

Before the
Federal Communications Commission
Washington, D.C. 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

ORDER

Adopted: January 17, 2024

Released: January 17, 2024

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) grants conditional certification to Rogerveice to provide Internet Protocol Captioned Telephone Service (IP CTS) on a fully automatic basis, pending verification that its actual provision of IP CTS meets or exceeds the Commission’s minimum standards. This grant of conditional certification authorizes Rogerveice to provide TRS Fund-supported IP CTS through January 20, 2026, or the date of grant or denial of full certification, whichever occurs earlier. The Bureau also finds good cause to grant Rogerveice’s request for waiver of the TRS rule regarding the language of consumer self-certifications.

II. BACKGROUND

2. Rogerveice requests certification to provide IP CTS on a fully automatic basis (i.e., using automatic speech recognition (ASR) only for captioning of all calls, without any reliance on communications assistants (CAs)). Rogerveice’s proposed ASR-only IP CTS will be delivered via an

1 See Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898, 10914-15, para. 37 (2011) (2011 Internet-based TRS Certification Order) (authorizing conditional certification). IP CTS is a form of Internet-based telecommunications relay service (TRS) that allows individuals with hearing loss to both read captions and use their residual hearing to understand a telephone conversation. See 47 CFR § 64.601(a)(23) (defining IP CTS). Captions may be displayed on a specialized IP CTS device or an off-the-shelf computer, tablet, or smartphone. Internet-based TRS providers obtain certification from the Commission to be eligible to receive compensation from the TRS Fund. Id. § 64.606.

2 See 47 CFR § 64.611(j)(1)(v).

3 The Commission has determined that the provision of IP CTS using only automatic speech recognition (ASR) to generate captions, without the involvement of a Communications Assistant (CA), is eligible for compensation from the TRS Fund if provided in compliance with applicable mandatory minimum TRS standards. See Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24 and 03-123, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800, 5827, para. 48 (2018) (2018 ASR Declaratory Ruling).

4 Internet-Based TRS Certification Application of Rogerveice, CG Docket No. 03-123 (filed Mar. 8, 2022), https://www.fcc.gov/ecfs/document/10308635529430/1 (Application); Supplement to Application of Rogerveice for Certification as a Provider of Internet Protocol Captioned Telephone Services, CG Docket No. 03-123 (filed July 30, 2023), https://www.fcc.gov/ecfs/document/10729195451572/1 (Supplement). Rogerveice has redacted portions of

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over-the-top (OTT) Android- or iOS-compatible application (also called Rogervoice) on a customer's existing mobile device.<sup>5</sup> A privately-held company, Rogervoice is authorized to provide IP CTS in France and also makes its application available in other parts of the world.<sup>6</sup> Rogervoice states that it enables captioning in more than 100 languages and dialects.<sup>7</sup>

3. On March 14, 2022, the Bureau sought comment on Rogervoice's application.<sup>8</sup> One comment and one reply comment were filed. A coalition of accessibility advocacy and research organizations (AARO) filed comments.<sup>9</sup> While not opposing NexTalk's application, AARO argues that all providers of ASR-only IP CTS should be required to offer a CA-assisted mode and to allow users to switch from ASR-only to CA-assisted mode during a call.<sup>10</sup> AARO also states a general concern regarding the need to establish metrics for IP CTS service quality.<sup>11</sup> Rogervoice filed a reply.<sup>12</sup>

4. Rogervoice's platform was tested for caption delay and accuracy by the Commission's National Test Lab.<sup>13</sup>

### III. CERTIFICATION

5. We conditionally grant the application subject to verification—based on actual operating experience—that Rogervoice's provision of IP CTS will meet or exceed the minimum TRS standards.<sup>14</sup>

6. *Sufficiency of the Application.* Rogervoice's application is facially sufficient to satisfy the Commission's certification requirements. The application and supporting information provide a sufficient explanation, with documentary and other evidence, as to how the applicant will provide IP CTS

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its application for which it requests confidential treatment. Access to the redacted material is governed by the Third Protective Order in this docket. See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24, 10-51, and 03-123, Order and Third Protective Order, 33 FCC Rcd 6802, 6803, para. 4 (2018).

<sup>5</sup> Application at 5.

<sup>6</sup> *Id.* at 4.

<sup>7</sup> *Id.* at 6.

<sup>8</sup> *Comment Sought on Application of Rogervoice for Certification as a Provider of Internet Protocol Captioned Telephone Service*, CG Docket No. 03-123, Public Notice, 37 FCC Rcd 3432 (Mar. 14, 2022).

<sup>9</sup> Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association for the Deaf (NAD), and Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center (DHH-RERC) (collectively, AARO), Comments (rec. Apr. 14, 2022) (AARO Comments).

<sup>10</sup> AARO Comments at 4.

<sup>11</sup> *Id.* at 4.

<sup>12</sup> Reply Comments of Rogervoice (rec. May 1, 2022) (Rogervoice Reply).

<sup>13</sup> See FCC TRS National Test Lab, Internet Protocol Captioned Telephone Service Testing – Rogervoice, CG Docket No. 03-123, at 2 (posted by CGB, Nov. 15, 2023) (NTL Test Report). The National Test Lab is operated by MITRE Corporation as part of the CMS Alliance to Modernize Healthcare, a Federally Funded Research and Development Center sponsored by the Centers for Medicare & Medicaid Services (CMS). See CMS Alliance to Modernize Healthcare, Internet Protocol Caption Telephone Service (IP CTS) – Summary of Phase 2 Usability Testing Results (2016), CG Docket Nos. 03-123 and 13-24, at i-ii (posted by CGB, Apr. 11, 2018); CMS Alliance to Modernize Healthcare, Internet Protocol Caption Telephone Service (IP CTS) Devices: Summary of Phase 1 Activities (2017), CG Docket Nos. 03-123 and 13-24, at 10 (posted by CGB, Apr. 11, 2018) (NTL Phase 1 Summary).

<sup>14</sup> See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

and meet all minimum standards relevant to consideration of its application.<sup>15</sup> Rogerveice also provides a description of its complaint procedures, confirmation that it will file annual compliance reports demonstrating continued compliance with the TRS rules, and a certification by a senior executive as to the accuracy and completeness of the information provided.<sup>16</sup> Further, as discussed below, the application and supporting information, including the results of independent testing of caption delay and accuracy,<sup>17</sup> sufficiently support Rogerveice's specific claims regarding its use of ASR and the efficacy of such use in meeting the Commission's minimum TRS standards for speed of answer, service continuity, caption delay, accuracy, readability, verbatim transcription, privacy, and emergency call handling.<sup>18</sup>

7. *Speed of Answer.* Rogerveice has made a sufficient showing that, with its chosen ASR technology, it will meet or exceed the minimum TRS standards relating to speed of answer.<sup>19</sup> Rogerveice notes that because it employs no CAs, a Rogerveice user will never experience a busy response due to CA unavailability, and adds that calls that reach the Rogerveice app are delivered to the customer within one to two seconds.<sup>20</sup> Based on these statements and the applicant's explanation of its technology and availability of service,<sup>21</sup> we conclude that NexTalk has sufficiently supported its claims that its speed of answer will exceed the current IP CTS standard.

8. *Service Continuity.* We also find that Rogerveice has sufficiently demonstrated that it will be able to maintain service continuity. IP CTS providers must have redundancy features functionally equivalent to the equipment in telephone company central offices.<sup>22</sup> According to Rogerveice's Application, "Rogerveice's servers are cloud-based, and Rogerveice's service level agreement with its provider requires redundancy and backup power systems in place to ensure that Rogerveice's customers are never without service."<sup>23</sup>

9. *Caption Speed/Delay.* There is sufficient support for Rogerveice's claim that its ASR platform will transcribe captions in real time and in compliance with the current TRS standards relating to captioning speed, or delay.<sup>24</sup> In performance testing by NTL, Rogerveice's median caption delay for two

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<sup>15</sup> See Application at 9-19; 47 CFR § 64.606(a)(2)(ii).

<sup>16</sup> See Application at 15-16, 18-19, 21; *see also id.*, Attach. (confidential) (employee compliance manual).

<sup>17</sup> NTL Test Report.

<sup>18</sup> See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (noting that applicants to provide ASR-only IP CTS must support all claims regarding their use of ASR and its efficacy). In comments, AARO recommends that the Commission review carefully the adequacy of Global Caption's ability to ensure privacy and quality of service, including with respect to any vendor services. AARO Comments at 2-5. As discussed below, Rogerveice's application and supporting materials adequately address these issues.

<sup>19</sup> See 47 CFR § 64.604(b)(2)(ii) (requiring IP CTS providers to answer 85% of calls within 10 seconds, measured daily).

<sup>20</sup> Application at 9.

<sup>21</sup> *Id.* at 9-10 (confidential); *id.* at 12.

<sup>22</sup> See 47 CFR § 64.604(b)(4)(ii).

<sup>23</sup> Application at 12.

<sup>24</sup> Caption speed is typically measured based on the time that elapses, i.e., the delay, between transmission of speech and transmission of the associated caption(s). See NTL Phase 1 Summary at 6. Currently, there is no quantitative standard for IP CTS caption speed or delay *per se*. However, captions must be delivered "fast enough so that they keep up with the speed of the other party's speech," and "if captions are not keeping up with the speech (although a short delay is inevitable), at some point the provider is no longer offering relay service and the call is not compensable." *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 388-89, para. 22 & n.69 (2007) (*2007 IP CTS Declaratory Ruling*). In addition, the typing speed standard for text-based TRS applies to ASR-based IP CTS. See *id.* at 388, para. 22 n.69; 47 CFR § 64.604(a)(1)(iii)

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call scenarios ranged from 1.2 to 1.3 seconds, compared to an aggregate average of 1.8 to 2.4 seconds for other IP CTS providers.<sup>25</sup> Additionally, NTL testing supports Rogervoice's assertion that captions will be transcribed in real time and in compliance with the typing speed standard of 60 words per minute.<sup>26</sup>

10. *Accuracy and Readability.* Although the TRS rules do not currently provide quantitative standards for accuracy and readability, the typing, grammar, and spelling of captions must be "competent," and conversations must be transcribed "verbatim," with no intentional alteration of content unless a user specifically requests summarization.<sup>27</sup> We find sufficient record evidence that Rogervoice's service will meet or exceed the Commission's competence and "verbatim" requirements. In testing by NTL, Rogervoice's median Word Error Rates for three call scenarios ranged from 2.7% to 11.7%, higher than but comparable to other IP CTS providers' aggregated Word Error Rate results, which ranged from 2.0% to 7.4% for the same call scenarios.<sup>28</sup>

11. *Privacy.* The Commission's confidentiality requirements for TRS call content prohibit the disclosure or retention of call content for any purpose, either locally or in the cloud.<sup>29</sup> In addition, providers must protect the privacy of customer information.<sup>30</sup> The Commission's rules obligate a provider to protect call content and customer information regardless of the specific persons or entities (e.g., CAs, other employees, vendors, or agents) that a provider may designate to handle such information on its behalf.<sup>31</sup> Rogervoice sufficiently describes how it will comply with the Commission's TRS confidentiality requirements and customer proprietary network information (CPNI) rules.<sup>32</sup> Rogervoice

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(requiring TRS CAs to have a minimum typing speed of 60 words per minute). Based on the test results and other evidence discussed herein, Rogervoice has shown not only that it will meet this standard but also that it will "keep up with the speed of the other party's speech." *2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 388, para. 22. On October 2, 2020, the Commission released a Further Notice of Proposed Rulemaking seeking comment on adopting metrics for IP CTS accuracy and caption delay. *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10896-903, paras. 62-81 (2020) (*IP CTS Metrics Notice*).

<sup>25</sup> NTL Test Report at 2.

<sup>26</sup> The test calls used in NTL's assessment featured overall speech rates between 89 and 118 words per minute and active speech rates between 156 and 168 words per minute. NTL Test Report, Appx. B at 11, Appx. D at 15. Rogervoice's performance in these tests confirms that its transcription speed well exceeds 60 words per minute.

<sup>27</sup> 47 CFR § 64.604(a)(1)(ii), (2)(ii). These standards apply to captions generated with the help of ASR. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121, 16134-35, paras. 37-39 (2003); *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832, para. 60.

<sup>28</sup> NTL Test Report at 2.

<sup>29</sup> *See* 47 CFR § 64.604(a)(2)(i) (prohibiting CAs from disclosing or retaining call content except as authorized by 47 U.S.C. § 605); *see also* *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832-33, para. 60 (clarifying that rules prohibiting TRS CAs from disclosing the content of a relayed conversation or keeping records of the content beyond the duration of a call apply to ASR-only IP CTS).

<sup>30</sup> *See* 47 CFR § 64.611(j)(1)(xii) (requiring IP CTS providers to maintain the confidentiality of user registration and certification information); *id.* §§ 64.2001-64.2011 (restricting disclosure and use of customer proprietary network information); *see also id.* § 9.14(b)(2)(vi) (limiting disclosure and use of information obtained while handling 911 calls).

<sup>31</sup> *See, e.g., 2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832-33, para. 60. As the Commission has noted previously, the use of ASR-only IP CTS can enhance call privacy by eliminating the need for a human CA to listen to a call. *Id.* at 5828, para. 50.

<sup>32</sup> *See* Application at 12-13; *id.*, Attach. at 10-11 (confidential).

states that neither its ASR-only service nor any third-party vendor stores call transcriptions or recordings once a call is completed.<sup>33</sup> Rogervoice adds that its systems for safeguarding customer data—which already comply with the French Data Protection Act and the European Union’s General Data Protection Regulation (GDPR)—will comply with the Commission’s CPNI rules as well.<sup>34</sup> Among other things, Rogervoice provides ongoing training to personnel on authorized use of CPNI and a disciplinary process for improper uses, and maintains records of all use of CPNI in sales and marketing campaigns.<sup>35</sup>

12. *Emergency Call Handling.* Under the Commission’s TRS standard for emergency call handling, an IP CTS provider must ensure that 911 calls are given priority over non-911 calls.<sup>36</sup> In addition, when responsible for placing or routing voice calls to the public switched telephone network, an IP CTS provider must ensure that the call is routed, and required caller information delivered, to the appropriate public safety answering point (PSAP).<sup>37</sup> Rogervoice sufficiently establishes that it will handle emergency calls in accordance with these rules.<sup>38</sup> Because Rogervoice does not use CAs, 911 calls are automatically at the top of the queue when they come in and do not require a prioritization mechanism.<sup>39</sup> Further, according to the application, through a third-party vendor, Rogervoice has secured access to a commercially available database that enables the transmission of 911 calls to the appropriate PSAP.<sup>40</sup> Rogervoice delivers the user’s name and registered location with each call, as well as a callback number that enables captions on callback.<sup>41</sup> The Application also states that Rogervoice provides automated dispatchable location to the PSAP where technically feasible. Specifically, Rogervoice offers its users the option of giving Rogervoice access to their cell phones’ geolocation capability for purposes of 911 calls, and explains that such access will enable the delivery of more accurate location information to emergency personnel.<sup>42</sup>

13. *Response to Additional Concerns Raised in Comments.* Consistent with the Bureau’s prior orders granting conditional certification for the provision of IP CTS without any reliance on CAs,<sup>43</sup> we decline AARO’s request that we require Rogervoice to provide CA-assisted captioning as an option for users.<sup>44</sup> We are bound by the Commission’s determination that the capabilities of ASR are sufficient

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<sup>33</sup> Rogervoice Reply at 2.

<sup>34</sup> Application at 12-13.

<sup>35</sup> *Id.*, Attach. at 10-11 (confidential).

<sup>36</sup> 47 CFR § 9.14(b)(2)(ii).

<sup>37</sup> *Id.* § 9.14(b)(2)(i), (e).

<sup>38</sup> See Application at 13-14; *id.*, Attach. at 11 (confidential).

<sup>39</sup> *Id.* at 13.

<sup>40</sup> *Id.*; *id.*, Attach. at 11 (confidential).

<sup>41</sup> *Id.* at 13-14; *id.*, Attach. at 11 (confidential).

<sup>42</sup> *Id.* at 14; *id.*, Attach. at 11 (confidential).

<sup>43</sup> See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 35 FCC Rcd 4568 (CGB 2020) (*MachineGenius Certification*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 35 FCC Rcd 5635 (CGB 2020). In other orders, the Bureau has declined to require providers that use both ASR-only and CA-assisted captioning modes to provide a means for users to switch from one mode to the other. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 37 FCC Rcd 5228, para. 3 (CGB 2022); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 36 FCC Rcd 13241, 13248, para. 18 (CGB 2021); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 36 FCC Rcd 7246, 7258, para. 24 (CGB 2021).

to warrant its recognition as a TRS Fund-supported alternative to CA-assisted IP CTS.<sup>45</sup> Whether to impose a requirement to offer both ASR-only and CA-assisted captioning modes is a policy determination for the Commission to make.

14. *Conditional Certification.* We grant Rogervoice certification on a conditional basis, to provide IP CTS for a period not to exceed two years from the effective date of this order, pending further verification based on actual performance that its service complies with the Commission's minimum TRS standards. Because Rogervoice is a new applicant with no previous experience in the provision of TRS, and will rely solely on fully automatic captioning, we believe the best course is to collect additional information, through observing Rogervoice's service in operation, to confirm that this service will meet or exceed the minimum TRS standards.<sup>46</sup>

15. To assist the Bureau in its final determination of Rogervoice's qualifications to provide IP CTS, we require Rogervoice to provide quarterly reports of consumer complaints, filed with the Commission in the same format and with the same degree of detail required in the log of consumer complaints that providers must file annually with the Commission.<sup>47</sup> The first report shall be due May 1, 2024, and shall cover the period from the commencement of service through March 30, 2024.<sup>48</sup> Each subsequent report shall be filed on the first day of the second month of each calendar quarter and shall cover the preceding calendar quarter. For example, the second report shall be due August 1, 2024, and shall cover the period from April 1 through June 30, 2024. Rogervoice shall continue to file reports on a quarterly schedule until the expiration of this conditional certification, or until Commission action granting or denying full certification, whichever occurs earlier.

16. Pending a decision on full certification, the Bureau may request additional information in order to complete our review of Rogervoice's application, such as the results and protocols for performance tests conducted by Rogervoice or independent third parties.<sup>49</sup> We also require Rogervoice to

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<sup>44</sup> See AARO Comments at 4.

<sup>45</sup> See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5828-29, para. 51 (finding that "improvements in accuracy, coupled with ASR's advantages in speed and privacy, have made ASR a viable alternative to the use of human relay intermediaries for [Captioned Telephone Service (CTS)] and IP CTS"); see also *id.* at 5834-35, para. 63 ("Furthermore, while we are seeking more information about ASR technology in the FNPRM portion of this item, we do not agree that an ASR provider cannot be certified until we conduct 'further study' of such data.").

<sup>46</sup> See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37 (reserving the right to grant conditional certification "where the Commission, upon initial review of the application, determines that the application facially meets the certification requirements, but that the Commission needs to verify some of the information contained in the application"); *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (stating that "no application to provide ASR will be approved unless the applicant demonstrates that the specific ASR technology described in the application meets applicable FCC requirements"); *id.* at 5835, para. 64 (noting that certification of an ASR-only provider may be granted on a conditional basis to enable assessment of an applicant's actual performance).

<sup>47</sup> See 47 CFR § 64.604(c)(1); see also *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5835, para. 64 (noting that to the extent deemed necessary, certification of a provider may be conditioned on the submission of periodic data to help confirm whether ASR-only IP CTS is providing functionally equivalent service).

<sup>48</sup> Rogervoice's first report shall specify the date of commencement of service.

<sup>49</sup> See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (citing test results as an example of supporting information an ASR applicant might provide); *Notice of Conditional Grant of Application of Miracom USA, Inc., for Certification as a Provider of Internet Protocol Captioned Telephone Service Eligible for Compensation from the Telecommunications Relay Services Fund*, CG Docket Nos. 03-123, 10-51, and 13-24, Public Notice, 29 FCC Rcd 5105, 5106-10 (CGB 2014) (*Miracom Certification*) (conditioning a provider's certification on submission of additional information, including quarterly testing and reports). With some exceptions, such as speed of answer, the Commission's minimum TRS standards do not currently include quantitative metrics. However, testing with respect to various performance criteria, such as caption delay and

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report promptly any changes in the information previously provided to the Commission in its application and supplemental filings, including, for example, any changes in service agreements and suppliers, procedures for registering and screening prospective users, or the manner in which Rogerveice provides service.

17. Pursuant to this grant of conditional certification, Rogerveice may provide Fund-supported IP CTS in the manner described in its application, for a period not to exceed two years from the effective date of this order, pending a final determination of its qualifications. This conditional certification is issued without prejudice to such final determination, which is dependent on verification of the information provided in Rogerveice's application and supplemental filings, as well as the additional information provided pursuant to this order, and on the veracity of the applicant's representations that it will provide service in compliance with all pertinent Commission requirements. To assist in reaching a final determination, the Bureau may conduct one or more unannounced site visits to Rogerveice's premises and may request additional documentation relating to Rogerveice's provision of IP CTS. Conversion to full certification will be granted if, based on a review of the applicant's documentation and other relevant information, the Commission finds that Rogerveice is in compliance with applicable Commission rules and orders and is qualified to receive compensation from the Fund for the provision of IP CTS. If, at any time during the period in which Rogerveice is operating pursuant to this conditional certification, the Commission determines that Rogerveice has failed to provide sufficient supporting documentation for any of the assertions in its application, determines that any of those assertions cannot be supported, or finds evidence of any apparent rule violation, fraud, waste, or abuse, the Commission will take appropriate action, which may include the denial of Rogerveice's application. In the event of such denial, Rogerveice's conditional certification will automatically terminate thirty-five (35) days after such denial.<sup>50</sup>

18. *Preventing Misuse.* We remind Rogerveice and all other TRS providers that IP CTS is intended to provide a service functionally equivalent to voice telephone service, and must not be provided as a substitute for transcription of in-person meetings or conversations.<sup>51</sup> Further, although our rules do not prohibit Rogerveice from enabling its registered users to save the captions as they appear on a device, they do prohibit an IP CTS provider itself from retaining call transcripts or subsequently providing transcripts to IP CTS users beyond the duration of the call.<sup>52</sup> We also remind Rogerveice that its marketing of this service must conform with the Commission's rules.<sup>53</sup>

19. *Compensation.* Providers of IP CTS are currently compensated under a single formula,

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accuracy, may be helpful in the overall evaluation of this application for the purpose of deciding whether to grant full certification. Further, the Commission has proposed to adopt quantified standards for caption delay and accuracy, which, if adopted, would be applicable to all IP CTS providers, including those applying for certification or authorized under conditional certification. See *IP CTS Metrics Notice*, 35 FCC Rcd at 10898-902, paras. 66-77.

<sup>50</sup> See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

<sup>51</sup> For example, Communication Access Realtime Translation (CART) is often used to generate captions for live meetings, speeches, and other in-person situations where the provision of TRS Fund-supported relay services is not permitted. See *Miracom Certification*, 29 FCC Rcd at 5110; see also *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8691, para. 180 & n.465 (2013) (explaining that the use of TRS Fund-supported VRS to substitute for video remote interpreting—a service that is used when an interpreter cannot be physically present to interpret for two or more persons who are in the same location—is not permitted).

<sup>52</sup> See 47 CFR § 64.604(a)(2)(i). There is a limited exception applicable only to speech-to-speech services.

<sup>53</sup> See, e.g., *id.* § 64.604(c)(8), (c)(11), (c)(13). The Commission has noted that the ease and convenience of using IP CTS, while facilitating its use by people who need it for effective communication, also creates a risk that IP CTS will be used when it is not needed. See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5805, para. 9.

in the amount of \$1.30 per minute. The Commission has sought comment on modifying this formula and is expected to adopt a revised compensation plan by June 30, 2024.<sup>54</sup> Newly certified IP CTS providers should not assume or expect that the current compensation formula will remain applicable or that any revised formula(s) will necessarily allow them to recover their cost of service, even if they serve a special population or use a new, more expensive method of providing service.<sup>55</sup>

#### IV. REQUEST FOR WAIVER

20. *Waiver standard.* A Commission rule may be waived for “good cause shown.”<sup>56</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>57</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>58</sup> Such a waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.<sup>59</sup>

21. *Discussion.* We grant Rogervoice’s request for partial waiver of section 64.611(j)(1)(v) of the Commission’s rules, which requires a consumer’s written self-certification to state that “[t]he consumer understands that the captioning on captioned telephone service is provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone.”<sup>60</sup> As the Bureau has previously explained, the required statement is incorrect as applied to fully automatic IP CTS and would misinform consumers if they never actually connect to a live CA.<sup>61</sup> As the Commission has observed in the context of potentially analogous professional attestations, that “portion of the attestation is only required to the extent that captions are produced [with CA assistance] and not exclusively through a non-CA assisted automatic speech recognition engine.”<sup>62</sup>

#### V. PROCEDURAL MATTERS

22. *People with Disabilities:* 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY).

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<sup>54</sup> *Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 22-408, 03-123, and 13-24, Notice of Proposed Rulemaking and Order on Reconsideration, 37 FCC Rcd 15243 (2022) (proposing revised compensation plan for IP CTS); *Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Services*, CG Docket Nos. 22-408, 03-123, and 13-24, Order, DA 23-1189 (Dec. 20, 2023) (extending the current compensation plan through June 30, 2024, or the effective date of Commission action revising the compensation formula, if earlier).

<sup>55</sup> See *Miracom Certification*, 29 FCC Rcd at 5108 n.19 (“Compensation rates are determined in light of the minimum standards as set by the Commission. Although the Commission may periodically reassess those standards in light of new services and technologies, a TRS provider cannot unilaterally impose a higher standard or secure a higher compensation rate simply by utilizing a new, more expensive method of providing service.”).

<sup>56</sup> 47 CFR § 1.3.

<sup>57</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>58</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>59</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>60</sup> Application at 19 (citing 47 CFR § 64.611(j)(1)(v)).

<sup>61</sup> *MachineGenius Certification*, 35 FCC Rcd at 4580-81, para. 30.

<sup>62</sup> *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5861-62, para. 133 n.366.



23. *Additional Information.* For further information regarding this item, please contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716 or by e-mail to [William.Wallace@fcc.gov](mailto:William.Wallace@fcc.gov).

**VI. ORDERING CLAUSES**

24. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 225, sections 0.141, 0.361, 1.3, and 64.606(b)(2) of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, 64.606(b)(2), and the authority delegated by paragraph 60 of the Commission's *2018 ASR Declaratory Ruling*, the application of Rogervoice for certification to provide IP CTS is GRANTED as conditioned in this Order.

25. IT IS FURTHER ORDERED, that Rogervoice's Request for Waiver is GRANTED.

26. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark, Chief  
Consumer and Governmental Affairs Bureau