



Federal Communications Commission
Washington, D.C. 20554

May 17, 2013

DA 13-1158

Small Entity Compliance Guide

Misuse of Internet Protocol (IP) Relay Service – Elimination of the Guest User Program

FCC 12-71
CG Docket No. 12-38
CG Docket No. 03-123

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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OBJECTIVES OF THE PROCEEDING

In the First Report and Order in CG Docket Nos. 12-38 and 03-123, the Commission took action to curb the misuse of the Internet Protocol Relay Service (IP Relay) by:

- Prohibiting IP Relay providers from handling non-emergency calls made by new IP Relay registrants prior to taking reasonable measures to verify their registration information.

COMPLIANCE REQUIREMENTS

1. Background Information: Definitions

- Telecommunications Relay Services (TRS) is defined as telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals.
- Internet Telecommunications Relay Services (iTRS) means certain TRS in which an individual with a hearing or speech disability uses an Internet connection with a communications assistant (CA) to make calls. It includes video relay service (VRS), Internet Protocol (IP) Relay, and IP captioned telephone service (IP CTS).
- iTRS Directory is the database administered by the TRS Numbering Administrator, the purpose of which is to map each Registered Internet-based TRS user's North American Numbering Plan telephone number to his or her end device.
- Internet Protocol Relay Service (IP Relay) is a form of text-based iTRS that uses the Internet to allow individuals with hearing and/or speech disabilities or who are deaf-blind to communicate with other individuals. In an IP Relay call, the communication between the person with a disability and the provider's CA is conveyed in text via an Internet connection, and communication between the CA and the receiving party is conveyed over the public switched telephone network.
- Video Relay Service (VRS) is a form of iTRS that uses video to allow a person with a hearing or speech disability who uses sign language to communicate with voice telephone users through a CA.
- Interstate TRS Fund is the Fund into which contributions from all interstate telecommunications carriers and VoIP providers are made for the support of interstate TRS, including iTRS. Those contributions are based on the carrier's or provider's annual interstate revenues from all end-user subscribers. TRS users do not pay directly for their use of TRS. The Interstate TRS Fund is administered by the TRS Fund Administrator, currently Rolka, Loube, Saltzer Associates (RLSA), which uses the money in the Fund to compensate eligible

TRS providers for the costs of providing the various forms of interstate TRS in compliance with the Commission's rules and orders.

2. Background

In 2006, the Commission initiated a rulemaking proceeding to address the misuse of IP Relay and VRS.¹ The Commission noted in the Further Notice of Proposed Rulemaking (2006 FNPRM) that it was concerned that people without a hearing or speech disability were taking advantage of the anonymity of the IP Relay service by calling merchants to place orders using fake, stolen, or otherwise invalid credit cards. Such abuse drains the Interstate TRS Fund and harms legitimate consumers whose calls are rejected by individuals and businesses that have been the victims of such misuse. In the 2006 FNPRM, the Commission sought comment on ways to curb this abuse, including whether to adopt requirements for user registration and rule changes that would permit relay providers to screen and terminate such calls.

In 2008, as part of the implementation of the numbering system for assigning a ten-digit telephone number to each user of IP Relay and VRS, the Commission adopted a Second iTRS Numbering Order, directing IP Relay and VRS providers to "implement a reasonable means of verifying registration and eligibility information," including the consumer's name and mailing address, before issuing a ten-digit telephone number to each new or existing user of these services.² The Order also directed providers to include in their verification procedures a requirement for consumers to self-certify that they have a medically recognized hearing or speech disability necessitating their use of TRS.

In a Public Notice released in 2009, the Commission reminded providers that, under the Second iTRS Numbering Order, each provider must handle calls from newly registered users immediately, even if the provider had not fully completed the process of verifying the caller's information, assigning the caller a new ten-digit number, and provisioning that number to the iTRS database.³ The Public Notice did not eliminate the requirement for providers to implement a reasonable process for verifying registration information provided by new users. However, it stated that "to the extent technically feasible, Internet-based TRS providers must allow newly registered users to place calls immediately," even before the verification of such individuals, in order that IP Relay users not be cut off from service during the transition to the new ten-digit numbering and registration system. Under this "guest user" program, providers gave users ten-

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Relay Service and Video Relay Service*, CG Docket No. 03-123, Further Notice of Proposed Rulemaking, 21 FCC Rcd 5478 (2006) (2006 FNPRM).

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, CC Docket No. 98-57, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, 809-10, ¶¶ 37-38 (2008) (Second iTRS Numbering Order).

³ *Consumer & Governmental Affairs Bureau Reminds Video Relay Service (VRS) and Internet Protocol (IP) Relay Service Providers of their Outreach Obligations and Clarifies their Call Handling Obligations for Unregistered Users after the November 12, 2009, Ten-Digit Numbering Registration Deadline*, CG Docket No. 03-123, WC Docket No. 05-196, Public Notice, 24 FCC Rcd 12877, 12878-12879 (CGB 2009).

digit telephone numbers and provisioned these numbers to the iTRS directory even if the provider had not fully completed the process of verifying the users' information. These numbers were allowed to remain valid for the purpose of making IP Relay calls until the users' identifying information was authenticated or rejected.

In 2011, the Commission released a Report and Order and Further Notice of Proposed Rulemaking adopting several additional measures to combat IP Relay fraud and abuse, including a requirement for all TRS providers to submit to Commission-directed audits, a mandate for iTRS providers to retain, for five years, call detail records and other records supporting claims for payment, whistleblower protection rules for provider employees and contractors, and a requirement that a senior executive of each TRS provider certify, under penalty of perjury, to the validity of minutes and data submitted to the TRS Fund administrator.⁴

Nevertheless, concerns remain over IP Relay providers' potentially lax methods of verifying registration and eligibility information submitted by users and over the misuse of the guest user program. The Commission therefore issued a Public Notice on February 13, 2012, seeking to refresh the record initiated by the 2006 FNPRM on matters pertaining to IP Relay misuse.⁵

3. Rule Requirements

In this First Report and Order, the Commission determined that a prohibition against temporary authorization of IP Relay users is necessary in order to curb the fraud and abuse that has resulted from misuse of the temporary authorization procedure (also known as the "guest user program"). The Order eliminates the "guest user" program and prohibits granting such temporary authorization for any IP Relay calls other than emergency calls to 911 services. Specifically, the Order states that:

- IP Relay providers are not permitted to deem the user as "registered" for the purposes of the rules and are prohibited from handling the user's IP Relay calls other than 911 emergency calls, assigning the user a ten-digit telephone number, or provisioning such number to the iTRS Directory, until an IP Relay provider verifies the new IP Relay user's registration information in accordance with the Commission's standards; and
- IP Relay providers are expected to periodically review the ten-digit numbers that they place in the iTRS Directory in order to delete numbers that have been assigned to users that ultimately are not "registered" or that are otherwise associated with fraudulent calling practices.

⁴ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545 (2011).

⁵ *Consumer & Governmental Affairs Bureau Seeks to Refresh the Record Regarding Misuse of Internet Protocol Relay Service*, CG Docket Nos. 12-38 and 03-123, Public Notice, DA 12-208 (rel. Feb. 13, 2012).

The Commission concluded that this rule prohibition will ensure that only verified users have active numbers and will prevent ineligible users from using the services of other providers who are unaware of a default provider's ultimate decision to reject user authorization.

RECORDKEEPING

This decision does not impose any new reporting or record keeping requirements.

IMPACT ON SMALL BUSINESS

The new requirements do not impose a new regulatory and financial impact on small businesses, but are minimizing significant economic impact on small entities. As an initial matter, there were four entities currently offering IP Relay, and one of these has exited from this market. Of the three that remain, there is only one small entity, and this entity supported the rules in its comments. IP Relay providers are already required to refuse IP Relay service to unqualified and unregistered individuals. Although, the instant decision changes the application of existing compliance requirements by eliminating the guest user program, it does not impose new compliance requirements on small entities. IP Relay providers are being compensated for the provision of the service, including the costs of compliance. In addition, the decision minimizes the economic impact of the IP Relay service on small entities conducting business over the telephone. Indeed, by reducing misuse of IP Relay, the new requirements lessen an adverse economic impact on small businesses merchants that accept orders over the telephone because these merchants will be protected against unqualified and unregistered individuals who use the anonymity of IP Relay to order merchandise using stolen or false credit cards.

INTERNET LINKS

- First Report and Order – FCC 12-71

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-12-71A1.doc
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