

**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 October 31, 2018.¹ The Commission has yet to start the rulemaking proceeding to permanently authorize at-home call handling, perhaps influenced by the extended government shut down. At this juncture, it likely is not possible for the Commission to conclude the necessary rulemaking by April 30, 2019. Accordingly, the Companies request that the Commission consider extending the Pilot Program through October 31, 2019 to (1) provide the Commission the time necessary to conduct its planned rulemaking to consider whether to permanently authorize at-home call handling and (2) prevent disruption to the Companies’ customers, at-home interpreters, operations, and

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 18-1119 (rel. Oct. 31, 2018) (“Extension Order”).

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, 2017.² 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 (the “Extension”).³ The Commission recognized in the Extension that the Pilot Program is providing a number of benefits for the VRS program, including improved “reliability, redundancy, effectiveness, and efficiency of the Companies’ services.”⁴ Additionally, the Commission found that the Pilot Program is increasing the pool of qualified interpreters and the efficiency of VRS call handling by reducing facilities and overhead costs.⁵

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 after October 31, 2018.⁶

II. DISCUSSION

Generally, the Commission’s rules may be waived for good cause shown.⁷ Additionally, the Commission may waive a rule where the particular facts make strict application of the rule inconsistent with the public interest.⁸

² 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”).

³ Extension Order.

⁴ Extension Order at para. 6.

⁵ *Id.*

⁶ *Id.* at paras. 7-8.

⁷ 47 C.F.R. § 1.3.

⁸ *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,⁹ at-home call handling is providing significant benefits to the VRS program and the deaf and hard of hearing community. Recognizing the importance of these benefits, the Commission granted the Extension to “allow consumers to continue to receive these benefits while the Commission considers whether to make the program permanent.”¹⁰ Unfortunately, crucial time that would have been devoted to this consideration was lost during the partial government shutdown from January 3, 2019 to January 25, 2019, which prevented the Commission from taking its planned steps to initiate a proceeding to determine whether to permanently authorize at-home call handling. Additionally, the reverberations from the shutdown, the delays and backlogs created by the lost time and uncertainty regarding further shutdowns, no doubt impacted operations well beyond the 23 days of “official” shutdown at the FCC. As we near the end of February, it is almost certainly no longer possible to initiate a rulemaking proceeding to permanently authorize at-home call handling, collect comments and replies, and issue an order concluding the proceeding before the April 30, 2019 expiration of the Pilot Program.

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

In granting the 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

⁹ *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*”); Extension Order paras. 6-8.

¹⁰ Extension Order at para. 7.

consumers.”¹¹ Additionally, the Commission further 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, if authorized”¹² These considerations, together with the anticipated harms to VRS users, at-home interpreters, the program, and the Companies, are no less germane today. Just as the Commission found the Extension in the public interest, an extension at this juncture, to allow the Commission to conduct the necessary rulemaking to authorize at-home interpreting on a permanent basis, is in the public interest.

III. CONCLUSION

For the foregoing reasons, the Companies respectfully request that the Commission afford itself enough time to conduct the needed rulemaking and continue the Pilot Program through October 31, 2019, or until the Commission adopts an order authorizing at-home call handling program. Taking this action will allow the benefits of at-home call handling to continue uninterrupted while the Commission determines whether to permanently authorize at-home call handling.

Respectfully submitted,

/s/Gregory Hlibok
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¹¹ *Id.* at para. 7.

¹² *Id.* at para. 9.