

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
Structure and Practices of the Video Relay Service Program
CG Docket No. 03-123
CG Docket No. 10-51

ORDER

Adopted: November 21, 2024

Released: November 21, 2024

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. Conditional certification is granted to Bond Communications, Inc. (Bond), to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund for the provision of Video Relay Service (VRS). This grant of conditional certification authorizes Bond to provide TRS Fund-supported VRS for a two-year period, through November 20, 2026. We also find good cause to grant Bond’s request for short-term waivers of the VRS rules regarding documentary and other evidence demonstrating that the applicant leases, licenses, or has acquired its own facilities for VRS call centers and has purchased, leased, or licensed all technology and equipment used to support call center functions.

II. BACKGROUND

2. The certification process for providers of Internet-based TRS, including VRS, is set forth in section 64.606 of the Federal Communications Commission’s (Commission’s) rules and was established to ensure that providers receiving TRS Fund compensation are qualified to provide service in

1 See Application of Bond Communications, Inc., for Certification to Provide Video Relay Service, CG Docket Nos. 03-123 and 10-51 (filed May 28, 2024) (Application), https://www.fcc.gov/ecfs/document/10529075858473/1; see also Amendment to Application of Bond Communications, Inc., for Certification to Provide Video Relay Service, CG Docket Nos. 03-123 and 10-51 (filed Sept. 26, 2024) (redacted) (Bond Amendment). The TRS Fund compensates eligible providers of Internet-based and interstate TRS for their reasonable costs of providing these services. See 47 CFR § 64.604(c)(5)(iii).

2 See Application at 25 (call centers); id. at 27-28 (work station equipment). While the Consumer and Governmental Affairs Bureau (Bureau) ordinarily announces certification decisions by Public Notice, we elect to issue this decision as an Order because we also are addressing the applicant’s associated waiver requests. We deem this Order to constitute conditional certification that Bond is eligible for compensation from the Interstate TRS Fund in accordance with section 64.606(b)(2) of the Commission’s rules for VRS. 47 CFR § 64.606(b)(2).

3 VRS uses a broadband Internet connection between the VRS user and the communications assistant (CA) to enable a person using American Sign Language to communicate over video with another party through the CA. During a VRS call, the CA relays the communications between the two parties, signing what the other party says to the deaf or hard of hearing user and responding in voice to the other party to the call. See id. § 64.601(a)(53).

compliance with the TRS rules.⁴ Under section 64.606(b), applicants must submit specific documentation to the Commission (described further below), and certification shall be granted upon a determination that the applicant will meet all applicable mandatory minimum TRS standards and has adequate procedures and remedies for ensuring compliance with Commission rules.⁵ The Commission may grant conditional certification where additional time is needed to complete evaluation of an applicant's qualifications or verify information contained in the application.⁶

3. After certification, Internet-based TRS providers must file annual reports updating the information in their application to demonstrate continuing compliance with the Commission's mandatory minimum TRS standards.⁷ Each provider also must include within its annual report a compliance plan describing the provider's policies and procedures for complying with the Commission's rules prohibiting VRS providers from engaging in the unauthorized and unnecessary use of VRS.⁸

4. On May 28, 2024, Bond filed an application for certification to provide VRS and sought a waiver of the requirements to submit documentation that the applicant has leased, licensed, or acquired facilities for a call center and has purchased, leased, or licensed all technology and equipment used to support call center functions.⁹ On July 29, 2024, the Bureau sought comment on Bond's application.¹⁰ The Commission received four Express Comments from consumers supporting Bond's application.¹¹

III. CERTIFICATION

5. We find that Bond's application facially meets the applicable certification requirements, and we conditionally grant certification to Bond to provide VRS. Conditional certification allows the Commission to verify—based on actual operating conditions—that Bond's provision of VRS will meet or exceed the minimum TRS standards.¹² This grant of conditional certification is without prejudice to the Commission's final determination of Bond's qualifications.¹³

6. *Bond's VRS Qualifications.* Bond's certification application provides the information and documentation required by the applicable rules.¹⁴ Specifically, Bond has provided: (1) a description of the service to be provided;¹⁵ (2) a detailed description of how Bond will meet all nonwaived mandatory

⁴ *Id.* § 64.606; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order, 26 FCC Rcd 10898, 10902-04, paras. 8-10 (2011) (*2011 Internet-based TRS Certification Order*).

⁵ 47 CFR § 64.606(b)(2); *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10909-13, paras. 23-34; *see also Structure and Practices of the Video Relay Service Program et al.*, CG Docket Nos. 10-51 et al., Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (clarifying and modifying TRS certification requirements).

⁶ *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

⁷ 47 CFR § 64.606(g).

⁸ *Id.* § 64.604(c)(13).

⁹ *See* Application at 1, 25, 27-28; *see* 47 CFR § 64.606(a)(2)(ii)(A)(1), (5).

¹⁰ *See Comment Sought on Application of Bond Communications, Inc., for Certification to Provide Video Relay Service*, CG Docket Nos. 03-123 and 10-51, Public Notice, DA 24-729 (July 29, 2024).

¹¹ *See* Shelley Abdilah, Express Comment (Aug. 16, 2024); Norma Moran & Franklin Torres, Express Comment (Aug. 20, 2024); Danielle Keller, Express Comment (Aug. 28, 2024); Gabrielle Beaumont, Express Comment (Aug. 27, 2024).

¹² *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

¹³ *Id.*

¹⁴ *See* 47 CFR § 64.606(a)(2).

¹⁵ Application at 4.

minimum standards applicable to VRS;¹⁶ (3) a description of the technology and equipment to be used to support call center functions;¹⁷ (4) a description of Bond's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more of the securities of Bond, and the names of its executives, officers and members of its board;¹⁸ (5) a list of the number of its full-time and part-time employees involved in Bond's VRS operations by position;¹⁹ (6) a confidential list of sponsorship arrangements relating to the provision of Internet-based TRS;²⁰ (7) a description of Bond's complaint procedures;²¹ (8) a statement that Bond will file annual compliance reports demonstrating continued compliance with the rules;²² and (9) a certification by Bond's CEO confirming the accuracy and completeness of the information contained in the application.²³

7. *Interoperability.* VRS providers are subject to the Commission's interoperability and portability requirements.²⁴ Bond states that, pursuant to these requirements, its users will be able to place and receive calls through any other VRS providers' services, and Bond will be able to receive calls from, and make calls to, any VRS user.²⁵ Bond also states it does not take any steps that restrict a user's unfettered access to another provider's service, and that its VRS access technologies and video communication service platforms will be interoperable with the VRS Access Technology Reference Platform.²⁶

8. No party opposes certification of Bond's proposed service, and no questions were raised concerning the operation and delivery of its proposed VRS.²⁷ The four parties filing Express Comments all support Bond's application and its focus on providing VRS for deaf children who use American Sign Language (ASL).²⁸

9. We find that Bond's application facially establishes that Bond will meet or exceed the mandatory minimum standards applicable to its provision of VRS and that the company has in place sufficient procedures and remedies for ensuring compliance with the applicable TRS rules.²⁹

¹⁶ *Id.* at 5-24.

¹⁷ *Id.* at 25-28.

¹⁸ *Id.* at 28-29.

¹⁹ *Id.* at 30.

²⁰ Bond Amendment. Bond has identified no current sponsorship arrangements. *See* 47 CFR § 64.606(a)(2)(ii)(E).

²¹ Application at 31-32.

²² *Id.* at 32.

²³ *Id.*, Ex. 1; Bond Amendment.

²⁴ 47 CFR § 64.621. Among other requirements, VRS providers must ensure that all VRS users and hearing point-to-point video users can place a VRS or point-to-point video call through any of the VRS providers' services, and that calls can be received from and placed to any VRS or hearing point-to-point video user. *Id.* § 64.621(a)(1).

²⁵ Application at 23.

²⁶ *Id.*

²⁷ *Cf. 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. 03-123 and 10-51, Order, 38 FCC Rcd 9731, 9734-35, paras. 9-13 (CGB 2023) (*Tive VRS Certification Order*) (addressing questions raised in comments regarding applicant's proposed VRS operations).

²⁸ *See* Application at 2-4 ("Bond is committed to meeting the communication needs of deaf children through a child-friendly VRS.").

²⁹ *See* 47 CFR § 64.606(b)(2).

10. *Conditional Certification.* We grant certification for Bond’s provision of VRS on a conditional basis, for a period not to exceed two years, pending further verification that its VRS complies with the Commission’s mandatory minimum TRS standards. For example, we note that this first-time applicant will use a proprietary, customizable architecture for the provision of VRS,³⁰ and that it has yet to complete the establishment of a call center and purchase call center equipment.³¹ Conditional certification will allow the Commission to further verify, based on oversight of actual operations, review of consumer complaints, if any, and interoperability testing, that this service will meet or exceed the minimum TRS standards.³²

11. To assist the Bureau in a final determination of Bond’s qualifications to provide VRS, we require Bond to file quarterly reports of consumer complaints, 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.³³ The first report shall be due on the last day of the first month of the calendar quarter following the first calendar quarter in which Bond has been in operation for more than a month, and shall cover the period from the commencement of TRS-funded VRS service through the end of that quarter.³⁴ Each subsequent report shall be filed on the last day of the first month of each calendar quarter and shall cover the preceding calendar quarter. Bond shall continue to file reports on a quarterly schedule during the term of this conditional certification until the Commission acts on granting or denying full certification, whichever occurs earlier. As discussed below, Bond also must finalize the lease for its call center and purchase order for call center equipment and submit copies of these documents as an amendment to its application.

12. As an additional condition of this conditional certification, we require Bond to submit all information required by sections 64.606(a)(2)(ii)(A)(I) and (5) of the Commission’s rules,³⁵ no later than the date of expiration of the waiver of those provisions granted herein.

13. We emphasize that Bond must continue to operate in compliance with all relevant Commission rules and orders. As with other grants of TRS certification, the Commission reserves the right to conduct ongoing monitoring of the operations of Bond to ensure continuing compliance and to review any additional documentation necessary to ascertain the veracity of the assertions made in its applications and updates.³⁶ The Commission also reserves the right to investigate compliance by Bond with the Commission’s rules and orders and to take enforcement action for past or future violations, including suspension or revocation of this certification, if circumstances warrant.³⁷ This may include unannounced on-site visits to Bond’s headquarters, offices, or call centers for the purpose of ensuring continued compliance with the certification requirements and the Commission’s rules.³⁸ Conversion to

³⁰ Application at 25-26 (“Central to Bond’s approach is the Company’s decision to develop its own proprietary, customizable VRS platform that seamlessly integrates with external technology providers’ solutions.”).

³¹ See *id.* at 25 & Ex. 3; *id.* at 27-28 & Ex. 4; *infra* Part IV.

³² See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

³³ See 47 CFR § 64.604(c)(1).

³⁴ The first report shall specify the date of Bond’s first TRS Fund-supported call using VRS as its commencement of service date for VRS. For example, if Bond begins service on November 15, 2024, the first report shall be due on January 31, 2025, and cover the period from November 15, 2024, through December 31, 2024. If Bond commences service on December 15, 2023, the first report shall be due on April 30, 2025, and cover the period from December 15, 2024 through March 31, 2025.

³⁵ 47 CFR § 64.606(a)(2)(ii)(A)(I), (5).

³⁶ See *Internet-based TRS Certification Order*, 26 FCC Rcd at 10913, para. 33.

³⁷ See 47 CFR § 64.606(e)(2).

³⁸ See *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914, paras. 35-36.

full certification will be granted if, based on a review of the applicant's documentation and other relevant information, the Commission finds that Bond is in compliance with applicable Commission rules and orders and is qualified to receive compensation from the Fund for the provision of VRS. If, at any time during the period in which Bond is operating pursuant to this conditional certification, the Commission determines that Bond 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 Bond's application. In the event of such denial, Bond's conditional certification for its VRS will automatically terminate thirty-five (35) days after such denial.³⁹

IV. REQUEST FOR WAIVERS

14. Bond requests waivers of section 64.606(a)(2)(ii)(A)(1) of the Commission's rules, which requires a provider operating five or fewer call centers to submit a copy of each deed or lease for each call center,⁴⁰ and a partial waiver of section 64.606(a)(2)(ii)(A)(5), which requires the provider to submit a copy of each proof of purchase, lease, or license for all technology and equipment used to support the provider's call center functions for each call center.⁴¹ The Bureau grants a limited waiver of both provisions, subject to conditions.

15. *Waiver standard.* A Commission rule may be waived for "good cause shown."⁴² In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.⁴³ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁴⁴ Good cause for a waiver may be found if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.⁴⁵

16. *Waiver Request.* In its request for waiver of section 64.606(a)(2)(ii)(A)(1), Bond explains that, as a start-up, Bond's need for call center facilities is contingent on its VRS certification.⁴⁶ It further states that "[e]ntering into such a lease in advance of certification is unnecessary as the lease would be unused and it would be a waste of resources."⁴⁷ Bond has submitted a copy of a non-binding letter of intent to lease a call center in Seattle.⁴⁸ Bond says that it intends to finalize and execute the lease upon grant of certification.⁴⁹

17. Citing the same uncertainty regarding certification, Bond also requests a partial waiver of section 64.606(a)(2)(ii)(A)(5) of the Commission's rules, which requires Bond to provide the Commission a copy of each proof of purchase, lease or license agreement for all technology and

³⁹ See *id.* at 10914-15, para. 37. If the Commission terminates a conditional certification, the provider must give at least 30 days' notice to its customers that it will no longer offer service. *Id.*

⁴⁰ See 47 CFR § 64.606(a)(2)(ii)(A)(1); Application at 25.

⁴¹ See 47 CFR § 64.606(a)(2)(ii)(A)(5); Application at 27-28.

⁴² 47 CFR § 1.3.

⁴³ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁴⁴ *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.

⁴⁵ *Northeast Cellular*, 897 F.2d at 1166.

⁴⁶ Application at 25.

⁴⁷ *Id.* at 25.

⁴⁸ *Id.*, Ex. 3.

⁴⁹ *Id.* at 25.

equipment used to support call center functions.⁵⁰

18. Bond has submitted a copy of a non-binding quote for call center workstations for 25 VRS CAs.⁵¹ Bond states that, as a start-up, its need for the CA work station equipment is contingent on obtaining certification to provide TRS-funded VRS.⁵² Bond states that it intends to finalize and execute a purchase order for the work station equipment in accordance with section 64.606(a)(2)(ii)(A)(5) upon certification.⁵³

19. Regarding other technology or equipment, Bond states that because it is using its own proprietary technology as the core technology for call center operations, including automatic call distribution (ACD),⁵⁴ there are no relevant agreements for such technology.⁵⁵ Bond adds that, while its proprietary platform “seamlessly integrates with external technology providers’ solutions,” it is obtaining such external technology pursuant to each entity’s general terms of service.⁵⁶

20. *Discussion.* We find good cause to grant Bond limited waivers of sections 64.606(a)(2)(ii)(A)(1) and (5) of the Commission’s rules.⁵⁷ The information submitted persuades us that providing all the required information in its initial application would cause a hardship for Bond in that, as a start-up business, it would incur substantial expense to lease or purchase facilities and hardware with no certainty as to whether or when the Commission would grant its application. The purpose of these provisions is to enable the Commission to evaluate whether an application “has the full operational and technical capability to operate a call center, in compliance with the Commission’s mandatory minimum standards.”⁵⁸ Bond has provided reasonable alternative documentation showing that it intends to open at least one call center and obtain work station equipment for the call center. Bond also sufficiently describes the technology that will support its call center functions (and adequately explains why there are no relevant agreements, other than its cloud-based suppliers’ general terms of service, which are available at the Internet links cited in its application).⁵⁹ Therefore, it appears that Bond is well-positioned to start VRS operations once it finalizes the lease for the call center and installs the work station equipment.

21. We also note that the conditional certification granted herein withholds full certification pending verification of actual compliance with the TRS rules—including the rule requiring VRS providers to operate their own call centers.⁶⁰

22. In these special circumstances, we find good cause to grant Bond waivers of sections

⁵⁰ See 47 CFR § 64.606(a)(2)(ii)(A)(5); Application at 27-28.

⁵¹ Application, Ex. 4.

⁵² *Id.* at 27-28.

⁵³ *Id.*

⁵⁴ See *id.* at 25-26.

⁵⁵ *Id.* at 28 n.36.

⁵⁶ *Id.* at 26, 28.

⁵⁷ See *Tive VRS Certification Order*, 38 FCC Rcd at 9737-38, paras. 21-22 (granting a similarly conditioned waiver allowing applicant to satisfy the call center lease requirements of section 64.606(a)(2)(ii)(A)(1) within 60 days of the effective date of the order).

⁵⁸ *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10912, para. 30; see also *id.* at 10906-07, paras. 17-19 (discussing requirements for VRS ACD platforms); 47 CFR § 64.606(a)(2)(ii) (stating that the information required by paragraph (ii) “shall demonstrate that the applicant leases, licenses or has acquired its own facilities and operates such facilities associated with TRS call centers”);

⁵⁹ See Application at 25-26, 28 & nn. 35-36.

⁶⁰ 47 CFR § 64.604(d)(1)(iii).

64.606(a)(2)(ii)(A)(I) and (5) of the Commission's rules for a limited period of time, which shall expire 60 days after the effective date of this Order, or on the date Bond submits an initial request for TRS Fund compensation, whichever is earlier. Because Bond has stated that it will finalize and execute the lease and purchase agreement "upon certification," we find that this additional time is sufficient for Bond to finalize and execute a lease and purchase equipment for its call center. As explained above, as a condition of this certification, on or before the date of expiration of this waiver, Bond must update its application materials to include (1) a deed or lease for each call center it will initially operate and (2) a lease or purchase agreement for the equipment supporting such call center(s).⁶¹

V. PROCEDURAL MATTERS

23. *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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

24. *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.

VI. ORDERING CLAUSES

25. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (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), this Order IS ADOPTED.

26. IT IS FURTHER ORDERED that Bond Communications, Inc., is conditionally certified to be compensated from the Interstate Telecommunications Relay Services Fund for providing Video Relay Service as conditioned in this Order.

27. IT IS FURTHER ORDERED, that Bond's Request for Waivers of sections 64.604(a)(2)(ii)(A)(I) and (5) of the Commission's rules, 47 CFR § 64.604(a)(2)(ii)(A)(I), (5), ARE GRANTED, subject to the conditions herein.

28. 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

⁶¹ See *id.* § 64.606(a)(2)(ii)(A)(I), (5); see also *id.* § 64.606(a)(2)(ii)(A)(4) (providing that call center functions include, but are not limited to, the functions described in the main text).