

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**REQUEST FOR EXTENSION OF THE
AT-HOME CALL HANDLING PILOT PROGRAM**

CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) (collectively, the “Companies”), both participants in the at-home Video Relay Service (“VRS”) call handling pilot program (the “Pilot Program”), hereby request that the Commission extend the limited waiver of the Pilot Program termination date, which was granted on April 30, 2019.¹ This limited waiver extended the pilot program until October 31, 2019, or until the effective date of a decision regarding at-home call handling, whichever occurs first.² The Commission issued a further notice of proposed rulemaking proposing to convert the at-home call handling Pilot Program to a permanent program on May 15, 2019 (the “2019 FNPRM”), but has not yet released an order taking such action. Accordingly, under the current extension, the Pilot Program will expire on October 31, 2019.

¹ *In the Matter of Structure and Practices of the Video Relay Service, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Order, DA 19-360 (rel. Apr. 30, 2019) (“Second Extension Order”).

² *Id.* at para. 10.

The Companies request that the Commission consider extending the Pilot Program until an order permanently authorizing at-home call handling becomes effective to (1) provide the Commission the time necessary to conclude its pending rulemaking, which proposed to permanently authorize at-home call handling, and (2) allow the benefits of at-home interpreting to continue and prevent disruption to the Companies' customers, at-home interpreters, operations, and investments that would occur if the Pilot Program expires before the Commission has permanently authorized at-home call handling.

I. BACKGROUND

The Companies were authorized to participate in the Pilot Program on October 31, 2017.³ The Companies demonstrated the success of at-home interpreting during the Pilot Program and, on October 31, 2018, the Companies were granted a limited waiver of the October 31, 2018 Pilot Program termination date.⁴ On April 30, 2019, the Companies were granted a further waiver of the termination date to allow the Commission to complete a rulemaking to permanently authorize at-home call handling.⁵ On May 15, 2019, the Commission issued a rulemaking proposing to “convert the Commission’s pilot VRS at-home call-handling program, which allows VRS providers to handle some VRS calls from CA at-home workstations, to a permanent program.”⁶ Comments were filed on August 5, 2019 and Reply Comments were filed on September 4, 2019.

³ On October 31, 2017, the Consumer and Governmental Affairs Bureau (“Bureau”) authorized ZVRS and Purple to participate in the Pilot Program from November 1, 2017 to October 31, 2018. Authorizations Granted to CSDVRS, LLC, and Purple Communications, Inc. to Participate in the VRS At-Home Call Handling Pilot Program, Public Notice, 32 FCC Rcd. 9245, 9246 (CGB 2017) (“Authorization Notice”).

⁴ *In the Matter of Structure and Practices of the Video Relay Service, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Order, DA 18-1119 (rel. Oct. 31, 2018) (“First Extension Order”).

⁵ Second Extension Order.

⁶ *In the Matter of 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, 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 19-39, para 39 (May 15, 2019) (“2019 FNPRM”).

Nearly all commenters agreed that the Commission should permanently authorize at-home VRS call handling, with some relatively minor disagreement about the details.

The Commission recognized in the 2019 FNPRM that permanently authorizing at-home call handling is “likely to expand the available pool of qualified sign-language interpreters who can work as VRS interpreters (i.e., CAs) and improve VRS reliability, which will advance the Commission’s goal of ensuring a high quality, functionally equivalent VRS program in furtherance of the objectives of section 225 of the Communications Act.”⁷

Further, in the First and Second Extension Orders, the Commission determined that a limited waiver of the Pilot Program termination date was in the public interest because, among other reasons more fully described below, these benefits would be lost if at-home interpreting was discontinued prior to an order permanently authorizing at-home call handling.⁸ The same situation is present here, justifying a further extension of the Pilot Program at this time.

II. DISCUSSION

Generally, the Commission’s rules may be waived for good cause shown.⁹ Additionally, the Commission may waive a rule where the particular facts make strict application of the rule inconsistent with the public interest.¹⁰

⁷ 2019 FNPRM at para. 39.

⁸ First Extension Order at paras. 7-8; Second Extension Order at para. 10.

⁹ 47 C.F.R. § 1.3.

¹⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

A. Additional Time Is Needed to Allow the Commission to Conduct Its Planned Rulemaking to Determine Whether to Permanently Authorize At-Home Call Handling.

As both the Commission and the Companies have observed, at-home call handling is providing significant benefits to the VRS program and the deaf and hard of hearing community.¹¹ Recognizing the importance of these benefits, the Commission granted the first and second extensions of the Pilot Program to “allow consumers to continue to receive these benefits while the Commission considers whether to make the program permanent.”¹² Unfortunately, although the rulemaking is underway, with the comment cycle concluding on September 4, 2019, the Commission has not released an order permanently authorizing at-home call handling. Given the upcoming Pilot Program termination date of October 31, 2019, a further extension is necessary if an order is not released, and effective, prior to that date to avoid losing the benefits of at-home interpreting and disrupting VRS operations, as described more fully below.

B. Relief Is Needed to Avoid Disruption to Customer Service and the Companies’ Operations and Investments.

In granting the First Extension, the Commission found that “losing the additional call handling capacity and redundancy provided by at-home interpreters, especially at peak times and in emergencies, could increase the burden on the Companies of ensuring reliable service to consumers.”¹³ Additionally, the Commission found that significant investments made by the Companies in their at-home call handling capability would be “largely wasted if there is a significant lapse in the program” 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,

¹¹ *Petition for Rulemaking to Permanently Authorize At-Home Video Relay Service Call Handling*, CG Docket Nos. 10-51, 03-123, *Petition for Rulemaking* (filed Aug. 29, 2018) (“Petition”); First Extension Order at paras. 6-8; Second Extension Order at para. 8; 2019 FNPRM at 39-40.

¹² Extension Order at para. 7.

¹³ *Id.* at para. 7.

if authorized.”¹⁴ The Second Extension similarly noted that “the pilot program continues to produce the benefits anticipated by the Commission, and that allowing the pilot program to expire would eliminate these benefits, increase the providers’ costs, and make it more difficult to maintain or increase the quality of service they provide.”¹⁵

These considerations, together with the anticipated harms to VRS users, at-home interpreters, the program, and the Companies, are no less germane today. ZVRS and Purple have been engaged in at-home interpreting for nearly two years. At-home interpreting has become an integral part of each company’s VRS operation. Given the Commission’s proposal to permanently authorize at-home call handling in the 2019 FNPRM,¹⁶ the prior public interest justifications for preventing a lapse in at-home interpreting are stronger than ever.

III. CONCLUSION

For the foregoing reasons, the Companies respectfully request that the Commission afford itself enough time to complete the needed rulemaking and extend the Pilot Program until an order concluding the pending rulemaking for at-home call handling becomes effective.

Respectfully submitted,

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¹⁴ *Id.* at para. 9.

¹⁵ Second Extension Order at para. 7.

¹⁶ 2019 FNPRM at para. 39.