

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

In the Matter of)	
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
E-911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	

WAIVER STATUS REPORT OF AMERICAN NETWORK, INC.

American Network, Inc. (“ANI”) by its counsel hereby submits the following report, required by the Order in the above referenced proceeding.^{1/} In the *2011 Waiver Extension Order*, the Consumer & Governmental Affairs Bureau and the Wireline Competition Bureau extended the waivers of certain telecommunications relay services (“TRS”) mandatory standards until July 1, 2012, conditioned on the filing of a status report discussing the status of providers’ efforts toward meeting the waived standards. ANI is an authorized provider of Video Relay Service (“VRS”), Internet Protocol (“IP”) Relay Service, and IP Captioned Telephone Service (“IP-CTS”), provided each of those services during the past year and is therefore required to submit the report contemplated by the *2011 Waiver Extension Order*.^{2/} Accordingly, ANI provides the following report for each of the waived requirements:

^{1/} Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order, 26 FCC Rcd 9449 (2011) (“*2011 Waiver Extension Order*”).

^{2/} *Notice of Certification of American Network as a Provider of Internet Protocol Relay Service (IP Relay), Video Relay Service (VRS), Internet Protocol Captioned Telephone Relay Service (IP CTS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, CG Docket No. 03-123, Public Notice, 24 FCC Rcd 80 (2009). As ANI has notified the Commission, it has suspended provision of IP-CTS, VRS and IP Relay services. Accordingly, this report reflects ANI’s operations prior to its suspension of services.

1. *One-line VCO, VCO-to-TTY, and VCO-to-VCO*^{3/} – As the Commission noted in the *2011 Waiver Extension Order*, providers cannot offer these services because the Internet cannot support the voice leg of a VCO call with the necessary call quality.^{4/} ANI agrees. These services, when offered in a non-IP environment, generally require a second voice telephone. ANI’s services have been designed to provide an IP call in one direction and a voice call in the other. It is not technically feasible to use a second voice line to offer this service and still provide a quality IP connection. Accordingly, a waiver of this requirement continues to be required.
2. *One-line HCO, HCO-to-TTY, and HCO-to-HCO*^{5/} – The Commission notes that for the same reason that it waived the VCO requirement for IP-based TRS services, it also waived the requirements for the HCO requirement.^{6/} Accordingly, for the same reason it continues to require a waiver of the VCO requirements, ANI also seeks a waiver of the HCO obligations.
3. *Call Release*^{7/} – In the *2011 Waiver Extension Order*, the FCC observed that it is not technically feasible for IP-based TRS providers to offer call-release.^{8/} ANI agrees. The call release function is simply not applicable to IP-based TRS calls because communications assistants (“CAs”) do not participate in calls between deaf users in the same way as they do in TTY-to-TTY calls. Accordingly, a waiver of this requirement continues to be appropriate.

^{3/} One-line VCO is a type of traditional TTY-based TRS that can be used by persons with a hearing disability but who can speak. 47 C.F.R. § 64.601(27); 47 C.F.R. § 64.604(a)(3)(v). The FCC has not waived the requirement that VRS and IP Relay providers provide two-line VCO.

^{4/} *2011 Waiver Extension Order* ¶ 8.

^{5/} One-line HCO is a type of traditional TTY-based TRS that can be used by persons with a speech disability but who can hear. 47 C.F.R. § 64.601(9); 47 C.F.R. § 64.604(a)(3)(v). The FCC has not waived the requirement that VRS and IP Relay providers provide two-line HCO.

^{6/} *2011 Waiver Extension Order* ¶ 10.

^{7/} Call release allows a CA to set up a TTY-to-TTY call that, once established, does not require the CA to relay the conversation. 47 C.F.R. § 64.604(a)(3)(vi).

^{8/} *2011 Waiver Extension Order* ¶ 13.

4. *Pay-per-Call (900 number) Calls*^{9/} – As the Commission noted in the *2011 Waiver Extension Order*, there is still no billing mechanism available to handle the charges associated with pay-per-call calls.^{10/} To date, IP-based TRS providers have not been able to identify users making calls. While the assignment of ten-digit numbers to IP-based TRS users may make it technically feasible to identify users of ANI's services, ANI does not expect to establish billing relationships with customers. As the Commission is aware, ANI and other IP-based TRS providers receive compensation from the TRS Fund and not from system users. Accordingly, ANI and other providers have not established a mechanism for customer billing. ANI will continue to require a waiver of this obligation.

5. *Types of Calls (Operator Assisted and Long Distance Calls)*^{11/} – As the Commission observed, waiver of this requirement is necessary because it remains technologically infeasible for IP-based TRS providers to offer operator-assisted calls and bill for certain types of long distance calls.^{12/} For the same reason that ANI has been unable to offer pay-per-call service, it has also been unable to offer operator-assisted and billed calls. IP-based TRS providers are simply not equipped to bill users of its system because it receives compensation for calls made from the TRS Fund, not users. The Commission has waived this requirement subject to providers allowing calls to be made using calling cards or providing free long distance service. ANI has provided free long distance calls. Accordingly, and for the reasons noted above, ANI believes that a waiver of this rule remains justified.

^{9/} Pay-per-call (or 900 number) calls are calls that the person making the call pays for at a charge greater than the basic cost of the call. 47 C.F.R. § 64.604(a)(3)(iv).

^{10/} *2011 Waiver Extension Order* ¶ 15.

^{11/} TRS providers are normally required to handle any type of call normally handled by common carriers. 47 C.F.R. § 64.604(a)(3).

^{12/} *2011 Waiver Extension Order* ¶ 16.

6. *Equal Access to Interexchange Carriers*^{13/} – In the past, the Commission waived this requirement for IP-based TRS providers because it was not possible to determine if a call was long distance.^{14/} While, as the Commission notes, it has imposed numbering and registered location requirements for IP-based TRS, a waiver is still required. A significant premise of offering telephone users a choice of interexchange carriers is so that they can control the costs of the interexchange portion of the telephone call. However, at least for ANI's service, there has been no cost to the user for long distance service. Accordingly, users need not have the same ability to choose interexchange carriers. If IP-based users are dissatisfied with a TRS providers' long distance service quality (as opposed to the cost of the service, which is nothing for TRS users) they may switch providers, particularly in light of the FCC's requirement that users must be able to "port" their 10 digit numbers. The costs for TRS providers to establish interconnection arrangements with multiple interexchange carriers – which may ultimately be reflected in reimbursement levels from the TRS Fund – would not be worth whatever perceived benefit there may be in having TRS users select a carrier for the out-bound leg of an IP-based TRS call.

7. *Speech-to-Speech (STS) Service*^{15/} – As the Commission notes, a waiver for the provision of Speech-to-Speech (STS) service is required either because the nature of the service is visual, and not voice (VRS), or because of erratic voice quality (IP Relay).^{16/} A waiver of the obligation

^{13/} TRS providers are normally required to offer TRS users their interexchange carrier of choice to the same extent that such access is provided to voice users. 47 C.F.R. § 64.604(b)(3).

^{14/} *2011 Waiver Extension Order* ¶ 18. The requirement was waived for IP Relay indefinitely and for VRS, dependent on the submission of annual Reports from providers. *Id.* ¶¶ 17-18.

^{15/} STS allows persons with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with disabilities and can repeat the words spoken by that person. 47 C.F.R. § 64.601(19).

^{16/} *2011 Waiver Extension Order* ¶¶ 20-21.

for IP Relay services is still required (the waiver for VRS is permanent) because of the nature of the customer premises equipment (“CPE”) that would be required to provide the service. ANI has no control over that CPE and could not assure that the CPE required to offer the service is in use. Without sufficiently advanced equipment, ANI cannot reliably offer STS. Accordingly a further waiver of the requirement to provide this service over IP Relay is required.

If there are questions regarding the foregoing Report, the Commission is asked to contact the undersigned counsel directly.

Respectfully submitted,

/s/ Russell H. Fox

Russell H. Fox
Ernest C. Cooper
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue N.W.
Suite 900
Washington, D.C. 20004
Tel: (202) 434-7300
Fax: (202) 434-7400
rfox@mintz.com
eccooper@mintz.com

Counsel for American Network, Inc.

Dated: April 16, 2012