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

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

ORDER

Adopted: December 15, 2006 **Released: December 15, 2006**

By the Chief, Consumer & Governmental Affairs Bureau:

I. INTRODUCTION

1. Telecommunications relay service (TRS) providers are required to handle emergency calls by immediately and automatically transferring the calls to an appropriate public safety answering point (PSAP).[1] The Commission has waived this requirement for providers of Video Relay Service (VRS), a form of TRS,[2] due to the technological challenges related to determining the geographic location of TRS calls that originate via the Internet.[3] This waiver expires on January 1, 2007.[4] As explained below, we extend the waiver for one year in view of these continued technological challenges.[5] Accordingly, the waiver of the emergency call handling requirement for VRS providers will expire on January 1, 2008, or upon the release of an order addressing this issue, whichever comes first.

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[1] *See* 47 C.F.R. § 64.604(a)(4); *see generally 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, 12521-12522, paras. 116-118 (June 30, 2004) (*2004 TRS Report & Order*).

[2] Telecommunications Relay Service enables a person with a hearing or speech disability to access the telephone system to call persons without such a disability. A communications assistant (CA) relays the call back and forth (*e.g.*, from text to voice, and voice to text) between the calling party and called party. *See* 47 C.F.R. § 64.601(14); 47 U.S.C. § 225. Video Relay Service is an Internet-based form of TRS that, rather than using text, allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller. *See* 47 C.F.R. § 64.601(17).

[3] *See 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) (*TRS Waiver Order*). The emergency call handling requirement has also been waived for IP Relay, another Internet-based form of TRS, due to similar technological challenges. That waiver expires on January 1, 2008. *See Provision of Improved 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 (March 14, 2003).

[4] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 20 FCC Rcd 19327 (Dec. 5, 2005) (*2005 VRS 911 Waiver Order*).

[5] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Notice of Proposed Rulemaking, 20 FCC Rcd 19476 (Nov. 30, 2005) (*VRS 911 NPRM*).

II. BACKGROUND

2. The Commission's TRS regulations set forth operational, technical, and functional mandatory minimum standards applicable to the provision of TRS.[6] To be eligible for reimbursement from the Interstate TRS Fund, a TRS provider must offer service in compliance with all applicable mandatory minimum standards, unless they are waived.[7] The mandatory minimum standards require TRS providers to handle emergency calls by immediately and automatically transferring the calls to an appropriate PSAP.[8] The Commission recognizes that many individuals use VRS and IP Relay to contact emergency services despite the fact that persons with hearing and speech disabilities can make emergency calls directly to the PSAP by calling 911 through a TTY and a traditional telephone line.[9]

3. In March 2000, the Commission recognized VRS as a form of TRS eligible for compensation from the Interstate TRS Fund.[10] On December 31, 2001, the Commission granted VRS providers a two-year waiver of certain TRS mandatory minimum standards, including the emergency call handling requirement.[11] This waiver was extended to January 1, 2007.[12]

4. On November 30, 2005, the Commission released the *VRS 911 NPRM*, seeking comment on how providers of the Internet-based TRS services, including VRS, may determine the appropriate PSAP to contact when they receive an emergency call.[13] The Commission emphasized the importance of developing the technology required to promptly route VRS calls seeking emergency assistance to the appropriate emergency service provider.[14]

5. On November 14, 2006, Sprint Nextel Corporation filed a petition to extend the waiver until January 1, 2008, or until the release of an order addressing this matter, whichever happens first.[15] In its petition, Sprint states that the technological challenges that led to the extension of the current waiver for VRS are still present.[16] Sprint therefore states that because providers are still unable to automatically determine the geographic location of VRS callers, there is good cause for extending the waiver.[17]

6. On November 15, 2006, the Commission held the E9-1-1 Disability Access Summit (Summit) to discuss advances in E9-1-1 calling technology and access for persons with hearing and

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[6] *See* 47 C.F.R. § 64.604 (the TRS "mandatory minimum standards").

[7] *See, e.g., Telecommunications Relay Services and Speech-to-Speech 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, at 5158, para. 39 (March 6, 2000) (*Improved TRS Order & FNPRM*).

[8] *See* 47 C.F.R. § 64.604(a)(4).

[9] *See, e.g., VRS 911 NPRM*, 20 FCC Rcd at 19480, para. 10. Regulations require state and local governments to make emergency services directly accessible to TTY users (*i.e.*, for direct TTY to TTY calls).

[10] *Improved TRS Order & FNPRM*, 15 FCC Rcd at 5152-5154, paras. 21-27.

[11] *TRS Waiver Order* (granting a waiver until December 31, 2003).

[12] *2005 VRS 911 Waiver Order*, 20 FCC Rcd at 19327, para. 1.

[13] *See VRS 911 NPRM.*

[14] *VRS 911 NPRM,* 20 FCC Rcd at 19476-19477, at paras. 1-2, 19484, at para. 18.

[15] Sprint Nextel Corporation (Sprint), *Petition for Waiver,* CG Docket No. 03-123, filed Nov. 14, 2006 (*Sprint Petition*).

[16] *Id.* at 2.

[17] *Id.* at 1.

speech disabilities, including via VRS calls.[18] The Summit brought together representatives from the government, industry, and consumer groups to exchange information and evaluate options for addressing this critical issue.

7. During the Summit, Sprint, Communications Services for the Deaf (CSD), Communications Access Center (CAC), Hands On Video Relay Services (Hands On), Hamilton Relay (Hamilton), and Sorenson Communications (Sorenson), all VRS providers, noted that technology has not yet been developed to allow them to automatically forward emergency VRS calls to the appropriate PSAP.[19] They also explained the interim methods being used to connect VRS calls to PSAPs. These include ensuring that incoming emergency VRS 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 user,[20] and use of a national database to locate the appropriate PSAP to call.[21]

8. Also during the Summit, Consumer groups acknowledged that users are moving away from using TTYs and that VRS is now widely used in the deaf community.[22] Consumers also advocated for the development of automated methods for determining the location of VRS callers, the ability to handle emergency calls from mobile devices, training for 911 operators on responding to calls from persons with speech or hearing disabilities, and interoperability between PSAPs.[23] We expect that the information shared at the Summit will greatly facilitate developing and implementing a viable means by which Internet-based relay calls can be automatically routed to the appropriate PSAP.

III. DISCUSSION

9. We recognize the vital importance of access to emergency services for all relay services, particularly VRS. For this reason, the Commission sought detailed comment on this issue in the *VRS 911 NPRM*, and recently held the E9-1-1 Disability Access Summit to explore continuing developments to finding a solution to this issue. We also recognize, however, that although providers and other interested parties are actively working toward a solution to this critical issue, presently a technological solution does not exist to automatically route Internet-based emergency VRS calls to the appropriate PSAP – *i.e.*, to automatically determine the geographic location of the VRS caller so the call can be linked to the appropriate PSAP. For this reason, some providers have taken interim measures for handling emergency calls. For example, some providers are able to give emergency calls priority call handling.[24] Others use two CAs on an emergency call to assist in gathering accurate information from the caller.[25] At least one

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

[19] *See E9-1-1 Disability Access Summit*, Meeting Transcript (Nov. 15, 2006).

[20] In other words, in addition to the CA handling the relay call, a second CA would assist in relaying the call.

[21] CSD Comments, *E9-1-1 Disability Access Summit*, Provider Panel. 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. Another provider noted that its CAs will stay on the call until the first responders arrive at the emergency location to ensure that the VRS user is able to communicate with the emergency personnel. Sorenson Comments, *E9-1-1 Disability Access Summit*, Provider Panel.

[22] *See, e.g.*, NorCal Center on Deafness Comments, *E9-1-1 Disability Access Summit*, Consumer Panel.

[23] *See E9-1-1 Disability Access Summit*, Consumer Panel (panelist representing consumers included Sheri Farinha Mutti, Claude Stout, Rebecca Ladew, Ed Bosson, and Elizabeth Spiers).

[24] *See, e.g.*, Sorenson Comments, *E9-1-1 Disability Access Summit*, Provider Panel. Providers may consider the feasibility of using a dedicated emergency calling "link" on their VRS website that callers making an emergency VRS call can use and that will allow providers to promptly identify and handle incoming emergency calls.

[25] *See, e.g.*, *E9-1-1 Disability Access Summit*, Provider Panel (remarks of CSD and Verizon).

provider uses a national database to determine the appropriate PSAP for the caller's location.[26] Until a technological solution is adopted that automatically routes VRS 911 calls, we encourage all VRS providers to take similar or other steps to ensure that emergency calls are routed to the appropriate PSAP as quickly as possible.

10. The Commission may waive a provision of its rules for "good cause shown."[27] Because it is apparent that the current state of technology does not allow a means of automatically determining the geographic location of TRS calls originating via the Internet, including VRS calls,[28] we find that good cause exists to extent the present waiver of the emergency call handling requirement for VRS until January 1, 2008, or upon the release of an order addressing this issue, whichever comes first.[29] We also note that a similar issue exists with respect to VoIP service (*i.e.*, voice telephone calls made via the Internet rather than the PSTN), and that for this reason the Commission has presently mandated that VoIP providers obtain a registered location for each of their customers so that the provider can direct an emergency VoIP call to the appropriate PSAP.[30] In the pending *VRS 911 NPRM*, the Commission sought comment on the adoption of a registered location requirement similar to the VoIP requirement.[31] In addition, the Commission raised other potential options for addressing emergency call handling, including developing a unified database of PSAPs that providers could use when receiving an emergency call, requiring providers to give priority access to emergency calls, and structuring VRS and IP Relay calls in such a way that they include a VoIP call, so that the VoIP registration could apply to the VRS or IP Relay call.[32] These issues remain pending.

11. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Section 225 of the Communications Act of 1934, as amended, 47 U.S.C. § 225, and Sections 0.141, 0.361, and 1.3 of the Commission Rules, 47 C.F.R. §§ 0.141, 0.361, 1.3, this *Order* IS ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

Monica Desai, Chief
Consumer & Governmental Affairs Bureau

[26] *See, e.g.*, Sorenson Comments, *E9-1-1 Disability Access Summit*, Provider Panel (noting that it uses Intrado to determine the appropriate PSAP and its telephone number for a particular address).

[27] 47 C.F.R. § 1.3; *see generally 2004 TRS Report & Order*, 19 FCC Rcd at 12520, para. 110 (discussing standard for waiving Commission rules).

[28] *See, e.g., E9-1-1 Disability Access Summit*, Provider Panel (remarks of CSD, Hands On, Sorenson, and Sprint).

[29] This waiver, like the previous waivers, is conditioned upon the filing of annual reports, due each April 16th, addressing whether it is necessary for the waiver to remain in effect. *See 2004 TRS Report & Order*, 19 FCC Rcd at 12520-12521, para. 111 (detailing required contents of annual waiver reports).

[30] *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 (June 3, 2005) (*VoIP E911 Order*).

[31] *VRS 911 NPRM*, 20 FCC Rcd at 19484-19486, paras. 19-22.

[32] *Id.* at 19487, paras. 24-26.