number with the appropriate PSAP electronically.[23] Second, the Commission required CAs to pass along the caller's telephone number to the PSAP orally, which would allow the PSAP to directly call back the calling party if the relay call became disconnected.[24]

7. In 2003, the Commission again addressed the rules governing TRS access to emergency services.[25] The Commission clarified that TRS providers must route emergency TRS calls to the appropriate PSAP and required TRS providers to adjust their databases accordingly.[26] On reconsideration,[27] the Commission clarified that the appropriate PSAP is "*either* a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner."[28]

8. Emergency Call Handling Issues for Internet-Based Forms of TRS. Through a series of orders between 2001 and 2007, the Commission examined the emergency call handling requirement as applied to Internet-based relay services and, in particular, considered the technological challenges associated with determining the geographic location of TRS calls that originate over the Internet.[29] The Commission recognized that because these services use the Internet, rather than a telephone and the PSTN, for the link of the call between the calling party and the relay provider, the relay provider does not receive the ANI of the calling party.[30] As a result, there is greater complexity with identifying the caller's

[20] *Id.* at 14203, para. 40.

[21] *Id.* at 14203, para. 41.

[22] *2000 TRS Order,* 15 FCC Rcd at 5182-84, paras. 99-102**.**

[23] *Id.* at 5182, para. 100.

[24] *Id.* at 5183-84, para. 101.

[25] *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, Notice of Proposed Rulemaking, 18 FCC Rcd 12379, 12406-09, paras. 40-46 (June 17, 2003) (*2003 TRS Order*).

[26] *Id.* at 12406-08, paras. 40-42 (rejecting proximity as criterion for determining the appropriate PSAP and defining it, in light of the statutory functional equivalency mandate, as the PSAP to which a direct 911 call would be delivered over the PSTN).

[27] Verizon and AT&T filed petitions for reconsideration of the *2003 TRS Order*, asserting that, because of cost and implementation issues, the appropriate PSAP should not be defined as the *same* PSAP that would have been reached if the caller had dialed 911 to call the PSAP directly. *See 2004 TRS Report & Order*, 19 FCC Rcd at 12557, para. 211.

[28] *2004 TRS Report & Order*, 19 FCC Rcd at 12559, para. 216 (emphasis in original). Because of jurisdictional boundaries, the appropriate PSAP is not always the geographically closest PSAP to the calling party.

[29] *See supra* note 6 (citing orders).

[30] *See, e.g., 2004 TRS Report & Order*, 19 FCC Rcd at 12522, para. 117.

location and determining the appropriate PSAP to call to respond to the emergency.[31] Nonetheless, the Commission has consistently emphasized the importance of access to emergency services for relay users.[32] The Commission therefore determined that a temporary waiver was needed to the extent that these technological challenges hindered providers' ability to "immediately and automatically" place the outbound leg of an emergency call to an appropriate PSAP, as required by the Commission's emergency call handling rule.[33] The temporary waivers of the emergency call handling rule for VRS and IP Relay were scheduled to expire after December 31, 2007.[34]

9. In November 2005, the Commission released the *VRS/IP Relay 911 NPRM* seeking comment on possible means by which VRS and IP Relay providers might be able to handle emergency calls so that the waivers would no longer be necessary.[35] The Commission again recognized that many individuals use VRS and IP Relay to contact emergency services, rather than making emergency calls by directly calling 911 through a TTY and a traditional telephone line.[36] The Commission therefore sought comment on what emergency call handling rules should apply to VRS and IP Relay providers, including by what means these providers may determine the appropriate PSAP to contact when they receive an emergency call.[37] The problem of identifying the appropriate PSAP, the Commission noted, stemmed from the fact that the Internet address associated with the incoming call to the relay center does not contain identifying information regarding the caller's location with Internet-based forms of TRS, and from the fact that the caller and the VRS or IP Relay provider could be on opposite sides of the country.[38] The Commission also sought comment on whether and how VRS and IP Relay providers may identify incoming calls as emergency calls so that such calls can promptly be directed to a CA without waiting in a queue.[39] Given that CAs may not be immediately available to handle an incoming VRS or IP Relay call and, as a result, an emergency caller may be put in a queue to await the next available CA, the Commission considered

[31] *Id.*; s*ee also IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789, para. 30 (recognizing that, without ANI of the calling party, IP Relay provider petitioner could not provide PSAP with information regarding the calling party's location); and 47 C.F.R. § 64.604(a)(4).

[32] *See, e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, 20 FCC Rcd 19476, 19477, para. 1 (Nov. 30, 2005) (*VRS/IP Relay 911 NPRM*) (emphasizing the need for a solution providing direct, automatic access to emergency services via VRS and IP Relay); *IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789, para. 30 (urging IP Relay providers to develop a method by which they can automatically provide critical emergency information to an appropriate PSAP).

[33] *See, e.g., 2001 VRS Waiver Order*, 17 FCC Rcd at 162, para. 13 (granting temporary waiver of emergency call handling requirement for VRS providers).

[34] *See 2006 VRS Waiver Order*, 21 FCC Rcd 14554 (extending VRS waiver through December 31, 2007); *IP Relay Reconsideration Order*, 18 FCC Rcd. 4761(extending IP Relay waiver through December 31, 2007); *2007 IP CTS Declaratory* Ruling, 22 FCC Rcd 379, 392, para. 30 n.100 (waiving emergency call handling requirement for IP CTS until emergency access for the Internet-based forms of TRS is resolved).

[35] *VRS/IP Relay 911 NPRM,* 20 FCC Rcd at 19484-88, paras. 19-30 (at this time, the Commission had not yet recognized IP CTS as a form of TRS).

[36] *Id.* at 19480, para. 10.

[37] *Id.* at 19484, para. 17.

[38] *Id.*

[39] *Id.* at 19487, para. 26.

whether and how a CA in this situation could promptly recognize and give priority to the emergency call.[40]

10. In the *VRS/IP Relay 911 NPRM*, the Commission also sought comment on whether it should require the Internet-based TRS providers to establish a registered location process, similar to that adopted in the *VoIP 911 Order*,[41] whereby each Internet-based TRS provider would be required to obtain from its customers, prior to the initiation of service, the physical location from which the particular relay service will be utilized, so that a CA may determine an appropriate PSAP to call to respond in the event of an emergency.[42] Noting that the *VoIP 911 Order* had further required interconnected VoIP providers to offer their consumers a method of updating their "Registered Location,"[43] the Commission sought comment on how it might ensure that Internet-based TRS providers have current location information, *i.e.*, that the Registered Location is the actual location of the user when making an emergency call.[44] The Commission asked, for example, if users should be required to affirmatively acknowledge whether they are at their Registered Location each time they initiate a call and, if they are not at their Registered Location, be prompted or required to provide their present location.[45]

11. In response to the *VRS/IP Relay 911 NPRM*, six providers, four organizations, and one state public service commission submitted comments.[46] Three providers, one PSAP, and four organizations

[40] *Id.* For example, the Commission sought comment on whether equipment can be modified to permit users to make an emergency call that will be "promptly recognized as such" by VRS and IP Relay providers, so that a VRS or IP Relay user has the ability to make a call that is "the equivalent of a 911 voice telephone call." *Id.*

[41] In the *VoIP 911 Order*, the Commission required interconnected VoIP providers to obtain "from each customer, prior to the initiation of service, the physical location at which the service will first be utilized." *VoIP 911 Order,* 20 FCC Rcd at 10271, para. 46 (footnote omitted); *see also* 47 C.F.R. § 9.5(d)(1) (same).

[42] *VRS/IP Relay 911 NPRM*, 20 FCC Rcd at 19484-87, paras. 19-24 (citing *VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46) (describing Registered Location process for interconnected VoIP providers).

[43] *See VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (footnote omitted) ("The most recent location provided to an interconnected VoIP provider by a customer is the 'Registered Location'"). *VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (footnote omitted).

[44] *VRS/IP Relay 911 NPRM*, 20 FCC Rcd at 19485, para. 21 (citing *VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (requiring providers of interconnected VoIP services that can be utilized from more than one physical location to provide their end users "one or more methods of updating information regarding the user's physical location")); *see also* 47 C.F.R. § 9.5(d)(2) ("[I]nterconnected VoIP service providers must…[p]rovide their end users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the interconnected VoIP service. Any method utilized must allow an end user to update the Registered Location at will and in a timely manner").

[45] *VRS/IP Relay 911 NPRM*, 20 FCC Rcd at 19485, para. 21; *cf. VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (any method utilized by an interconnected VoIP provider to update a customer's Registered Location must allow an end user to do so "at will and in a timely manner"), 20 FCC Rcd at 10273, para. 49 (noting that "customers of portable interconnected VoIP services likely will need to be instructed on how to register their locations with their providers, the need to update that information promptly when they relocate, and how to confirm that the registration is effective").

[46] Comments were filed by Communication Access Center (CAC) (Feb. 22, 2006); Communication Service for the Deaf, Inc. (CSD) (Feb. 22, 2006); Hamilton Relay, Inc. (Hamilton) (Feb. 22, 2006); Sorenson Communications, Inc. (Sorenson) (Feb. 22, 2006); Sprint Nextel Corporation (Sprint Nextel) (Feb. 22, 2006); Verizon (Feb. 22, 2006); National Association of the Deaf (NAD) (Feb. 23, 2006); New Jersey Division of the Ratepayer Advocate (NJ Ratepayer) (Feb. 22, 2006); Rehabilitation Engineering Research Center on Telecommunications Access (RERC) (Feb. 22, 2006); and Telecommunications for the Deaf, Inc. (TDI) (Feb. 22, 2006).

filed reply comments.[47] All of the commenting providers asserted that they presently do not have the technological means of automatically obtaining identifiable location information from VRS and IP Relay callers.[48] At that point in time, providers stated that they had been working on a technological solution for emergency access through Internet-based TRS services, but they required additional time to find a solution.[49] Although commenters generally opposed Commission adoption of a Registered Location process, similar to that adopted in the *VoIP 911 Order*,[50] others expressed qualified support for it.[51] Likewise, a majority of commenters opposed the proposed adoption of a procedure for updating a customer's Registered Location information that would require Internet-based TRS callers to acknowledge their location at the beginning of every call,[52] a minority of commenters expressed qualified support for such a requirement, provided that a user is offered the *option* to update his or her location at the start of each call, but then need not do anything if there has been no change in the caller's previously registered location.[53]

12. On November 15, 2006, the Commission held an E911 disability access summit (E911 Summit) to discuss advances in E911 calling technology and E911 access for persons with hearing and

[47] Reply comments were filed on March 8, 2006 by Hands On Video Relay Services, Inc. (Hands On); Intrado; National Emergency Number Association (NENA); NJ Ratepayer; Sorenson; TDI and NorCal Center on Deafness; Texas 9-1-1 Alliance and Texas Commission on State Emergency Communications; and Verizon. *See* Appendix A (listing commenters and reply commenters).

[48] *See, e.g.,* Hamilton Comments at 2; Sorenson Comments at 5-6; Sprint Nextel Comments at 2; Verizon Comments at 2.

[49] *See, e.g.,* Sorenson Comments at 4-8; Verizon Comments at 2. We also note that the 2007 waiver reports filed by VRS and IP Relay providers state that presently it is not technologically feasible to automatically route emergency calls to an appropriate PSAP. *See generally 2004 TRS Report & Order*, 19 FCC Rcd at 12520-22, paras. 111, 116-18 (conditioning waivers of the TRS mandatory minimum standards on the filing of annual reports addressing waived standards).

[50] *See*, *e.g.*, CAC Comments at 6, 15 (opposing user registration to the extent that, unlike VoIP customers who are assigned telephone numbers, there is no unique numerical identifier by which to identify TRS users and relate the identifier to a physical address; E911 functions when calls are made over the PSTN because the location of every telephone number is registered or known, not because every user is registered); Verizon Reply Comments at 2 (opposing user registration inasmuch as Internet-based TRS users do not have billing or contractual relationships with the users of their services that would enable them to generate, administer, track or verify registered locations for these users).

[51] *See*, *e.g.*, Hamilton Comments at 3 (supporting a 911 registration system only if structured as a uniform registration system that is available to all relay providers, rather than as a provider-specific registration system); NAD Comments at 7 (supporting registration only if voluntary for users and if implemented as a centralized, shared database system managed by a non-relay provider entity); CSD Comments at 5 (same); Hands On Reply Comments at 2-3 (supporting registration only if voluntary and if implemented in connection with the assignment of ten-digit telephone numbers from a central database that is administered by an independent third party).

[52] NAD Comments at 5 (asserting that because hearing callers do not have to affirmatively acknowledge that they are at a specific location each time they make a call, relay users should not have to do so either); Verizon Comments at 7-9 (opposing registration requirement generally and specifically opposing requirement to update Registered Location of IP Relay users given mobile nature of the service); CAC Comments at 9 (asserting that it would be impractical to require relay callers to identify their location at the beginning of every call).

[53] *See*, *e.g.*, George L. Lyon, Jr., *Ex Parte* on behalf of Hands On (Nov. 7, 2007) (relay customer should be given the *option* to update his or her location at the start of each call, but should not have to re-submit this information if there has been no change in the caller's previously registered location).

speech disabilities, including via VRS and IP Relay.[54] During the E911 Summit, Internet-based TRS providers noted that technology had not yet been developed to allow them to immediately place the outbound leg of an Internet-based TRS emergency call to the appropriate PSAP.[55] They also explained the interim methods being used to handle emergency VRS and IP Relay calls, even though this requirement is waived. These methods include ensuring that incoming emergency VRS and IP Relay calls are given priority call handling, using two CAs during an emergency call to ensure that location and other necessary information is gathered from the VRS and IP Relay user,[56] and using a national database to locate the appropriate PSAP to call.[57] Consumer groups reported that users are increasingly moving away from using TTYs and that Internet-based relay services are now widely used in the deaf community.[58]

III. DISCUSSION

13. Upon the effective date of this *Order*, the waiver relief the Commission previously granted to Internet-based TRS providers will expire. Accordingly, VRS, IP Relay, and IP CTS[59] providers will be required to accept emergency calls and to deliver them to an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location, and to make the outbound call to that entity.[60] Pending adoption of a Registered Location requirement,

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[54] *FCC Releases Agenda for November 15 E9-1-1 Disability Access Summit*, News Release (Nov. 13, 2006).

[55] *See E9-1-1 Disability Access Summit* (72 Fed. Reg. 11789-01, Mar. 14, 2007).

[56] In other words, in addition to the CA handling the relay call, a second CA would assist in relaying the call to ensure that they correctly understood information such as the location of the calling party and the nature of the emergency.

[57] CSD Comments, *E9-1-1 Disability Access Summit*, Provider Panel, Nov. 15, 2006. In other words, if the VRS caller is able to do so, the caller provides the CA with his or her location, the CA determines the appropriate PSAP for that location through a national database, and the CA then makes the outbound call to the PASP. Sorenson Comments, *E9-1-1 Disability Access Summit,* Provider Panel; *see generally* 72 Fed. Reg. 11789-01.

[58] *See, e.g.*, NorCal Center on Deafness Comments, *E9-1-1 Disability Access Summit,* Consumer Panel; *see generally* 72 Fed. Reg. 11789-01.

[59] The *2007 IP CTS Declaratory Ruling* recognized that IP CTS "may be initiated, set up, and provided in numerous ways," using "various combinations of the PSTN and IP-enabled networks." *2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 388, para. 22. For this reason, we note that the requirements adopted herein shall apply to IP CTS providers only in circumstances where the call is initiated, or can be initiated, by the user contacting the provider via the Internet. By contrast, for example, if IP CTS were provided in such a way that the user first makes a voice telephone call to the called party, and then can elect to contact the provider via the Internet to receive captions, the requirements set forth herein would not be applicable. At the same time, a waiver of the emergency call handling requirement would not be necessary. In these circumstances, the user (like voice telephone users) is calling 911 directly using a phone service otherwise subject to 911 obligations while the relay provider plays no role in determining the appropriate PSAP to call or calling that PSAP.

[60] The TRS emergency call handling rule requires providers to make the outbound emergency call to an "appropriate PSAP," which the rules define as either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner." *See* 47 C.F.R. § 64.604(a)(4); *2004 TRS Report and Order*, 19 FCC Rcd at 12559, para. 216. The Commission's TRS rules define "PSAP" as "a facility that has been designated to receive 911 calls and route them to emergency services personnel as provided in 47 C.F.R. § 64.3000(c)." *See* 47 C.F.R. § 64.601(11). In order to conform the emergency call handling requirements as applied to Internet-based TRS providers, to the VoIP rules and the obligations placed on telecommunications carriers generally, however, we require Internet-based TRS providers to make the outbound emergency call to "an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority." *See VoIP 911 Order,* 20 FCC Rcd at 10269-70, para. 42; 47 C.F.R. § 64.3001. We note that (continued….)

which will be announced in a forthcoming Commission order, providers will be required to request, at the beginning of an emergency call, the caller's name and location information.[61] At that time, we will require providers to use a Registered Location process to determine the name and location of the caller. Once this requirement takes effect, it should obviate the need for providers to request a caller's name and location information upon receiving an emergency call via an Internet-based relay service.[62]

14. The Commission recognizes that an emergency call made via an Internet-based form of TRS, rather than by directly calling 911 (as a PSTN-based, TTY-to-TTY call), presents a unique challenge because the call is connected through a CA, rather than routed directly and automatically to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority over the Wireline E911 Network. When an emergency call is made through TRS, the CA must make a separate outbound voice telephone call to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority. The CA, therefore, must have a means of determining both (1) where the relay caller is physically located, and (2) an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to that geographic location so the CA can make the outbound telephone call to that entity. With traditional TRS (PSTN-based TTY-to-TTY call), callback information is generally transmitted with the inbound leg of the call from the calling party to the CA, and the CA then provides the caller's callback and location information in the course of the outbound leg of the call to the PSAP.[63] Because Internet-based TRS calls do not originate on the PSTN, the CA generally must rely on location information that the caller provides. Without this information, Internet-based TRS providers cannot reliably route the outbound leg of an emergency call to an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority, and the timely dispatch of critical emergency services may not occur.

15. In this *Order* we take action to ensure that users of the Internet-based forms of TRS can better rely on these services to make emergency calls. We recognize that the procedures detailed below do not

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in the *VRS/IP Relay 911 NPRM* the Commission sought comment generally on ways in which the requirements of the *VoIP 911 Order* may be applied to VRS and IP relay to ensure access to emergency services. *VRS/IP Relay 911 NPRM*, 20 FCC Rcd at 19487, para. 24. We amend our rules to reflect this change. *See* Appendix B, *infra*.

[61] In the event that a relay caller is incapacitated or is otherwise unable or unwilling to provide this information, the provider should use best efforts to obtain location information for the caller, as described further in note 65, *infra*.

[62] We note that the Commission will adopt a system for assigning Internet-based TRS users ten-digit telephone numbers linked to the North American Numbering Plan (NANP). To that end, the Commission's Consumer and Governmental Affairs Bureau is releasing, contemporaneously with this *Order*, a public notice inviting interested parties to refresh the record in response to the FNPRM in the *Interoperability Declaratory Ruling and Further Notice*. *See Consumer & Governmental Affairs Bureau Seeks to Refresh Record on Assigning Internet Protocol (IP)-Based Telecommunications Relay Service (TRS) Users Ten-Digit Telephone Numbers Linked to North American Numbering Plan (NANP) and Related Issues*, CG Docket No. 03-123, Public Notice, DA 08-607 (rel. Mar. 19, 2008) (*2008 Numbering PN*); *see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket 03-123, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5442, 5459-62, paras. 44-57 (May 9, 2006) (*Interoperability Declaratory Ruling and Further Notice*) (seeking comment on establishment of global database of proxy telephone numbers for VRS users).

[63] In general, when a CA receives an emergency call from the TTY caller, the CA will use the caller's callback information or ANI to query the relay provider's PSAP database. The PSAP database will then provide the telephone number of an appropriate PSAP for the CA to call. When the CA calls the PSAP, the CA passes the ANI to the PSAP, which the PSAP can use to identify the TRS user's location. *See generally 2003 TRS Order*, 18 FCC Rcd at 12407-08, paras. 41-42.

represent a complete solution, however, we do not believe that the continued waiver of the emergency call handling requirement can be justified when balanced against the obvious public safety benefits derived from ensuring reliable 911 access. Moreover, to the extent that the record reflects that significant numbers of persons with hearing disabilities are abandoning TTY equipment and instead are using the Internet-based forms of TRS, it is incumbent on us to act now to ensure that individuals who may be unable to call 911 directly (as a TTY-to-TTY call), have a reliable means of accessing emergency services via Internet-based TRS.[64]

A. Emergency Call Handling Requirements for Internet-Based TRS Providers

16. In light of the present imperative to provide Internet-based TRS users a reliable means of accessing emergency services, we conclude that the waivers of the emergency call handling requirement for VRS, IP Relay, and IP CTS should terminate contemporaneously with the effective date of this *Order*. In addition, at that time (*i.e*., effective 30 days after publication of this *Order* in the Federal Register), we require VRS, IP Relay, and IP CTS providers to accept and handle emergency calls and to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location, and to relay the call to that entity. Further, providers will be required to: (1) implement a system that ensures that providers answer an incoming emergency call before other non-emergency calls (*i.e*., prioritize emergency calls and move them to the top of the queue); (2) request, at the beginning of every emergency call, the caller's name and location information;[65] (3) deliver to the PSAP, designated statewide default answering point, or appropriate local emergency authority, at the outset of the outbound leg of the call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected;[66] and (4) in the event one or both legs of the call are disconnected (*i.e*., either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering

[64] *See, e.g.,* Hands On Reply Comments at 1-2; RERC Comments at 2-3; Sprint Nextel Comments at 2-3, n. 3; CSD Comments at 2; *see also E9-1-1 Disability Access Summit*, Meeting Transcript, Consumer Panel; *see generally* 72 Fed. Reg. 11790 (Nov. 15, 2006) (summarizing E9-1-1 Disability Access Summit).

[65] In time, this requirement will be superseded by the Registered Location process, discussed below. In the event that a relay caller is incapacitated or is otherwise unable or unwilling to provide this information, the provider should use best efforts to obtain it, including providing to an appropriate PSAP, designated statewide answering point, or appropriate local emergency authority, any location information that a customer may have on file with the provider in connection with his or her "customer profile." We note that some (but not all) TRS consumers file customer profiles detailing the customer's preferences with respect to particular aspects of a provider's relay service (*e.g*., designating a preference regarding the gender of the CA who relays the customer's TRS calls). To the extent that the customer profile includes location information, this information may assist a CA in identifying an appropriate PSAP, designated statewide answering point, or appropriate local emergency authority. We emphasize that a provider must use best efforts to handle an emergency call and place the outbound leg of such a call, even if the calling party refuses to provide his or her identity.

[66] On an interim basis, this requirement permits VRS, IP Relay, and IP CTS providers to route 911 calls to PSAPs' ten-digit administrative lines. Upon the effective date of the forthcoming Registered Location requirement discussed in Section III.B, *infra*, however, all Internet-based TRS calls must be routed through the Wireline E911 Network. *See VoIP 911 Order*, 20 FCC Rcd at 10270 para. 42 & n.142 (requiring interconnected VoIP providers to transmit 911 calls to the appropriate PSAP via the Wireline E911 Network).

point, or appropriate local emergency authority and resume handling the call, when feasible.[67] Based on the record in this proceeding, which reflects that some providers have already implemented some of these measures, we believe it is reasonable for all providers to comply with these requirements by the effective date of this *Order*.[68] We amend our rules to reflect these new requirements.[69]

17. We recognize that there are different ways by which providers may ensure that emergency calls receive priority handling and are not put in a queue with all incoming calls to wait for an available CA to handle the call. Some providers note, for example, that they would use a separate IP access address dedicated for emergency calls only.[70] We do not mandate a specific means by which providers must give priority to, and answer, emergency calls, so long as such calls are handled in accordance with the requirements set forth above.[71] Because of the importance of emergency call handling, we expect that providers will ensure adequate staffing of emergency call handling processes so that CAs are not required to disconnect non-emergency calls in order to process emergency calls.

18. Based on the record before us, it appears that some Internet-based TRS providers presently accept and handle emergency calls made via VRS or IP Relay by asking the caller for location and other essential information necessary to identify, and make the outbound call to, an appropriate PSAP.[72] In this

[67] We recognize that, in some instances, the CA may not be able to call back a TRS customer using one of the Internet-based forms of TRS because the CA will not know the current IP address of the relay customer. We urge Internet-based TRS providers to give their customers the option of providing an alternative method of re-establishing contact with the caller to facilitate a callback in the event that an emergency call is disconnected. We also note that, in this context, providers are expressly permitted to contact consumers directly, notwithstanding any prohibitions regarding contacts with consumers as described in other Commission orders. *See*, *e.g.*, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20176, para. 95 (Nov. 19, 2007) (placing restrictions on use of consumer or call database information to contact TRS users).

[68] We affirm that providers' costs of compliance with this *Order* are compensable from the Interstate TRS Fund as part of providing TRS service in compliance with the mandatory minimum standards. We remind providers, however, that costs are not recoverable for meeting waived mandatory minimum standards. *See, e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order on Reconsideration, 21 FCC Rcd 8050, 8057, para. 15 (July 12, 2006) (*2006 TRS Order on Reconsideration*).

[69] *See infra* Appendix B.

[70] CSD Comments at 15 (noting that the caller may dial "VRS Company911.tv" for an emergency call); CAC Comments at 11.

[71] The Commission's Consumer and Governmental Affairs Bureau has previously advised TRS providers of their obligation to handle incoming calls in the order in which they are received. *See FCC Clarifies that Certain TRS Marketing and Call Handling Practices are Improper*, CC Docket No. 98-67, CG Docket No. 03-123, Public Notice, 20 FCC Rcd 1471, 1473 (rel. Jan. 26, 2005). The Bureau issued this advisory in response to complaints that certain TRS providers were selectively handling non-emergency calls placed by preferred customers ahead of non-emergency calls placed by other, non-preferred customers. In that context, the Bureau determined that the selective handling of incoming calls was improper and inconsistent with the notion of functional equivalency. *Id.* We clarify here that the obligation to handle incoming calls in the order in which they are received applies to non-emergency calls only and that, under the call handling rules we adopt today, providers are under an affirmative obligation to ensure that emergency calls receive priority handling.

[72] *See, e.g.,* Sorenson Comments at 5; Sprint Nextel Comments at 2-3, n. 3; Verizon Comments at 2. As noted above, in the event that a relay caller is incapacitated or is otherwise unable to provide this information, the provider should use best efforts to obtain the caller's location information, including providing to an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority, any location information that a customer may have on file with the provider in connection with his or her "customer profile."

regard, several VRS providers assert that as long as the providers obtain the location information from the calling party, they can route the call to an appropriate PSAP based upon PSAP databases that are commercially available.[73]

19. In conjunction with the requirement that a CA request, at the beginning of an emergency call, the name and location information of the relay user placing the call, we permit a CA to memorialize the caller's name and location information in writing for the purposes of communicating this information to an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority, and facilitating access to emergency services.[74] We also permit a CA to retain such information after the call, where necessary to facilitate the dispatch of emergency services or for other emergency (*e.g.*, where a relay caller becomes incapacitated while placing a relay call) or law enforcement purposes. We note that section 225(d)(1)(F) of the Act and section 64.604(a)(2) of the Commission's TRS rules generally prohibit a CA from keeping records of the "content" of a relay conversation beyond the duration of a call.[75] With respect to these provisions, we conclude that the "content" of a relayed conversation reasonably does not include basic identifying information, such as the name and present location of an emergency TRS caller. Consistent with this interpretation, we permit a CA to memorialize in writing, and retain records pertaining to, the name and location of a consumer who places an emergency call via an Internet-based TRS provider. We remind providers, however, that even this information may be made available only to emergency call handlers, and emergency response or law enforcement personnel solely for the purpose of ascertaining a customer's location in an emergency situation or for other emergency or law enforcement purposes.

20. Finally, we note that at least two Internet-based TRS providers have requested that the Commission exempt these providers from liability resulting from their handling of emergency TRS calls to the same extent Congress has insulated wireline and wireless carriers from liability in connection with those carriers' handling of emergency 911 and E911 calls.[76] As the Commission stated in the interconnected VoIP context, before we would consider taking any action to preempt liability under state law, the Commission would need to demonstrate that limiting liability is "essential to achieving the goals of the Act."[77] To our knowledge, no commenter contends here that such action is "essential" to achieving the goals of the Act. Nor has any commenter identified a source of authority for providing liability protection to Internet-based TRS providers. For the reasons we denied requests to limit the liability of interconnected VoIP providers in the *VoIP 911 Order*, we similarly decline to limit the liability of Internet-based TRS providers in connection with their handling of emergency TRS calls.[78] Although

[73] *See, e.g.*, CSD Comments at 12-13; Sorenson Comments at 5-6 ("Once Sorenson completes the necessary training, its video interpreters will be able to answer emergency VRS calls, confirm the caller's address, match the caller's address with the appropriate PSAP, connect the caller to the PSAP and relay the conversation between the deaf caller and the PSAP.").

[74] We note that at least one provider currently employs a second CA to write down essential information so that if the call is disconnected, that information can be used to facilitate the dispatch of emergency services. CSD Comments, *E9-1-1 Disability Access Summit*, Provider Panel, Nov. 15, 2006.

[75] *See* 47 U.S.C. § 225(d)(1)(F) (instructing the Commission to prescribe regulations prohibiting relay operators from keeping records of the content of any conversation beyond the duration of the call); 47 C.F.R. § 64.604(a)(2)(i) (prohibiting relay operators from keeping records of the content of any conversation beyond the duration of the call).

[76] Verizon Reply Comments at 6; Hamilton Comments at 4-5.

[77] *VoIP 911 Order*, 20 FCC Rcd at 10275, para. 54 (footnote omitted).

[78] *Id.* (noting that Congress had enacted no liability protection for interconnected VoIP providers, the Commission declined to adopt such protections and would not consider doing so unless such action were deemed to be "essential to achieving the goals of the Act").

Congress has provided limited liability protections to local exchange carriers and wireless carriers, it has not done so for Internet-based TRS providers.[79] We note that in the *VoIP 911 Order*, the Commission advised interconnected VoIP providers seeking to protect themselves from liability for negligence to do so through "their customer contracts and through their agreements with PSAPs, as some interconnected VoIP providers have done."[80] Nothing in today's *Order* prevents Internet-based TRS providers from taking similar actions.[81]

21. As noted above, we are adopting these requirements to help facilitate access to emergency services for consumers of Internet-based relay services, pending the adoption of a longer term solution. These requirements will become effective 30 days after the publication of this *Order* in the Federal Register, and we extend the present VRS and IP Relay emergency call handling waivers, previously scheduled to expire after December 31, 2007, such that the waivers remain in effect until the effective date of this *Order*.[82]

B. Transition to Additional E911 Capabilities for Internet-Based Forms of TRS

22. We believe that the use of a Registered Location process, similar to that adopted in the *VoIP 911 Order*, constitutes an additional critical component of an E911 solution for Internet-based TRS providers, so that a CA may promptly determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority to call to respond to the emergency.[83] Accordingly, as we required of all interconnected VoIP providers,[84] we will require in a forthcoming order that all Internet-based TRS providers obtain or have access to consumer location information for the purposes of emergency calling requirements.[85]

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[79] *See* Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (1999) (*911 Act*); 47 U.S.C. § 615a; *911 Act* § 4 (providing wireless carriers same degree of liability protection relating to 911 service as local exchange carriers).

[80] *VoIP 911 Order*, 20 FCC Rcd at 10276, para. 55.

[81] In particular, nothing we do here would prevent a TRS provider from incorporating into its consumer notification or future registration processes described herein, the same protections that interconnected VoIP providers typically include in their subscription agreements with consumers.

[82] *See supra* note 6.

[83] *See VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (describing Registered Location requirement for interconnected VoIP providers); *see also* 47 C.F.R. § 9.3 (defining "Registered Location" as the "most recent information obtained by an interconnected VoIP service provider that identifies the physical location of an end user").

[84] *Cf.* 47 C.F.R. § 9.5(d)(1) (requiring interconnected VoIP providers to "[o]btain from each customer, prior to the initiation of service, the physical location at which the service will first be utilized"); *VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (same); *see also VoIP 911 Order*, 20 FCC Rcd at 10272, para. 47 ("interconnected VoIP providers must, as a condition of providing that service to a consumer, provide that consumer with E911 service as outlined [by the Commission]").

[85] *Cf.* 47 C.F.R. § 9.5(d)(2) (requiring interconnected VoIP providers to offer customers "one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the interconnected VoIP service"); *VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (same). *Cf. VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46 (noting that any method utilized for updating customers' Registered Location "must allow an end user to update the Registered Location at will and in a timely manner" and cautioning against "charging customers to update their Registered Location, as this would discourage customers from doing so and therefore undermine this solution"). *See also* TDI Comments at 2 (method of updating Registered Location should, (continued….)

23. As we have stated previously, the goal of our E911 rules is to provide meaningful location information to first responders, regardless of the technology or platform employed.[86] Public safety officials need to receive accurate and timely information concerning the current location of an individual who places an emergency call, notwithstanding the platform or technology used by the provider or the means by which the individual places the call. We believe that user registration is critical to achieving the goal of providing location identification to first responders in the context of emergency calls placed over Internet-based TRS.[87] Accordingly, the registration process we outline today, in large part, will be guided by the manner in which interconnected VoIP providers obtain location information of interconnected VoIP users pursuant to the Commission's *VoIP 911 Order*. However, we recognize, as some commenters have noted, that there are differences between interconnected VoIP services and Internet-based TRS that must be addressed in adopting a registration process for Internet-based TRS users.[88] For example, while interconnected VoIP subscribers receive a ten-digit telephone number in conjunction with the service, Internet-based TRS users currently do not. Accordingly, we will adopt a ten-digit numbering plan in a future Commission order that ties numbering to the registration process and renders relay providers' situation more analogous to that of interconnected VoIP providers.[89]

24. The Commission plans to move forward on adopting a ten-digit numbering plan in an expeditious manner. Specifically, the Commission simultaneously with this Order seeks to refresh quickly the record on relay service numbering issues and then plans to hold a stakeholder workshop immediately thereafter.[90] The Commission commits to completing a final order on a ten-digit numbering plan in the second quarter of this year. In order to provide stakeholders sufficient time to implement these rules, the Commission will require that the ten-digit numbering plan be implemented no later than December 31, 2008.

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among other things, allow users to quickly update their location information); NJ Ratepayer Comments at 7 (method of updating Registered Location should be made as effortless as possible and free of charge).

[86] *See, e.g., 2007 Wireless E911 NPRM,* 22 FCC Rcd at 10609, para. 6.

[87] We also note that providers' costs of compliance with this *Order* are compensable from the Interstate TRS Fund as part of providing TRS service in compliance with the mandatory minimum standards. As noted previously, however, costs associated with meeting waived mandatory minimum standards are not recoverable from the Fund. *See, e.g., 2006 TRS Order on Reconsideration*, 21 FCC Rcd at 8057, para. 15.

[88] *See generally* Verizon Comments at 6-7; CAC Comments at 5; Sprint-Nextel Comments at 3-4.

[89] The Commission plans to move forward on this issue in an expeditious manner. *See*, *e.g.*, NAD Comments at 7 (asserting that any registration system adopted by the Commission utilize a shared database operated and managed by a non-relay provider entity); Hamilton Comments at 3 (urging Commission to adopt uniform, shared database system that is available to all relay providers); George L. Lyon, Jr., *Ex Parte* on behalf of Hands On (Nov. 7, 2007) (proposing adoption of standardized numbering plan for VRS users and providers). We note that, in response to the *VRS/IP Relay 911 NPRM* and the FNPRM in the *Interoperability Declaratory Ruling and Further Notice*, a number of commenters asserted that a uniform numbering system linked to the NANP is needed for Internet-based TRS users to receive functionally equivalent emergency access. *See*, *e.g.*, CSD Comments at 9-10; *see also Ex Partes* in CG Docket 03-123: Sprint Nextel (Apr. 25, 2007); AT&T (May 22, 2007); CSD (June 16, 2007); NENA (Feb. 5, 2007); Neustar (Jan. 11, 2007); Intrado and Sorenson (Mar. 29, 2007). We will address the assignment and administration of ten-digit telephone numbers for Internet-based TRS users in a separate Commission order. To that end, the Commission's Consumer and Governmental Affairs Bureau is releasing today a public notice inviting interested parties to refresh the record on the issue of ten-digit numbering for Internet-based TRS users. *See supra* note 62*; 2008 Numbering PN*.

[90] *See 2008 Numbering PN.*

25. Consumer Notification Requirement. VRS providers currently are required to include "a clear and bold written statement on their website and promotional materials explaining the shortcomings and potential dangers of using VRS to place an emergency call" so that those making a 911 call over TRS facilities understand the implications of making such a call, particularly in the context of the Commission's encouragement to TRS users to access emergency services directly.[91] In the *VoIP 911 Order*, the Commission required interconnected VoIP service providers to "specifically advise every subscriber, both new and existing, prominently and in plain language, [of] the circumstances under which E911 service may not be available."[92] In light of these requirements for interconnected VoIP providers, the Commission's *VRS/IP Relay 911 NPRM* sought comment on whether the Commission's current consumer notification requirements for Internet-based TRS providers should be revised, for example, to require that providers specifically advise new and existing subscribers of the circumstances under which E911 service may not be available through Internet-based forms of TRS or may be in some way limited by comparison to traditional E911 service.[93]

26. Consistent with the *VoIP 911 Order*, we require each Internet-based TRS provider, if not already doing so, to include an advisory on its website and in any promotional materials directed to consumers, prominently and in plain language, explaining the circumstances under which emergency calls made via Internet-based TRS may be in some way limited by comparison to traditional E911 service.[94] We believe it is important to caution consumers of the limitations of using the Internet-based forms of TRS to make emergency calls in the event that a caller does place an emergency call via an Internet-based relay service. In addition, we may address additional consumer notification requirements in a forthcoming order, consistent with the consumer notification requirements adopted in the *VoIP 911 Order*, as appropriate.

27. Enhanced 911 Service. In the *VoIP 911 Order*, the Commission required interconnected VoIP providers to transmit all E911 calls to the appropriate PSAP, designated statewide answering point, or appropriate local emergency authority via the Wireline E911 Network, and prohibited the use of so-called ten-digit "administrative numbers."[95] The Commission defined "Wireline E911 Network" as a

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[91] *See VRS Waiver Order,* 17 FCC Rcd at 162, para. 14 (temporarily waiving mandatory minimum standards); *and 2004 TRS Report & Order*, 19 FCC Rcd at 12521-22, paras. 116-18 (extending waivers and confirming warning requirement), *cited in VRS/IP Relay 911 NPRM*, 20 FCC Rcd at 19486, para. 22 n.71.

[92] *VoIP 911 Order*, 20 FCC Rcd at 10272, para. 48. The Commission also required interconnected VoIP providers to "obtain and keep a record of affirmative acknowledgement by every subscriber, both new and existing, of having received and understood this advisory" and to distribute labels "warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the CPE used in conjunction with the interconnected VoIP service." *Id*.

[93] *VRS/IP Relay 911 NPRM*, 20 FCC Rcd at 19486, para. 22. The Commission also sought comment on whether Internet-based TRS providers should be required to provide appropriate warning labels for installation on CPE used in connection with Internet-based relay services or to obtain and keep a record of affirmative acknowledgement by every subscriber of having received and understood this advisory. *Id*.

[94] *Cf. VoIP 911 Order*, 20 FCC Rcd at 10272, para. 48 (requiring interconnected VoIP service providers to "specifically advise every subscriber, both new and existing, prominently and in plain language, [of] the circumstances under which E911 service may not be available…or may be in some way limited by comparison to traditional E911 service"). *See also* NJ Ratepayer Comments at 8 (urging Commission to require TRS providers to advise new and existing customers of limitations on the use of 911 and to obtain affirmative acknowledgement from every subscriber).

[95] *See VoIP 911 Order*, 20 FCC Rcd at 10266-69, paras. 37-41 (requiring interconnected VoIP providers to transmit all E911 calls via the Wireline E911 Network).

"dedicated wireline network that (1) is interconnected with but largely separate from the public switched telephone network, (2) includes a selective router, and (3) is utilized to route emergency calls and related information to PSAPs, designated statewide default answering points, appropriate local emergency authorities or other emergency answering points."[96] The Commission required that all interconnected VoIP calls be routed through the dedicated Wireline E911 Network based on evidence in the record that use of ten-digit administrative numbers for routing E911 calls is not in the public interest to the extent that these numbers are not as reliable or consistently staffed as Wireline E911 Network call centers.[97]

28. Consistent with the *VoIP 911 Order*, we expect that a forthcoming order will require that, upon the effective date of the forthcoming Registered Location requirement, an Internet-based TRS provider must transmit all 911 calls via the dedicated Wireline E911 Network, and the Registered Location must be available from or through the ALI Database. By requiring that all 911 calls be routed via the dedicated Wireline E911 Network, Internet-based TRS service providers would provide E911 service in those areas where Selective Routers are utilized and they would provide such call back and location information as a PSAP, designated statewide default answering point, or appropriate local emergency authority is capable of receiving and utilizing.[98] We expect that providers will be able to use much of the same infrastructure and technology that is already in place for the delivery of 911 calls by interconnected VoIP service providers.[99]

IV. CONCLUSION

29. Because of the importance of emergency call handling for all Americans, in this *Order* we adopt interim emergency call handling requirements for Internet-based TRS providers. These measures will ensure that persons using Internet-based forms of TRS can promptly access emergency services pending the development of a technological solution that will permit Internet-based TRS providers to automatically determine the geographic location of the consumer and place the outbound leg of an emergency call to an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority. These actions reinforce the Commission's longstanding and continuing commitment to make available a nationwide communications system that promotes the safety and welfare of all Americans, including individuals with hearing and speech disabilities.

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[96] 47 C.F.R. § 9.3 (defining Wireline E911 Network). In a typical implementation, the Wireline E911 Network includes the Selective Router, which receives 911 calls from competitive and incumbent LEC central offices over dedicated trunks. The Selective Router, after querying an incumbent LEC-maintained Selective Router Database (SRDB) to determine which PSAP serves the caller's geographic area, forwards the calls to the PSAP that has been designated to serve the caller's area, along with the caller's phone number (ANI). The PSAP then forwards the caller's ANI to an incumbent LEC maintained Automatic Location Information database (ALI Database), which returns the caller's physical address (that has previously been verified by comparison to a separate database known as the Master Street Address Guide (MSAG)). The Wireline E911 Network thus consists of: the Selective Router; the trunk line(s) between the Selective Router and the PSAP; the ALI Database; the SRDB; the trunk line(s) between the ALI database and the PSAP; and the MSAG. *VoIP 911 Order*, 20 FCC Rcd at 10252, para. 15 (citations omitted).

[97] *See VoIP 911 Order*, 20 FCC Rcd at 10266-69, paras. 37-41 & n. 142 (citations omitted).

[98] *See id.* at 10252, para. 15 n.37 (identifying selective routing capability as the key characteristic distinguishing basic 911 and E911).

[99] *See id.* at 10267-69, paras. 38-39; *see also* NENA Comments, CG Docket No. 03-123, Attach. at 2-3 (filed Dec. 3, 2007) (indicating that an emergency call can be routed to a PSAP from a relay center using the same process that interconnected VoIP providers use); *cf. id.* at 2, n.4 (noting that OnStar, a telematics provider, routes emergency calls from its call centers to the appropriate PSAP over the Wireline E911 Network).

V. PROCEDURAL MATTERS

30. *Regulatory Flexibility Analysis*. As required by the Regulatory Flexibility Act of 1980 (RFA),[100] the Commission has prepared a Final Regulatory Flexibility Certification in which it concludes that, under the terms of the RFA, there is no significant economic impact on small entities as a result of the policies and rules addressed in this document. The certification is set forth in Appendix C.

31. *Paperwork Reduction Act*. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burdens for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198.[101]

32. *Congressional Review Act*. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.[102]

33. *Materials in Accessible Formats.* To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Report and Order* can also be downloaded in Word and Portable Document Formats (PDF) at http://www.fcc.gov/cgb.dro.

VI. ORDERING CLAUSES

34. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, and 225, this Report and Order IS ADOPTED.

35. IT IS FURTHER ORDERED that, pursuant to Sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, and 225, Part 64 of the Commission's rules, 47 C.F.R. Part 64, IS AMENDED, as set forth in Appendix B.

36. IT IS FURTHER ORDERED that this Report and Order shall become effective thirty days after publication in the Federal Register. The waivers of the emergency call handling requirement for VRS and IP Relay providers are extended until the effective date of this *Order* and, along with the waiver for IP CTS providers, shall terminate contemporaneously with the effective date of this *Order*.

[100] The RFA, s*ee* 5 U.S.C. § 601 *et. seq*., has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[101] *See* 44 U.S.C. § 3506(c)(4).

[102] *See* 5 U.S.C. § 801(a)(1)(A).

37. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Report and Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

List of Commenters

Commenter/Date Filed	Abbreviation
Communication Access Center (2/22/06)	CAC
Communication Service for the Deaf (2/22/06)	CSD
Hamilton Relay, Inc. (2/22/06)	Hamilton
National Association of the Deaf (2/23/06)	NAD
New Jersey Division of the Ratepayer Advocate (2/22/06)	NJ Ratepayer
Rehabilitation Engineering Research Center on Telecommunications Access (2/22/06)	(RERC)
Sorenson Communications, Inc.(2/22/06)	Sorenson
Sprint Nextel Corporation (2/22/06)	Sprint Nextel
Telecommunications for the Deaf, Inc. (2/22/06)	TDI
Verizon (2/22/06)	Verizon

Reply Commenter/Date Filed	
Hands On Video Relay Services, Inc. (3/8/06)	Hands On
Intrado (3/8/06)	Intrado
National Emergency Number Association (3/8/06)	NENA
New Jersey Division of the Ratepayer Advocate (3/8/06)	NJ Ratepayer
Sorenson Communications, Inc.(3/8/06)	Sorenson
TDI and NorCal Center on Deafness (3/8/06)	TDI & NorCal
Texas 9-1-1 Alliance and Texas Commission on State Emergency Communications (3/8/06)	Texas 911 Alliance
Verizon (3/8/06)	Verizon

APPENDIX B

Final Rule Changes

Part 64 of the Code of Federal Regulations is amended as follows:

PART 64 – MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 254 (k); secs. 403 (b)(2) (B), (C), Public Law 104-104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 225, 226, 228, and 254 (k) unless otherwise noted.

* * * * *

2. Section 64.604 is amended by revising paragraph (a)(4) as follows:

64.604 Mandatory Minimum Standards

* * *

(a) Operational standards –

* * *

(4) Emergency call handling requirements for TTY-based TRS providers. TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.

3. Current Sections 64.605, 64.606, 64.607, and 64.608 are re-designated as Sections 64.606, 64.607, 64.608, and 64.609, respectively, and a new Section 64.605 is added as follows:

64.605 Additional Operational Standards Applicable to Internet-Based TRS Providers

Each VRS, IP Relay, and IP CTS provider must accept and handle emergency calls and access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location, and to relay the call to that entity. The terms PSAP, statewide default answering point, and appropriate local emergency authority are defined in § 9.3 of this chapter. Each VRS, IP Relay, and IP CTS provider also is required to:

(a) Implement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls (*i.e.*, prioritize emergency calls and move them to the top of the queue);

(b) Request, at the beginning of each emergency call, the caller's name and location information;

(c) Deliver to the PSAP, designated statewide default answering point, or appropriate local emergency authority, at the outset of the outbound leg of an emergency call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected; and

(d) In the event one or both legs of an emergency call are disconnected (*i.e.*, either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call, when feasible;

(e) Ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a customer's location in an emergency situation or for other emergency or law enforcement purposes.

4. In the text of Sections 64.603(a), 64.603(b), 64.604(c)(5)(ii), 64.604(c)(5)(iii)(F)(1), 64.604(c)(5)(iii)(F)(4), 64.604(c)(6)(i), and 64.604(c)(6)(iii)(B), replace the internal cross references to "§ 64.605" with "§ 64.606."

5. In the text of the newly re-designated Section 64.609, replace the internal cross reference to "§§ 64.606 and 64.607" with "§§ 64.607 and 64.608."

APPENDIX C

Final Regulatory Flexibility Certification

1. The Regulatory Flexibility Act of 1980, as amended (RFA),[1] requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."[2] The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[3] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[4] A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[5]

2. This *Order* adopts emergency call handling requirements for Internet-based TRS providers. We require VRS, IP Relay, and IP CTS providers to accept and handle emergency calls; to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location; and to relay the call to that entity. These measures will ensure that persons using Internet-based TRS services can promptly access emergency services. This *Order* also requires that providers: (1) implement a system that ensures that providers answer an incoming emergency call before other non-emergency calls; (2) request, at the beginning of every emergency call, the caller's name and location information; (3) deliver to the PSAP, designated statewide default answering point, or appropriate local emergency authority, at the outset of the outbound leg of the call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected; and (4) in the event one or both legs of the call are disconnected, immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call, when feasible. In addition, providers are reminded that this information may be made available only to emergency call handlers and emergency response or law enforcement personnel, solely for the purpose of ascertaining a customer's location in an emergency situation or for other emergency or law enforcement purposes. Finally, the *Order* requires each Internet-based TRS provider to include an advisory on its website and in any promotional materials directed to consumers, prominently and in plain

[1] *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (SBREFA) Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[2] 5 U.S.C. § 605(b).

[3] 5 U.S.C. § 601(6).

[4] 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

[5] Small Business Act, 15 U.S.C. § 632.

language, explaining the circumstances under which emergency calls made via Internet-based TRS may be in some way limited by comparison to traditional E911 service.

3. To the extent that all Internet-based TRS providers, including small entities, will be eligible to receive compensation from the Interstate TRS Fund for their reasonable costs of complying with these emergency call handling and consumer notification requirements, the Commission finds that these requirements will not have a significant economic impact on a substantial number of small entities. The Commission also believes it is reasonable for Internet-based TRS providers to comply with these requirements by the effective date of this *Order* because, based on the record in this proceeding, some providers have already implemented some of these measures. For instance, several providers assert that as long as the providers obtain location information from the calling party, they can route an emergency call to an appropriate PSAP based upon PSAP databases that are commercially available. The Commission infers that, if such voluntary steps had been unduly economically burdensome for small entities, such entities would not have undertaken them voluntarily. For all of these reasons, the Commission concludes that these measures will not have a significant economic impact on a substantial number of small businesses.

4. With regard to whether a *substantial number* of small entities may be affected by the requirements adopted in this *Order*, the Commission notes that, of the 11 providers affected by the *Order*, only three meet the definition of a small entity. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such firms having 1,500 or fewer employees.[6] Currently, eleven providers receive compensation from the Interstate TRS Fund for providing VRS, IP Relay and IP CTS: AT&T Corp.; Communication Access Center for the Deaf and Hard of Hearing, Inc.; GoAmerica; Hamilton Relay, Inc.; Hands On; Healinc; Nordia Inc.; Snap Telecommunications, Inc; Sorenson; Sprint; and Verizon. Because only three of the providers affected by this *Order* are deemed to be small entities under the SBA's small business size standard, the Commission concludes that the number of small entities affected by our decision in this *Order* is not substantial. Moreover, given that all affected providers, including the three that are deemed to be small entities under the SBA's standard, will be entitled to receive prompt reimbursement for their reasonable costs of compliance, the Commission concludes that the *Order* will not have a significant economic impact on these small entities.

5. Therefore, for all of the reasons stated above, the Commission certifies that the requirements of this *Order* will not have a significant economic impact on any small entities.

6. The Commission will send a copy of the *Order*, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act.[7] In addition, the *Order* and this final certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the Federal Register.[8]

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[6] 13 C.F.R. § 121.201, NAICS code 517110. According to Census Bureau data for 1997, there were 2,225 firms in this category which operated for the entire year. U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, "Establishment and Firm Size (Including Legal Form of Organization)," Table 5, NAICS code 513310 (issued Oct. 2000). Of this total, 2,201 firms had employment of 999 or fewer employees, and an additional 24 firms had employment of 1,000 employees or more. Thus, under this size standard, the majority of firms can be considered small. (The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is "Firms with 1,000 employees or more.")

[7] *See* 5 U.S.C. § 801(a)(1)(A).

[8] *See* 5 U.S.C. § 605(b).

STATEMENT OF
COMMISSIONER MICHAEL J. COPPS

Re. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; *E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196.

A 911 call may be the most important call you'll ever make. When most people place such a call, 911 operators immediately know where they are calling from based on their phone number. But imagine if the operator didn't know because you don't have a phone number and because you're not calling from a traditional phone line. Imagine the additional time it would take to determine where to send emergency services or worse, imagine if the operator refused to take your call at all. The deaf and hard of hearing don't need to imagine these situations because they have faced these scary scenarios when relying upon Internet-based Telecommunications Relay Services such as Video Relay Service, Internet Protocol Relay and IP-captioned telephone relay service to communicate.

The Americans with Disabilities Act mandates functional equivalency and it is astonishing that in 2008 some people with disabilities don't have the equivalent of something as basic as 911 service or, for that matter, a home phone number. I am pleased to support this item because it requires providers to accept and prioritize all 911 calls from consumers using Internet relay services. It also establishes a concrete timeline for implementing a ten-digit numbering plan for consumers. In doing so, we take another step towards providing the deaf and hard of hearing the functionally equivalent phone services they need and deserve.

I want to thank all my colleagues for their willingness to commit the Commission to a timeline for getting the job done. Specifically, the Commission has committed to completing a final Order on ten-digit numbering rules by the end of June. In order to provide all stakeholders the time necessary to implement these rules, the Commission will require that the plan be implemented no later than year-end. In doing so, consumers who use Internet relay services will have conveniences and life-saving services available to them for the first time. To succeed in this, it will require all interested parties – consumers, providers and the Commission – pulling together to make this happen. I am optimistic that with everyone's focus, effort and assistance we can get it done and I look forward to helping bring it all home.

STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN

Re. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers,* CG Docket No. 03-123, WC Docket No. 05-196.

Today we take a significant step in furtherance of the Americans with Disabilities Act's (ADA) powerful mandate that telecommunications services for those with hearing and speech disabilities be "functionally equivalent" to those services provided to hearing individuals. A hallmark of a functionally equivalent service must be the ability to access emergency services. Indeed, the ability to reach public safety officials via "911" has had a remarkably beneficial impact on American consumers. So I'm pleased that this Order takes a much-needed first step toward ensuring that millions of consumers with speech and hearing disabilities will be able to access emergency services when using innovative Internet-based forms of TRS.

By requiring providers of Internet-based TRS to accept emergency calls and to deliver them to the appropriate public safety answering point, this Order helps extend the benefits of our E911 networks to the growing community of relay service users. Users of Internet relay services aptly described emergency access as "unequivocally the most important aspect of VRS and IP Relay functional equivalency."[1] Leading members of Congress have recognized the importance of this issue and asked us to move quickly.[2]

Although the E911 solution adopted here is interim in nature, the Order includes an important commitment to adopt a permanent and automated emergency access solution. Notably, the Order also sets forth a commitment to adopt a ten-digit dialing plan, which would greatly facilitate communication with and among users of Internet-based forms of TRS. Addressing both of these issues together – numbering and emergency access – will allow the Commission to develop a coordinated solution and is an approach that has been supported by both providers and consumers. So, I am particularly pleased that the Commission commits to hold a stakeholder workshop to focus our work on these issues.

I commend Chairman Martin for bringing this item to us, Commissioner Copps for his hard work to improve the final result, and all my colleagues for their commitment to moving forward with a coordinated, long-term solution to the twin issues of emergency access and numbering as expeditiously as possible. We now have the opportunity to raise the bar and improve our relay services permanently, so I look forward to working together with my colleagues, providers, the TRS Advisory Committee, our exceptional Bureau staff, and the many members of the disabilities community, as we move forward.

[1] *See* Partial Opposition of Telecommunications For The Deaf And Hard Of Hearing, Inc.; Association Of Late-Deafened Adults, Inc.; National Association Of The Deaf; Deaf And Hard Of Hearing Consumer Advocacy Network; And California Coalition Of Agencies Serving The Deaf And Hard Of Hearing (Dec. 20, 2007).

[2] *See* Letter from Chairman John D. Dingell, Ranking Member Joe Barton, Chairman Edward J. Markey, Ranking Member Fred Upton (Nov. 26, 2007).

STATEMENT OF
COMMISSIONER DEBORAH TAYLOR TATE

Re. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers,* CG Docket No. 03-123, WC Docket No. 05-196.

The dynamic and marvelous innovations and devices that we as consumers use everyday enable us to be connected globally whether for travel or education; entertainment or telemedicine. However, today, we ensure that all Americans benefit from advances in telecommunications services and equipment as Congress intended, specifically in times of emergency. While I often advocate a light regulatory touch for Internet-based services, it is essential that critical social goals—such as TRS—are implemented in an equitable and non-discriminatory manner across platforms, service-providers and specific technologies.

Today, we recognize that significant numbers of persons with hearing disabilities are seeking innovative services, such as Internet-based forms of TRS and therefore we must take steps to adopt rules that will encourage the utilization of innovative, new technologies and that will provide a reliable means of accessing emergency services.

As the Commission continues to consider the needs of all our consumers in this digital age, I especially value the input of those who know first-hand and best what rules will most effectively serve all consumers at the time they need it most.