

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

In the Matter of)
)
Telecommunications Relay Services and) CG Docket No. 03-123
Speech-to-Speech Services for)
Individuals with Hearing and Speech)
Disabilities)

GSA PETITION FOR A WAIVER

Pursuant to Section 1.3 of the Commission’s Rules, 47 C.F.R. § 1.3, The General Services Administration (GSA) respectfully requests that the Commission waive the Telecommunications Relay Services (TRS) Internet Protocol Relay (IP Relay) and Internet Protocol Captioned Telephone Service (IPCTS) registration requirement, 47 C.F.R. § 64.611(a)(4), for federal government users. This rule requires users to provide Personal Identifiable Information (PII) to the TRS provider for verification through the Telecommunications Relay Services User Registration Database. For government users, the equivalent of an ‘enterprise registration’ as authorized by 47 C.F.R. § 64.611(a)(6) for TRS Video Relay Services (VRS) would enable federal employees to register without the use of PII. An agency’s Accommodations Official (AO) can verify that TRS IP Relay and IPCTS services are being used by eligible employees or to conduct government business with deaf or hard of hearing individuals.

The waiver of 47 C.F.R. § 64.611(a)(4) for federal government users is requested to relieve the undue burden associated with the collection of PII for government employees. In addition, for some agencies, the mere association of a specific individual

with the agency is restricted for national security reasons. If the collection of PII is required, this could preclude TRS use at some agencies, in direct conflict with the effort to provide more accessible, functionally equivalent service across the federal government. GSA believes that a waiver here would service the public interest by not only making TRS accessible to eligible government employees, but also allowing the government to conduct business with the deaf and hard of hearing community using TRS.

I.BACKGROUND

The Telecommunications Accessibility Enhancement Act of 1988 directs the Administrator of General Services to “assure that the Federal telecommunications system is fully accessible to hearing-impaired and speech-impaired individuals, including Federal employees, for communications with and within Federal agencies.” GSA has fulfilled this responsibility through a series of contracts for commercial relay services, the most recent of which is the FedRelay contract awarded to Sprint. Soon after, Title IV of the Americans with Disabilities Act (ADA) of 1990 mandated that the FCC ensure a nationwide system of telecommunications relay services to make the telephone network accessible to people who are deaf or hard of hearing or who have speech impairments. The FCC fulfills this mandate through its TRS program.

When planning began for the expiration of the current FedRelay contract, GSA’s market research showed:

- TRS currently provides all but two of the services offered on FedRelay

- The two FedRelay services not on TRS, are also available on the Multiple Award Schedule (MAS) Language Interpretation Services Special Item Number (SIN) 541930, at comparable or lower prices
- Where FedRelay has a single provider, TRS offers a wide array of choice in providers
- By having multiple providers, TRS has created incentives for both price competition and innovation with TRS offering relay service updates more quickly than FedRelay
- By annual business volume, FedRelay was just 1% of the TRS business volume
- Anecdotal evidence indicated that deaf federal employees had used their personal TRS services in lieu of FedRelay services, to accomplish federal government work

Given the limited size of the FedRelay market, the more competitive TRS marketplace, wider array of TRS provider and service choices, and the availability of non-TRS services under the MAS SIN, GSA leadership approved pursuing the transition of the overlapping relay services to TRS in lieu of re-competing the duplicative FedRelay contract.

Discussions to plan the transition of FedRelay services to TRS began in July 2018. Significant time was dedicated to assuring that TRS met government security concerns. For sensitive but unclassified government business, a review by the GSA program security staff determined that the stringent confidentiality requirements imposed upon TRS providers by 47 C.F.R. § 64.604(a)(2) would

meet the government's requirements. GSA and FCC representatives also met with representatives of the deaf community to discuss the potential transition, and understand any potential concerns. Due to the nearly universal acceptance of TRS, there was enthusiasm for the federal government using the same system that the deaf community uses for their personal communications, especially when it came to government interactions with members of that community.

GSA then began the process of initiating pilot registrations. While TRS registration generally requires that users provide details such as full name; address; last four digits or their social security number; and date of birth; the provision of such personal identifiable information (PII) poses additional concerns for federal agencies. The revision of OMB Circular No. A-130 (81 FR 49689), "Managing Information as a Strategic Resource" imposes specific requirements on the collection of PII and directs agencies to "Limit the creation, collection, use processing, storage, maintenance, dissemination, and disclosure of PII," (§ 5(f)(1)(d)). Further, for some agencies, the mere identification of an individual as an employee of that agency is considered highly sensitive, and can even have national security implications. For all of these reasons, GSA seeks to avoid the use of PII in registering government employees for TRS.

Fortunately, 47 C.F.R. § 64.611(a)(6) allows an 'enterprise registration' for Video Relay Services. Instead of PII, an enterprise registration relies upon "written certification from the individual responsible for the videophone, attesting that...the organization, business, or agency will make reasonable efforts to ensure that only persons with a hearing or speech disability are permitted to use the phone

for VRS.” For government agencies, GSA has generally worked with an ‘Accommodations Official (AO)’ to provide needed FedRelay services. This individual is able to verify the eligibility of federal employees registering for TRS services. GSA successfully registered six eligible federal employees for TRS VRS using enterprise registrations. GSA hoped to pilot registrations for TRS IP Relay and IPCTS; however no ‘enterprise registration’ currently exists for these services.

II. DISCUSSION

A. The Waiver Standard

Under 47 C.F.R. § 1.3, “[a]ny provision of the rules may be waived by the Commission on petition if good cause therefor is shown.” Good cause can be shown by demonstrating that the waiver “would not undermine the policy objective of the rule or order in question, special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.”¹ For the reasons set forth below, the requested waiver meets each of these criteria.

B. GSA should be granted a waiver to allow the use of the ‘enterprise registration’ for eligible federal employees choosing TRS IP Relay and IPCTS.

A waiver of the 47 C.F.R. § 64.611(a)(4) TRS registration requirement to collect PII from federal employees who choose TRS IP Relay or IPCTS services would not undermine the Commission’s policy objective. The collection of the PII required for

¹ *Telephone Number Portability; Sprint Local Telephone Companies Petition for Waiver*, 19 FCC Rcd. 23962, ¶ 4 (rel. Dec. 13, 2004). *See also U S West Petition for Waiver of the Tariff Review Plan Rules*, 12 FCC Rcd. 8343, ¶ 10 (rel. June 24, 1997). *See also WAIT Radio v. FCC*, 418 F.2d 1153,1159 (D.C. Cir. 1969).

general consumer registration is necessary to ensure that the individual requesting access is entitled to use the service. For government employees, an agency Accommodations Official (AO) can certify that only eligible users are registering for IP Relay and IPCTS TRS services. This certification will meet the same standards currently set by 47 C.F.R. § 64.611(a)(6), for 'enterprise registration' for TRS VRS. As IP Relay and IPCTS are simply other forms of relay accommodations offered under TRS, these services are functionally equivalent to VRS, and should similarly offer the 'enterprise registration' option. By fulfilling the 'enterprise registration' requirements, the Commission's policy objective of validating user eligibility will still be met.

Special circumstances involving federal employee and agency registrations warrant deviation from the general registration rule for TRS IP Relay and IPCTS. These registrations are being initiated at the request of the federal government, for the purpose of conducting government business. The individuals making these registration requests are federal civil service employees who are covered by the Office of Government Ethics, Standards of Ethical conduct, codified at 5 C.F.R. Part 2635. These individuals are bound to adhere to prudent use of government resources such as TRS. The special circumstances of the persons who will use the requested waiver to enable 'enterprise registrations' for TRS IP Relay and IPCTS, will provide additional protection against fraudulent use.

The waiver of this requirement is in the public interest because it presents both operational benefits to the government and the American Taxpayer. Enterprise registration for TRS IP Relay and IPCTS improves access and efficiency. Current sourcing under the smaller FedRelay program accounts for less than 1% of the total

relay market. The program is too small to offer users vendor choice or the benefits of scaler efficiencies. FCC TRS can satisfy most agency relay requirements and can easily absorb the small addition in service volume. Agencies still desiring relay services not offered by TRS (Relay Conference Captioning and Video Remote Interpreting) will find these services to be readily available on the MAS Language Interpretation Services SIN. The waiver makes the FCCs TRS services available to federal agencies to use when interacting with members of the deaf and hard of hearing public. Perhaps most importantly, the waiver facilitates the deaf and hard of hearing federal government employee in using the same accommodations services at work and at home, an option preferred by many. Consolidation, increased choice, greater accessibility, and service consistency are in the public interest.

The requested waiver to enable federal employee 'enterprise registration' for TRS IP Relay and IPCTS is also in the public interest because it replaces PII with AO certification of eligibility. This eliminates the undue burden created by the collection of PII and that could preclude its use at some agencies. Where national security concerns classify the identification of individuals as agency employees, PII could not be used and employees would be denied access to TRS IP Relay and IPCTS if there were no waiver.

CONCLUSION

The Commission may waive rules if it has good cause to do so and “particular facts would make strict compliance inconsistent with the public interest.”² Here, strict compliance with the Commission’s current TRS IP Relay and IPCTS registration rules would unduly inconvenience and possibly preclude federal employees from using these services, and would be inconsistent with the Commission’s goal of furthering functional equivalence. The Commission should accordingly allow federal employees to use the ‘enterprise registrations’ allowed for TRS VRS for both IP Relay and IPCTS. Agency AOs will certify the eligibility of federal employees registering for these TRS services. Over 100 agencies currently utilize the FedRelay contract. By making TRS accessible to these federal agencies by waiving the PII registration requirements, a single FedRelay provider will be replaced by an array of choices for meeting the federal government’s relay needs.

Date: March 4, 2021
Respectfully submitted,

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² Ne. Cellular, 897 F.2d at 1166 (citing WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)). Date: June 20, 2018