



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3036

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**HAMILTON RELAY, INC. AND HANDS ON VIDEO RELAY SERVICE, INC.
PETITIONS FOR WAIVER EXTENSION, PERMANENT WAIVER, AND
CLARIFICATION OF VIDEO RELAY SERVICE REQUIREMENTS**

CC DOCKET NO. 98-67

PLEADING CYCLE ESTABLISHED

Comments Due: October 20, 2003

Reply Comments Due: October 30, 2003

On September 15, 2003, Hamilton Relay, Inc. (“Hamilton”) filed a petition to extend certain waivers of the telecommunications relay services (TRS) mandatory minimum standards¹ for Video Relay Service (VRS) providers that are scheduled to expire on December 31, 2003.² Hamilton also seeks clarification that that the provision of certain other TRS services do not apply to VRS providers³, and permanent waiver of another mandatory standard. On September 22, 2003, Hands On Video Relay Service, Inc. (“Hands On”) also filed a petition to extend VRS waivers scheduled to expire on December 31, 2003.⁴ Hands On also seeks clarification concerning the application of other TRS mandatory minimum standards to VRS, and requests that certain waivers for VRS be extended for the same period the Commission granted similar waivers for providers of IP Relay. As set forth below, interested parties may file comments on these matters on or before October 20, 2003, and reply comments may be filed on or before October 30, 2003.⁵

¹ See 47 C.F.R. §64.604.

² See Hamilton, *Petition for Waiver Extension*, CC Docket No. 98-67, filed September 15, 2003.

³ See 47 C.F.R. §64.603.

⁴ See Hands On, *Petition for Waiver*, CC Docket No. 98-67, filed September 22, 2003.

⁵ In addition, on September 23, 2003, AT&T Corp. filed a petition which also seeks an extension of various waivers as applied to VRS. A separate Public Notice will be issued with regard to AT&T’s filing. See AT&T, *AT&T Petition for Limited Reconsideration and for Waiver*, CC Docket No. 98-67, CG Docket 03-123, filed September 23, 2003.

The issues raised by these petitions for waiver relate to a series of Orders addressing the applicability of certain TRS mandatory minimum standards to VRS as well as IP Relay. First, on December 21, 2001, the Commission released the *TRS Cost Recovery MO&O*, which clarified that VRS providers were not required at that time to offer video-based speech-to-speech (STS), Spanish relay, and other text-to-speech related services.⁶ Second, on December 31, 2001, the Commission released the *VRS Waiver Order*, which waived the following minimum mandatory standards for VRS providers through December 31, 2003: (1) the types of calls requirement; (2) emergency call handling automation; (3) speed of answer; (4) equal access to interexchange carriers; and (5) pay-per-call services.⁷

On March 14, 2003, the Commission released the *IP Relay Order on Reconsideration*, which waived (or extended waivers for) the following mandatory minimum standards for IP Relay providers until January 1, 2008: (1) emergency call handling; (2) voice-carry-over (VCO); (3) STS; (4) pay-per-call services; and (5) hearing-carry-over (HCO).⁸ Finally, on June 17, 2003, the Commission released the Second Improved TRS Order & NPRM, which, among other things, clarified the application of the automatic call forwarding feature to TRS and adopted annual reporting requirements for VRS and IP Relay providers in connection with the waivers of the mandatory minimum standards.⁹

Interested parties may file comments in this proceeding on or before October 20, 2003, and reply comments may be filed on or before October 30, 2003. When filing comments, please reference **CC Docket No. 98-67**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments,

⁶ See *Telecommunications Services for Individuals with Hearing and Speech Disabilities-Recommended Cost Recovery Guidelines/Request by Hamilton Telephone Company for Clarification and Temporary Waivers*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-67, FCC 01-371, 16 FCC Rcd 22948 (Dec.21, 2001) (*TRS Cost Recovery MO&O*).

⁷ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, DA 01-3029, 17 FCC Rcd 157 (Dec. 31, 2001) (*VRS Waiver Order*).

⁸ See *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order on Reconsideration, CC Docket No. 98-67, FCC 03-46, 18 FCC Rcd 4761 (March 14, 2003) (*IP Relay Order on Reconsideration*).

⁹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket 98-67, CG Docket No. 03-123 (NPRM), FCC 03-123, 18 FCC Rcd 12379, (2003) (*Second Improved TRS Order & NPRM*).

commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Services mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-B204 Washington, DC 20554.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted, along with three paper copies, to: Dana Jackson, Consumer & Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW, Room 6-C410 Washington DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Word 97 or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case CC Docket No. 98-67), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy - Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are subject to disclosure.

Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The complete text of this *Public Notice* may be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer &

Governmental Affairs Bureau at (202) 418-0531 (voice), (202) 418-7365 (TTY). This *Public Notice* can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cgb/dro>.

For further information, please contact Dana Jackson, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2247 (voice), (202) 418-7898 (TTY), or e-mail at Dana.Jackson@fcc.gov.

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