

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

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

**ORDER**

**Adopted: April 30, 2019**

**Released: April 30, 2019**

By the Chief, Consumer and Governmental Affairs Bureau:

**I. INTRODUCTION**

1. By this Order, the Consumer and Government Affairs Bureau (Bureau) of the Federal Communications Commission (Commission) grants a limited waiver of the expiration date of the at-home call handling pilot program for video relay service (VRS), extending the program through October 31, 2019, or the effective date of a Commission decision regarding at-home call handling, whichever occurs first. The Bureau also grants limited waivers of the at-home call handling rules to permit Sorenson Communications, LLC (Sorenson), ASL Services Holdings, LLC dba GlobalVRS (GlobalVRS), and Convo Communications, LLC (Convo) to participate in the pilot program as extended.

**II. BACKGROUND**

2. In 2011, the Commission amended its rules to prohibit VRS communications assistants (CAs) from working at home in order to reduce the VRS program's vulnerability to waste, fraud, and abuse and to ensure adherence to telecommunications relay service (TRS) standards on call confidentiality and service quality.<sup>1</sup> Revisiting the at-home prohibition in March 2017, the Commission noted that intervening changes may have reduced both the risk of fraud and the difficulty of supervising teleworking CAs.<sup>2</sup> Therefore, the Commission established a one-year pilot program to authorize at-home VRS call handling on a limited basis.<sup>3</sup> Under this program, authorized VRS providers may be compensated for calls handled by CA at-home workstations, up to a maximum of 30 percent of a

<sup>1</sup> *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5554-59, paras. 13-20 (*2011 VRS Call Practices Order*) (adopting 47 CFR § 64.604(b)(4)(iii)).

<sup>2</sup> *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436, 2455-56, para. 46 (2017) (*2017 VRS Improvements Order*) (revising 47 CFR § 64.604(b)(4)(iii) and adopting 47 CFR § 64.604(b)(8)).

<sup>3</sup> *2017 VRS Improvements Order*, 32 FCC Rcd at 2456-57, paras. 48-49.

participating provider's monthly minutes,<sup>4</sup> so long as the provider complies with personnel, technical, and environmental rules and monitoring and oversight obligations and files the required reports.<sup>5</sup> Two VRS providers, ZVRS and Purple, currently are authorized to participate in the pilot program.<sup>6</sup>

3. In October 2018, the Bureau granted the currently participating providers, ZVRS and Purple, limited waivers of the expiration date of the pilot program, continuing the program for an additional six months, through April 30, 2019.<sup>7</sup> In granting the waivers, the Bureau found evidence that the pilot program had produced significant benefits, improving the reliability redundancy, effectiveness, and efficiency of the participants' relay services. The reported benefits included (1) improvements in the job performance of CAs working at home (in part because of the CAs' enhanced ability to focus on calls, their increased energy levels, and their reduced stress levels), (2) an increased pool of qualified interpreters (thereby making possible a higher quality of service), (3) improvements in network redundancy (by distributing call handling capabilities outside of traditional call centers), (4) increased ability to deal with unanticipated increases in call volumes by adjusting CA schedules, (5) better preparedness for service during emergencies, and (6) reduced facilities and overhead costs.<sup>8</sup> The Bureau also found it likely that these benefits would be sacrificed if at-home interpreting was discontinued before the Commission determined whether to implement a permanent program, adding to the providers' burden of ensuring reliable service to consumers.<sup>9</sup> Finally, the Bureau found that the significant investments made by the participating providers in their at-home call handling capability would be "largely wasted if there is a significant lapse in the program"<sup>10</sup> and that "continuation of the program without interruption for a limited period may facilitate a smooth transition from the pilot program to a permanent program, if authorized."<sup>11</sup> As conditions of the waiver, ZVRS and Purple must continue to comply with the pilot program's requirements in section 64.604(b)(8) of the rules, including the submission of reports to the TRS Fund administrator and the Commission.<sup>12</sup>

4. In February 2019, ZVRS and Purple filed a petition requesting a further waiver and

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<sup>4</sup> This monthly maximum is calculated as the greater of (1) 30 percent of the provider's total compensated minutes for that month, or (2) 30 percent of the provider's average monthly minutes for the 12 months ending October 31, 2017. 47 CFR § 64.604(b)(8)(iii).

<sup>5</sup> 47 CFR § 64.604(b)(8). Current participants of the pilot program submitted in advance a detailed plan explaining how their management of at-home workstations would comply with the program safeguards, meet the TRS mandatory minimum standards, guarantee call confidentiality, and protect against waste, fraud, and abuse. 47 CFR § 64.604(b)(8)(i). Each participating provider must file (1) monthly information with compensation requests, identifying the location of each home workstation, the CA identification number (ID) for each individual handling VRS calls from that workstation, the location and call center IDs of call centers supervising at-home workstations, and the names of the supervisors at such call centers; and (2) a mid-term report providing detailed information about the provision of service during the first six months of the program. 47 CFR § 64.604(b)(8)(viii)-(ix).

<sup>6</sup> *Authorizations Granted to CSDVRS, LLC, and Purple Communications, Inc., to Participate in the VRS At-Home Call Handling Pilot Program*, CG Docket Nos. 10-51 and 03-123, Public Notice, 32 FCC Rcd 9245 (CGB 2017). Another VRS provider, GlobalVRS, filed a notice of intent to participate in the at-home call handling pilot program, but no decision was made at that time on whether to authorize GlobalVRS to participate. *Id.* at n.9.

<sup>7</sup> *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Order, 33 FCC Rcd 10998 (CGB 2018) (*2018 Pilot Program Extension Order*).

<sup>8</sup> *See id.* at 11000-01, para. 6.

<sup>9</sup> *See id.* at 11001, para. 7.

<sup>10</sup> *See id.* at 11001, para. 8.

<sup>11</sup> *See id.* at 11001-02, para. 9.

extension of the pilot program termination date.<sup>13</sup> In addition, the other three authorized VRS providers each requested waivers to allow them to offer at-home VRS call handling under the pilot program, pursuant to the same conditions applicable to ZVRS and Purple.<sup>14</sup> On April 17, 2019, the Commission placed on the agenda of its May 2019 Open Meeting a Further Notice of Proposed Rulemaking that would propose to allow at-home call handling on a permanent basis.<sup>15</sup>

### III. DISCUSSION

5. *Waiver Standard.* A Commission rule may be waived for good cause shown.<sup>16</sup> In particular, waiver of a rule is appropriate where the particular facts make strict enforcement of a rule inconsistent with the public interest.<sup>17</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>18</sup> Waiver of a rule is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest and will not undermine the policy underlying the rule.<sup>19</sup> In demonstrating whether a waiver is warranted, the burden of proof rests with the petitioner.<sup>20</sup>

#### A. Extension of the Pilot Program

6. We find there are special circumstances establishing good cause for a further six-month waiver, through October 31, 2019, of the expiration date for the at-home VRS call handling pilot program while the Commission considers whether to authorize at-home VRS call handling on a permanent basis.<sup>21</sup> In the *2018 Pilot Program Extension Order*, the Bureau found that the record indicated the pilot program had produced significant benefits and that good cause was demonstrated for a six-month extension of the program expiration date to preserve the status quo while the Commission considers whether to make the program permanent.<sup>22</sup>

7. Data reported by ZVRS and Purple support their contentions that the pilot program continues to produce the benefits anticipated by the Commission, and that allowing the pilot program to

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<sup>12</sup> See *id.* at 11004, para. 13 (*citing* 47 CFR § 64.604(b)(8)(viii)-(ix)). The Bureau required ZVRS and Purple to continue filing monthly reports with the TRS Fund administrator and to file additional reports on or before December 1, 2018 (covering the second six months of the pilot period), and March 1, 2019 (covering the first three months of the extension authorized by this order), each of which must include information specified in section 64.604(b)(8)(ix) of the rules. *Id.*

<sup>13</sup> Request of ZVRS and Purple for Extension of the at-home Call Handling Pilot Program, CG Docket Nos. 10-51 and 03-123 (filed Feb 25, 2019), [https://ecfsapi.fcc.gov/file/1022521121643/ZVRS%20and%20Purple%20Request%20for%20Extension%20of%20At-Home%20Pilot%20Program%20\(FINAL\).pdf](https://ecfsapi.fcc.gov/file/1022521121643/ZVRS%20and%20Purple%20Request%20for%20Extension%20of%20At-Home%20Pilot%20Program%20(FINAL).pdf) (ZVRS and Purple Extension Request).

<sup>14</sup> Petition of Sorenson for an Expedited Limited Waiver to Offer at-home Interpreting Subject to the Conditions of the Pilot Program, CG Docket Nos. 10-51 and 03-123 (filed Jan 28, 2019), <https://ecfsapi.fcc.gov/file/101282693116316/2019-01-28%20Sorenson%20Petition%20for%20Waiver%20to%20Participate%20in%20At-Home%20Interp.pdf> (Sorenson Petition); Petition of GlobalVRS for an Expedited Limited Waiver to Offer at-home Interpreting Subject to the Conditions of the Pilot Program, CG Docket Nos. 10-51 and 03-123 (filed Mar. 21, 2019), <https://ecfsapi.fcc.gov/file/1040163441739/10-51.pdf> (GlobalVRS Petition); GlobalVRS At-Home Call Handling Pilot Program Compliance Plan, CG Docket Nos. 10-51 and 03-123 (filed Mar. 21, 2019), <https://ecfsapi.fcc.gov/file/10401373110794/10-51b.pdf> (GlobalVRS Compliance Plan); Petition of Convo for an Expedited Limited Waiver to Offer at-home Interpreting Subject to the Conditions of the Pilot Program, CG Docket Nos. 10-51 and 03-123 (filed Apr. 11, 2019), <https://ecfsapi.fcc.gov/file/10411855702442/At%20Home%20Interpreting%20Waiver%20and%20Petition.pdf> (Convo Petition).

<sup>15</sup> News Release, FCC, FCC Announces Tentative Agenda for May Open Meeting (Apr. 18, 2019), <https://docs.fcc.gov/public/attachments/DOC-357094A1.pdf>.

expire would eliminate these benefits, increase the providers' costs, and make it more difficult to maintain or increase the quality of service they provide.<sup>23</sup> Specifically, ZVRS and Purple have increased the number of CAs handling VRS calls from at-home workstations.<sup>24</sup> They also report that on a daily basis, the average at-home CA continues to [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*] CAs at traditional call centers.<sup>25</sup> ZVRS and Purple also continue to [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*] handled by at-home CAs.<sup>26</sup>

8. The data submitted by ZVRS and Purple also continues to indicate that the providers are in compliance with the Commission's mandatory minimum standards, as well as the specific personnel, technical, and environmental safeguards adopted in the *2017 VRS Improvements Order*.<sup>27</sup> For example, ZVRS and Purple report they remain in compliance with rules requiring that at-home CAs possess the requisite number of years handling VRS calls prior to taking on at-home functions.<sup>28</sup> ZVRS and Purple also report that they continue to ensure the confidentiality of calls handled in at-home call stations by complying with requirements for at-home workstations to be in a secure, separate, and locked location; installing white noise emitters or soundproofing to prevent eavesdropping; and providing a secure and dedicated Internet connection between at-home stations and the companies' secure network.<sup>29</sup> In addition, the reports indicate that ZVRS and Purple continue to successfully ensure supervision and conduct monitoring to fulfill the at-home call handling oversight obligations.<sup>30</sup> Similarly, ZVRS and Purple report that they are ensuring the seamless integration of call routing distribution and tracking systems for both their at-home calling stations and traditional call centers.<sup>31</sup> The reports also indicate that [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*],<sup>32</sup> suggesting that

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<sup>16</sup> 47 CFR § 1.3 (providing for suspension, amendment, or waiver of Commission rules, in whole or in part, for good cause shown).

<sup>17</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>18</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>19</sup> *Northeast Cellular*, 897 F.2d at 1166; *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127-128 (D.C. Cir. 2008).

<sup>20</sup> *Tucson Radio, Inc. v. FCC*, 452 F.2d 1380, 1382 (D.C. Cir. 1971).

<sup>21</sup> See *2017 VRS Improvements Order*, 32 FCC Rcd at 2455-56, 63 paras. 46, 59 (indicating the Commission's intent to evaluate the effectiveness of this program and make a final determination on its future upon the pilot program's conclusion).

<sup>22</sup> See *2018 Pilot Program Extension Order*, 33 FCC Rcd at 11001, para. 7 (citing *Northeast Cellular*, 897 F.2d at 1166; *NetworkIP, LLC v. FCC*, 548 F.3d at 125-28).

<sup>23</sup> ZVRS and Purple Extension Request at 4.

<sup>24</sup> See Letter from Gregory Hlibok, Chief Legal Officer, ZVRS and Purple to Marlene H. Dortch, Secretary, FCC at 4 (Dec. 3, 2018) (ZVRS Dec. 3, 2018 Report) (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*] at-home CAs for ZVRS); Letter from Gregory Hlibok, Chief Legal Officer, ZVRS and Purple to Marlene H. Dortch, Secretary, FCC at 3 (Mar. 1, 2019) (ZVRS Mar. 1, 2019 Report) (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*] at-home CAs for ZVRS); Letter from Gregory Hlibok, Chief Legal Officer, ZVRS and Purple to Marlene H. Dortch, Secretary, FCC at 4 (Dec. 3, 2018) (Purple Dec. 3, 2018 Report) (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*] at-home CAs for Purple); Letter from Gregory Hlibok, Chief Legal Officer, ZVRS and Purple to Marlene H. Dortch, Secretary, FCC at 3 (Mar. 1, 2019) (Purple Mar. 1, 2019 Report) (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*] at-home CAs for Purple).

<sup>25</sup> See ZVRS Dec. 3, 2018 Report at 41 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]); ZVRS (continued....)

service quality likely has not been diminished by the use of at-home call handling. In summary, the companies' December 2018 and March 2019 reports support the Bureau's previous findings regarding the costs and benefits of extending the pilot program.

9. Further, extending the pilot program for an additional, limited period, subject to the filing of additional reports, will enable the Commission to continue gathering data to help inform its determination on whether to make the program permanent and on crafting rules to govern any permanently authorized program.<sup>33</sup> Moreover, as discussed below, with three additional providers authorized to participate in the extended pilot program, the Commission has an opportunity to gather even more data to help inform its determination on whether to make the program permanent and on crafting rules to govern any permanently authorized program.<sup>34</sup>

10. For these reasons, we find good cause to grant the requested waiver and extend the pilot program for six months, through October 31, 2019, or the effective date of a Commission decision regarding at-home call handling, whichever occurs first. Pilot program participants must continue to comply with the pilot program's requirements in section 64.604(b)(8) of the rules and the waiver conditions adopted herein.<sup>35</sup>

## **B. Allowing Participation by Additional Providers**

### **1. Requests for Waiver**

11. We find there is good cause to grant the three other VRS providers' requests for waiver of the pilot program rules to the extent necessary for them to participate in the program on the same basis as ZVRS and Purple.<sup>36</sup> Each of the three providers has submitted a detailed showing of the circumstances supporting grant of a waiver in its case.<sup>37</sup> We agree with each of the providers that the same benefits

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Mar. 1, 2019 Report at 10 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]); Purple Dec. 3, 2018 Report at 44 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]); Purple Mar. 1, 2019 Report at 13 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]).

<sup>26</sup> Compare ZVRS Dec. 3, 2018 Report at 41 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]) and ZVRS Mar. 1, 2019 Report at 10 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]); compare also Purple Dec. 3, 2018 Report at 44 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]) and Purple Mar. 1, 2019 Report at 13 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [\*\*\*END CONFIDENTIAL\*\*\*]).

<sup>27</sup> See *2018 Pilot Program Extension Order*, 33 FCC Rcd at 11002-03, para. 10; see also 47 CFR § 64.604 (TRS mandatory minimum standards); *2017 VRS Improvements Order*, 32 FCC Rcd 2458-59, paras. 52-53.

<sup>28</sup> See ZVRS Dec. 3, 2018 Report at 3; ZVRS Mar. 1, 2019 Report at 3; Purple Dec. 3, 2018 Report at 3; Purple Mar. 1, 2019 Report at 3.

<sup>29</sup> See ZVRS Dec. 3, 2018 Report at 11; Purple Dec. 3, 2018 Report at 11-12.

<sup>30</sup> See ZVRS Dec. 3, 2018 Report at 8-10; ZVRS Mar. 1, 2019 Report at 7; Purple Dec. 3, 2018 Report at 9-11; Purple Mar. 1, 2019 Report at 10.

<sup>31</sup> See ZVRS Dec. 3, 2018 Report at 11, 14; Purple Dec. 3, 2018 Report at 12, 14-15, 20-21.

identified in the *2018 Pilot Program Extension Order* are likely to accrue for the consumers served by that provider if it is allowed to participate in the pilot program, and will not materialize if the provider is denied the opportunity to participate. For example, as Sorenson explains, “a waiver would permit it to more flexibly add call handling capacity at peak times and in widespread emergencies, and will [reduce] the burden of ensuring reliable service to customers.”<sup>38</sup> Also, as Convo discusses:

Currently, a constant concern at Convo is the safety of [video interpreters (VIs)] in an occupation that must run twenty-four hours, seven days a week. VIs who travel in inclement weather take risks in doing so; risks that also translate into stress that may impact job performance. In times where VIs opt to stay home during inclement weather, or where Convo has to make the difficult decision to temporarily close a call center, Convo risks increasing the wait time for users who call to use VRS services. Those VIs who do show are potentially overloaded on the queue, having to make up for those VIs who had to stay home. The ability for Convo to have at-home VRS call handling will allow Convo greater flexibility in managing those days and nights where the weather poses a real hazard for commuters, by allowing calls to be handled by at-home VIs.<sup>39</sup>

12. In short, granting limited waivers to allow participation by these providers will ensure that the pilot program’s benefits are available to all users of VRS. We also agree that, absent a waiver, the service quality offered by these VRS providers could suffer due to their inability to recruit (or perhaps, in some instances, to retain) qualified CAs who need or prefer to work at home.<sup>40</sup> In addition, each of the providers has submitted a plan demonstrating their readiness to comply with each of the at-home call handling safeguards previously adopted by the Commission.<sup>41</sup> Therefore, we conclude that

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<sup>32</sup> See ZVRS Dec. 3, 2018 Report at 6 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for at-home CAs compared to [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for call center CAs); ZVRS Mar. 1, 2019 Report at 6 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for at-home CA compared to [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for call center CAs); Purple Dec. 3, 2018 Report at 7 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for at-home CAs compared to [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for call center CAs); Purple Mar. 1, 2019 Report at 7 (reporting [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for at-home CAs compared to [\*\*\*BEGIN CONFIDENTIAL\*\*\*] [REDACTED] [\*\*\*END CONFIDENTIAL\*\*\*] for call center CAs).

<sup>33</sup> See *2018 Pilot Program Extension Order*, 33 FCC Rcd at 11001-02, para. 9; see *infra* Part III.C (requiring the filing of additional reports on service provided during extension periods).

<sup>34</sup> See *infra* para. 12; see also Administrative Conference of the United States, Administrative Conference Recommendation 2017-6 Learning from Regulatory Experience at 13 (2017), <https://www.acus.gov/recommendation/learning-regulatory-experience> (“Before adopting a rule, agencies can learn from pilot projects, demonstrations, and flexibility among states or regulated entities. After promulgating a rule, agencies may, where legally permissible, use waivers and exemptions to learn.”).

<sup>35</sup> See *infra* Part III.C.

<sup>36</sup> In addition to a waiver of the expiration date, which all three providers require, Sorenson and Convo require a waiver of the deadline for notifying the Commission of their intent to participate in the program. See 47 CFR § 64.604(b)(8)(i) (requiring a VRS provider seeking to participate in the pilot program to notify the Commission of its

(continued....)

granting the requested waivers will not pose a substantial risk of noncompliance with the Commission's minimum TRS standards of service quality and confidentiality. Finally, allowing more providers to participate in the pilot program will enable the Commission to evaluate additional data that may help inform its determination on whether to make the program permanent and on crafting rules to govern any permanently authorized program, allowing for more effective implementation of the underlying policy.<sup>42</sup> Equitable administration of our rules is also advanced by allowing all VRS providers to participate in the extended pilot program.<sup>43</sup> For all these reasons, we conclude that it serves the public interest to allow additional VRS providers to participate in the pilot program.

## 2. Authorizations to Participate in the Pilot Program

13. Under the *2017 VRS Improvements Order*, each VRS provider interested in participating in the pilot program is required to submit a detailed plan explaining how the provider's management of at-home workstations will satisfy the TRS mandatory minimum standards, guarantee call confidentiality, and protect against waste, fraud, and abuse.<sup>44</sup> The plans submitted by Sorenson, GlobalVRS, and Convo each contain the nine elements required by section 64.604(b)(8)(i) of the rules.<sup>45</sup>

14. After reviewing these plans, we find that Sorenson, GlobalVRS, and Convo have each sufficiently demonstrated that their use of at-home workstations will comply with the Commission's standards and safeguards.<sup>46</sup> Therefore, we grant each of these providers authorization to participate in the pilot program.

## C. Conditions Applicable to All Waivers

15. As a condition of granting the waivers requested by ZVRS, Purple, Sorenson, GlobalVRS, and Convo, each provider must comply with the pilot program's requirements in section 64.604(b)(8) of the rules, including the submission of monthly reports to the TRS Fund administrator as specified in section 64.604(b)(8)(viii) of the rules, as well as additional reports containing the information

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intent to participate on or before September 1, 2017). Because GlobalVRS filed its original notice of intent to participate on September 1, 2017, GlobalVRS does not need a waiver of section 64.604(b)(8)(i).

<sup>37</sup> See Sorenson Petition at 3-5; GlobalVRS Petition at 3-4; Convo Petition at 3-4. As explained above, these benefits include (1) improved CA job performance, (2) an increased pool of qualified interpreters, (3) enhanced network redundancy, (4) greater flexibility in responding to changes in demand, (5) better emergency preparedness, and (6) reduced facilities and overhead costs. *Supra* para. 3.

<sup>38</sup> Sorenson Petition at 5.

<sup>39</sup> Convo Petition at 4.

<sup>40</sup> See Sorenson Petition at 5; GlobalVRS Petition at 4; Convo Petition at 4-5.

<sup>41</sup> See Sorenson Petition, Attach. at Exh. A – Exh. I; GlobalVRS Compliance Plan at 1-13, Convo Petition, Attach. at Exh. A – Exh. I.

<sup>42</sup> See *2018 Pilot Program Extension Order*, 33 FCC Rcd at 11001-02, para. 9; Convo Petition at 3. See *infra* Part III.C. (requiring the filing of reports during the extension period).

<sup>43</sup> In the waiver context, effective administration of the rules should contemplate and take into account considerations of hardship, equity, or more effective implementation of overall policy. *WAIT Radio*, 418 F.2d at 1159. Such waivers should be granted pursuant to an appropriate general standard that obviates discriminatory approaches. See *Northeast Cellular*, 897 F.2d at 1166; *WAIT Radio*, 418 F.2d at 1159; see also *2018 Pilot Program Extension Order*, 33 FCC Rcd at 11004, para. 14, n.54 (noting that any VRS provider that wishes to begin offering at-home interpreting under the conditions of the pilot program should submit a particularized showing of special circumstances demonstrating good cause for granting a rule waiver to that VRS provider).

<sup>44</sup> 47 CFR § 64.604(b)(8)(i).

specified in section 64.604(b)(8)(ix) of the rules.<sup>47</sup> Although the reports filed regarding the initial one-year period of the pilot program covered six months each,<sup>48</sup> the *2018 Pilot Program Extension Order* also required a three-month report covering the first half of the six-month extension granted in that order. This was done to ensure that at-home call handling performed during the extension could be evaluated by the Commission prior to the end of the extension.<sup>49</sup> Similarly, we require the filing of further three-month reports in this order, to ensure that information continues to be made available in a timely fashion to support Commission deliberations on whether to make the pilot program permanent. These additional reports must be filed on or before June 3, 2019 (covering the last three months of the previous six-month extension—to be filed by ZVRS and Purple only), September 3, 2019 (covering the first three months of the additional six-month extension authorized by this Order), and December 2, 2019 (covering the final three months of the extension authorized by this Order).

#### IV. PROCEDURAL MATTERS

16. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov), or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

#### V. ORDERING CLAUSES

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

18. IT IS FURTHER ORDERED that the joint request of CSDVRS, LLC d/b/a ZVRS and Purple Communications, Inc. for waiver and extension of the VRS at-home call handling pilot program IS GRANTED, subject to the conditions herein.

19. IT IS FURTHER ORDERED that the petitions of Sorenson Communications, LLC, ASL Services Holdings, Inc. dba GlobalVRS, and Convo Communications, LLC for limited waivers allowing each provider to offer at-home interpreting subject to the conditions of the pilot program ARE GRANTED, subject to the conditions herein.

20. IT IS FURTHER ORDERED that CSDVRS, LLC d/b/a ZVRS, Purple Communications, Inc., Sorenson Communications, LLC, ASL Services Holdings, Inc. dba GlobalVRS, and Convo Communications, LLC ARE AUTHORIZED to participate in the at-home call handling pilot program through October 31, 2019, or the effective date of a Commission decision regarding at-home call handling, whichever occurs first.

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<sup>45</sup> See Sorenson Petition, Attach. at Exh. A – Exh. I; GlobalVRS Compliance Plan at 1-13, Convo Petition, Attach. at Exh. A – Exh. I.

<sup>46</sup> See *2017 VRS Improvements Order*, 32 FCC Rcd at 2462, para. 56.

<sup>47</sup> 47 CFR § 64.604(b)(8)(viii)-(ix).

<sup>48</sup> See *id.*, § 64.604(b)(8)(ix) (requiring a report on the first six months of the initial one-year pilot program period); *2018 Pilot Program Extension Order*, 33 FCC Rcd at 11004, para. 13 (requiring a report on the second six months of the initial one-year pilot program period).

<sup>49</sup> See *2018 Pilot Program Extension Order*, 33 FCC Rcd at 11004, para. 13.



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

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre, Chief  
Consumer and Governmental Affairs Bureau