



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-1127

Released: August 1, 2014

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU REAFFIRMS APPLICATION OF INTERNET PROTOCOL CAPTIONED TELEPHONE SERVICE (IP CTS) RULE ON USER REGISTRATION AND CERTIFICATION

CG Docket Nos. 13-24 & 03-123

In this Public Notice, the Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission affirms the applicability of certain provisions of the Commission's telecommunications relay services (TRS) rules in light of the decision of the United States Court of Appeals for the District of Columbia Circuit on June 20, 2014.¹ In its decision, the court vacated in their entirety the Commission's interim rules governing Internet Protocol Captioned Telephone Service (IP CTS) and vacated two of the Commission's final rules governing IP CTS.² This Public Notice sets forth the applicability of the Commission's IP CTS user registration and certification requirements following the court's ruling.

Background

IP CTS, a form of TRS approved in 2007,³ enables a telephone caller, by using an Internet-enabled device or software, to simultaneously listen to the other party to the telephone call and read captions of what that party is saying.⁴ On January 25, 2013, the Commission adopted interim rules to address certain provider practices that it believed encouraged IP CTS use by individuals who do not need this service to communicate in a functionally equivalent manner.⁵

Among other things, the interim rules required each IP CTS provider, in order to be eligible for compensation from the Fund for providing service to new IP CTS users, (i) to register each new IP CTS user by obtaining the consumer's name, address, and telephone number; (ii) to obtain from each consumer

¹ *Sorenson Communications Inc. and CaptionCall, LLC v. FCC*, slip op. (D.C. Cir., No. 13-1122, June 20, 2014) (Sorenson).

² *Sorenson* at 15. See page 3, *infra*, for a discussion of the rules vacated by the court.

³ *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 (2007).

⁴ See 47 C.F.R. § 64.601(a)(16). Generally, IP CTS uses a connection via the public switched telephone network (PSTN) or voice over Internet Protocol (VoIP) for the voice portion of the call, while the connection carrying the captions between the relay service provider and the relay service user is via the Internet. *Id.*

⁵ *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, 03-123, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703, 706-09, ¶¶ 6-9 (2013) (IP CTS Interim Order).

a self-certification regarding the consumer's understanding of and need to use IP CTS; and (iii) where the consumer accepts IP CTS equipment free of charge or at a price below \$75 from any source other than a governmental program, to also obtain from the consumer a certification from an independent, third party professional attesting to the same.⁶ Those interim rules became effective on March 7, 2013, with a scheduled expiration date of September 3, 2013.⁷ The *IP CTS Interim Order* was accompanied by a Notice of Proposed Rulemaking (NPRM) in which the Commission sought comment on whether to make permanent, revise, or eliminate the interim rules.⁸ On April 8, 2013, Sorenson Communications, Inc., and CaptionCall, LLC (collectively Sorenson), petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the *IP CTS Interim Order*.

On August 26, 2013, the Commission adopted final rules on IP CTS.⁹ Under the final rules adopted by the Commission, among other things, providers who provide IP CTS equipment, software, and applications to consumers at no charge or for less than \$75 were prohibited from receiving compensation from the Fund for minutes of use generated by consumers using such equipment, software, or applications.¹⁰ The final rules also required IP CTS providers to ensure that their equipment and software applications have a default setting of captions off, so that all IP CTS users must affirmatively turn on captioning for each telephone call initiated or received before captioning is provided.¹¹ The \$75 equipment charge rule and the default-off rule took effect on September 30, 2013.¹²

The final rules maintain, with modifications, the requirements that IP CTS providers register each new IP CTS user and obtain a self-certification regarding the consumer's understanding of and need to use IP CTS.¹³ The final rules also require providers to register and obtain self-certifications from all "existing IP CTS users."¹⁴ The *IP CTS Reform Order* defines "existing IP CTS users" as "all users who are enrolled in a provider's IP CTS as of the effective date of the amended registration and certification rule . . . and who have not previously undergone registration and certification by that provider in compliance with the interim registration and certification rule."¹⁵

⁶ *IP CTS Interim Order*, 28 FCC Rcd at 743-44, Appx. D, § 64.604(c)(9).

⁷ 78 FR 14701, 14702 (2013) (announcing an effective date of March 7, 2013 and an expiration date of September 3, 2013 for section 64.604(c)(9), the rule on registration and certification).

⁸ See *IP CTS Interim Order*, 28 FCC Rcd at 704, ¶ 3.

⁹ 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, 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13420 (*IP CTS Reform Order*).

¹⁰ See 47 C.F.R. § 64.604(c)(11); *IP CTS Reform Order*, 28 FCC Rcd at 13440-48, ¶¶ 41-59 ("\$75 equipment charge rule").

¹¹ See 47 C.F.R. § 64.604(c)(10); *IP CTS Reform Order*, 28 FCC Rcd at 13461-70, ¶¶ 91-103 ("default-off rule").

¹² 78 FR at 53691 (announcing that final rules 64.604(c)(10)(i) and 64.604(c)(11)(i) shall be effective September 30, 2013).

¹³ See 47 C.F.R. §§ 64.604(c)(9)(i), (iii). The final rules require IP CTS providers to collect each consumer's date of birth and the last four digits of the consumer's social security number in addition to the consumer's full name, address, and telephone number to register each user. 47 C.F.R. § 64.604(c)(9)(i). The final rules also change the form and content of the self-certifications that must be obtained from consumers. 47 C.F.R. § 64.604(c)(9)(iii).

¹⁴ *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 69 ("The Commission adopts a rule requiring each IP CTS provider to register and obtain certification from all of its existing IP CTS users."); see also 47 C.F.R. § 64.604(c)(9)(xi).

¹⁵ *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 69, n.216.

For users who enroll on or after the effective date of the final rule on registration and certification, IP CTS providers are not required to obtain independent, third party certification attesting to the user's need for IP CTS. However, under the final rule,¹⁶ for any *existing* users who accepted IP CTS equipment free of charge or for less than \$75 from any source other than a governmental program prior to March 7, 2013, IP CTS providers must obtain such third party certification.¹⁷

The final registration and certification rule is subject to the Paperwork Reduction Act, which provides an additional approval process for certain agency rules that require the collection of information.¹⁸ Accordingly, the rule will not take effect until after the information collection has been approved by OMB.¹⁹ Therefore, the Commission extended the effectiveness of the interim rule regarding user registration and certification until the effective date of the final registration and certification rule.²⁰ The process for final OMB approval remains pending.

On September 6, 2013, Sorenson petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the *IP CTS Reform Order*. On December 6, 2013, the court stayed the \$75 equipment charge rule.²¹ On June 20, 2014, the court issued an opinion vacating the interim rules in their entirety and vacating the \$75 equipment charge rule and default-off rule contained in the *IP CTS Reform Order*.²² After the court issued its opinion, CGB received a number of inquiries from providers seeking guidance on their obligations regarding the registration and certification of IP CTS users going forward. In this *Public Notice*, CGB explains the applicable registration and certification requirements for four groups of IP CTS users, who are defined based on when they enrolled with their IP CTS providers.²³

Application of the Final Rule in Light of the Court of Appeals Ruling

In discussing the application of the court's ruling,²⁴ we distinguish among four classes of IP CTS users for purposes of determining the application of the Commission's final rule on user registration and certification.²⁵

- Users who enrolled with an IP CTS provider prior to March 7, 2013 ("pre-March 7, 2013 enrollees");

¹⁶ In this public notice, the term "final rule," in the singular, refers to the final rule on registration and certification of IP CTS users, 47 C.F.R. § 64.609(c)(9), for which the effective date will be established after the Office of Management and Budget (OMB) approves the information collections required by the rule.

¹⁷ *IP CTS Reform Order*, 28 FCC Rcd at 13453, ¶ 72. See also 47 C.F.R. §§ 64.604(c)(9)(v), (vii), (xi). The requirements as to the form, content, and certifying professional for independent, third party certifications that are obtained from existing users after the effective date of the final rule are different from the requirements for such certifications that are obtained before the effective date of the final rule. Cf. 47 C.F.R. § 64.604(c)(9)(vi), (viii).

¹⁸ Pub. L. No. 104-13, 109 Stat. 163 (May 22, 1995), *codified at* 44 U.S.C. § 3501 *et seq.*

¹⁹ *IP CTS Reform Order*, 28 FCC Rcd at 13492-93, ¶¶ 166-67.

²⁰ *IP CTS Reform Order*, 28 FCC Rcd at 13492-93, ¶ 167.

²¹ *Sorenson Communications Inc. and CaptionCall, LLC v. FCC*, slip op. (D.C. Cir., No. 13-1246, Dec. 6, 2013).

²² *Sorenson* at 15.

²³ Where a user has changed IP CTS providers, the current provider must comply with the rule applicable to the period in which the user enrolled with that provider.

²⁴ The court's ruling vacating the interim rules, the \$75 equipment charge rule, and the default-off rule will take effect upon issuance by the court of its mandate, which should occur on August 4, 2014.

²⁵ A summary of the registration and certification obligations for each class of IP CTS user is set forth in the Appendix to this Public Notice.

- Users who enrolled with an IP CTS provider on or after March 7, 2013, and before the date of the court’s mandate vacating the interim rules (“interim rule period enrollees”);
- Users who enrolled with an IP CTS provider on or after the date of the court’s mandate and before the effective date of the final registration and certification rule (“post-court mandate / pre-final rule effective date enrollees”); and
- Users who enrolled with an IP CTS provider on or after the effective date of the final registration and certification rule (“new enrollees”).

As discussed further below, regarding the application of the final registration and certification rule to each of these groups, a key question is which enrollees fall within the definition of being an “existing IP CTS user.” As noted above, the *IP CTS Reform Order* defines “existing IP CTS users” as “all users who are enrolled in a provider’s IP CTS as of the effective date of the amended registration and certification rule . . . and who have not previously undergone registration and certification by that provider in compliance with the interim registration and certification rule.”²⁶ We explain below that each of the first three groups listed above may include consumers who fall within this category of “existing IP CTS users.”

Pre-March 7, 2013 Enrollees. Under the *IP CTS Reform Order*, IP CTS users who enrolled with an IP CTS provider prior to March 7, 2013 make up the bulk of the category of “existing IP CTS users.”²⁷ The final rule, once effective, will require IP CTS providers to take the following actions regarding their users who enrolled prior to March 7, 2013:²⁸ (1) register each consumer prior to requesting compensation from the TRS Fund for service provided to the consumer by obtaining the consumer’s full name, date of birth, last four digits of the consumer’s social security number, address and telephone number;²⁹ (2) obtain a self-certification from the consumer;³⁰ and (3) obtain an independent, third party certification attesting to the consumer’s need for IP CTS, if the consumer accepted IP CTS equipment free of charge

²⁶ *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 69, n.216.

²⁷ See *IP CTS Reform Order*, 28 FCC Rcd at 13452, n.216 (defining “existing IP CTS users” as “all users who are enrolled in a provider’s IP CTS as of the effective date of the amended registration and certification rule . . . and who have not previously undergone registration and certification by that provider in compliance with the interim registration and certification rule”).

²⁸ See 47 C.F.R. § 64.604(c)(9)(xi); *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶¶ 69, 72 (adopting a rule requiring each IP CTS provider to “register and obtain certification from all of its existing IP CTS users” and a rule “for existing users who received equipment for free or at a price below \$75, directly or indirectly from an IP CTS provider (or from any other source other than an equipment distribution program administered by a state or local government), prior to the effective date of the interim rules, a mandate for providers to obtain from each user either a payment of \$75 . . . or a certification from an independent, third party professional”).

²⁹ 47 C.F.R. §§ 64.604(c)(9)(i), (xi).

³⁰ 47 C.F.R. §§ 64.604(c)(9)(iii), (iv), (xi). A self-certification that is obtained from such users on or after the effective date of the final rule must state that: “(A) The consumer has a hearing loss that necessitates use of captioned telephone service; (B) The 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; (C) The consumer understands that the cost of captioning each Internet protocol captioned telephone call is funded through a federal program; and (D) The consumer will not permit, to the best of the consumer’s ability, persons who have not registered to use Internet protocol captioned telephone service to make captioned telephone calls on the consumer’s registered IP captioned telephone service or device.” 47 C.F.R. § 64.604(c)(9)(iii). If, before the effective date of the final rule, a provider has obtained registration information and self-certification from such a user that satisfy the requirements of the interim rules, the provider need not repeat the process with that user in accordance with the final rule. *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 69 & n.216; see also 47 C.F.R. § 64.604(c)(9)(ii), (iv) (stating self-certification requirements applicable to self-certifications obtained before the effective date of the final rule).

or at a price below \$75 from any source other than a governmental program.³¹ IP CTS providers must have obtained registration information, self-certification, and, where applicable, third-party certification of hearing loss from all their current IP CTS users who enrolled in IP CTS prior to March 7, 2013, within 180 days of the effective date of the final rules.³²

Interim Rule Period Enrollees. IP CTS users who have enrolled with an IP CTS provider on or after March 7, 2013, and before the date of the court’s mandate vacating the interim rules will have enrolled in IP CTS while the interim rules are still in effect. The interim rules require IP CTS providers to: (1) register these consumers prior to requesting compensation from the TRS Fund for service provided to the consumer by obtaining the consumer’s name, address and telephone number;³³ (2) obtain a self-certification from the consumer;³⁴ and (3) obtain independent, third party certification attesting to a consumer’s need for IP CTS, if the consumer accepted IP CTS equipment free of charge or at a price below \$75 from any source other than a governmental program.³⁵ IP CTS users who have enrolled in IP CTS during this time period but who are not registered and certified in accordance with the interim rules as of the effective date of the final rule,³⁶ fall into the category of “existing IP CTS users” under the final rule.³⁷ Under the final rule, an IP CTS provider must take the following actions regarding this subcategory of “existing IP CTS users”:³⁸ (1) register each consumer prior to requesting compensation

³¹ 47 C.F.R. §§ 64.604(c)(9)(vii), (xi); *see also IP CTS Reform Order*, 28 FCC Rcd at 13453, ¶ 72. An independent, third party certification that is obtained from such users after the effective date of the final rule must state “that the IP CTS user is an individual with hearing loss that necessitates use of captioned telephone service and that the third party professional understands that the captioning on captioned telephone service is provided by a live communications assistant and is funded through a federal program.” 47 C.F.R. § 64.604(c)(9)(viii)(C). The independent, third party certification must also comply with all of the other requirements of 47 C.F.R. §§ 64.604(c)(9)(vii) and (viii). As with self-certifications, if a provider, before the effective date of the final rule, obtains a third party certification from such a user that satisfies the requirements of the interim rules, the provider need not obtain another third party certification for that user in accordance with the final rule. *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶¶ 69 n.216, 72; *see also* 47 C.F.R. § 64.604(c)(9)(v), (vi) (stating third party certification requirements applicable to third party certifications obtained before the effective date of the final rule).

³² 47 C.F.R. § 64.604(c)(9)(xi); *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 70.

³³ *IP CTS Interim Order*, 28 FCC Rcd at 743, Appx. D, § 64.604(c)(9)(i).

³⁴ *IP CTS Interim Order*, 28 FCC Rcd at 743-44, Appx. D, § 64.604(c)(9)(ii)-(iv). The self-certification obtained from such users must state: “(A) The consumer has a hearing loss that necessitates IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users; (B) The consumer understands that the captioning service is provided by a live communications assistant; and (C) The consumer understands that the cost of the IP CTS calls is funded by the TRS Fund.” *Id.* at 743, § 64.604(c)(9)(iii).

³⁵ *IP CTS Interim Order*, 28 FCC Rcd at 744, Appx. D, § 64.604(c)(9)(v). The independent, third party professional certification obtained from such users must state “that the IP CTS consumer is an individual with hearing loss who needs IP CTS to communicate in a manner that is functionally equivalent to telephone service experienced by individuals without hearing disabilities.” *Id.*, § 64.604(c)(9)(v)(B).

³⁶ This could occur if a provider has failed to fully comply with the interim registration and certification rule with respect to some users who have enrolled while the interim rules are in effect.

³⁷ *See* n.27, *supra*, for the definition of “existing IP CTS users.”

³⁸ *See IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 69 (adopting a rule requiring each IP CTS provider to “register and obtain certification from all of its existing IP CTS users”). To the extent that the Public Notice issued by CGB on February 24, 2014, is inconsistent with this interpretation of the final rule, *see Consumer and Governmental Affairs Bureau Clarifies Application of Internet Protocol Captioned Telephone Service (IP CTS) Rules On User Registration and Certification*, Public Notice, 29 FCC Rcd 1935, 1939 (2014) (stating that final rule 64.604(c)(9) “does not apply to consumers who commenced service on or after March 7, 2013, but before the effective date of the final rule”), we will not rely on our prior interpretation of the rule. The *IP CTS Reform Order* provides that each IP CTS providers must register and obtain self-certifications “from *all* of its existing IP CTS

from the TRS Fund for service provided to the consumer by obtaining the consumer's full name, date of birth, last four digits of the consumer's social security number, address and telephone number;³⁹ and (2) obtain a self-certification from the consumer.⁴⁰ IP CTS providers must complete these steps within 180 days after the effective date of the final rule regarding registration and certification.⁴¹ However, the requirement of the final rule that IP CTS providers obtain independent, third party certification attesting to a consumer's need for IP CTS, if the consumer accepted IP CTS equipment free of charge or at a price below \$75 from any source other than a governmental program, does not apply to this subcategory of "existing IP CTS users" because they did not commence service prior to March 7, 2013, the effective date of the interim rules.⁴²

Post-Court Mandate / Pre-Final Rule Effective Date Enrollees. Because the final rule regarding user registration and certification is not yet in effect,⁴³ there may be a period of time between the court's mandate vacating the interim rules and the effective date of the final rule. IP CTS users who enroll with a provider during this time period are not subject to any registration or certification requirements before the final rule becomes effective. However, once the final rule becomes effective, IP CTS users who have enrolled with a provider during this time period will fall into the category of "existing IP CTS users" if they have not previously provided registration information and certification to that provider in compliance with the interim rule.⁴⁴ Once the final rule becomes effective, IP CTS providers will be required to take the following actions regarding such "existing IP CTS users"⁴⁵ (1) register each consumer prior to requesting compensation from the TRS Fund for service provided to the consumer by obtaining the consumer's full name, date of birth, last four digits of the consumer's social security number, address and telephone number;⁴⁶ and (2) obtain a self-certification from the consumer that complies with the final rule.⁴⁷ IP CTS providers must complete these steps within 180 days after the effective date of the final rule.⁴⁸ However, if an IP CTS provider voluntarily chooses to register and certify users who enroll with an IP CTS provider during this time period in accordance with the interim or final rule, even though no

users." 28 FCC Rcd at 13452, ¶ 69 (emphasis added). Thus, the registration and self-certification requirements of final rule 64.604(c)(9) apply to all users who are enrolled in a provider's IP CTS as of the effective date of the amended registration and certification rule and were not previously registered and certified by that provider in compliance with the interim registration and certification rule, including those users who commenced service on or after March 7, 2013.

³⁹ 47 C.F.R. § 64.604(c)(9)(i).

⁴⁰ 47 C.F.R. § 64.604(c)(9)(iii). See n.30, *supra*, for the self-certification requirements.

⁴¹ Although the final rule does not codify the length of time IP CTS providers have to register existing users who enrolled in IP CTS on or after March 7, 2013, the *IP CTS Reform Order* provides that IP CTS providers must "register and obtain certification from their existing users within 180 days of the rule's effective date." *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 70.

⁴² See *IP CTS Reform Order*, 28 FCC Rcd at 13453, ¶ 72 (stating that the independent, third party certification requirement of the final rule applies to "existing users who received equipment for free or at a price below \$75 . . . prior to the effective date of the interim rules") (emphasis added).

⁴³ As noted above, because the final rule contains information collections, it will not take effect until after OMB has approved the collections. *IP CTS Reform Order*, 28 FCC Rcd 13492-93, ¶¶ 166-67. Such approval has not yet been given.

⁴⁴ See n.27, *supra*, for the definition of "existing IP CTS users."

⁴⁵ See *IP CTS Reform Order*, 28 FCC Rcd at 13452, ¶ 69; see also n.42, *supra*.

⁴⁶ 47 C.F.R. § 64.604(c)(9)(i).

⁴⁷ 47 C.F.R. § 64.604(c)(9)(iii). See n.30, *supra*, for the self-certification requirements.

⁴⁸ See n.41, *supra*.

registration and certification requirements will be in effect during this period, then the provider will not be required to obtain additional registration information or new self-certifications from such users after the final rule takes effect.⁴⁹ Further, as with interim rule period enrollees discussed above, users who enroll with an IP CTS provider during the post-court mandate—pre-final rule effective date time period will not have commenced service prior to March 7, 2013 (the effective date of the interim rules). Consequently, they will not be subject to the requirement of the final rule that IP CTS providers obtain independent, third party certification attesting to a consumer’s need for IP CTS, if the consumer accepted IP CTS equipment free of charge or at a price below \$75 from any source other than a governmental program.⁵⁰

New Enrollees. IP CTS users who enroll with their current IP CTS provider on or after the effective date of the final rule will be subject to the registration and self-certification requirements of the final rule. Accordingly, IP CTS providers must take the following actions regarding such users: (1) register each consumer prior to requesting compensation from the TRS Fund for service provided to the consumer by obtaining the consumer’s full name, date of birth, last four digits of the consumer’s social security number, address and telephone number;⁵¹ (2) obtain a self-certification from each user.⁵² IP CTS providers will not be required to obtain independent, third party certification from such users, even if the user obtains IP CTS equipment for free or less than \$75.⁵³

Additional Information

A copy of this *Public Notice* is 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. This document also may be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact BCPI at their web site: www.bcpweb.com or by calling (202) 488-5300.

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 and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Public Notice* also can be downloaded in Word or Portable Document Format (PDF) at: <http://transition.fcc.gov/cgb/dro/trs.html>.

For further information regarding this *Public Notice*, please contact Eliot Greenwald, Consumer and Governmental Affairs Bureau, at (202) 418-2235 (voice) or e-mail at Eliot.Greenwald@fcc.gov.

⁴⁹ See *IP CTS Reform Order*, 28 FCC Rcd at 13452, n.216 (defining “existing IP CTS users” as “all users who are enrolled in a provider’s IP CTS as of the effective date of the amended registration and certification rule . . . and who have not previously undergone registration and certification by that provider in compliance with the interim registration and certification rule”) (emphasis added). [This might add to the confusion about what is an “existing

⁵⁰ See *IP CTS Reform Order*, 28 FCC Rcd at 13453, ¶ 72; see also n.42, *supra*.

⁵¹ 47 C.F.R. § 64.604(c)(9)(i).

⁵² 47 C.F.R. § 64.604(c)(9)(iii). See n.30, *supra*, for the self-certification requirements.

⁵³ See *IP CTS Reform Order*, 28 FCC Rcd at 13453, ¶ 72 (stating that the Commission does not retain the third party certification approach for “new users”).

APPENDIX

Summary of IP CTS user registration and certification requirements

	Registration	Self-Certification	Independent, Third Party Certification
Consumers enrolled with an IP CTS provider prior to March 7, 2013	Must collect consumer's full name, date of birth, last four digits of social security number, address, and telephone number within 180 days after effective date of final rule.	<p>Must obtain self-certification in accordance with 47 C.F.R. § 64.604(c)(9)(iii) and (iv) within 180 days after effective date of final rule.</p> <p>Self-certifications obtained prior to the effective date of the final rule need only comply with 47 C.F.R. § 64.604(c)(9)(ii) and (iv).</p>	<p>Must obtain an independent, third party certification attesting to the consumer's need for IP CTS in accordance with 47 C.F.R. § 64.604(c)(9)(vii) and (viii) within 180 days after effective date of final rule, if the consumer accepted IP CTS equipment for free or at a price below \$75 from any source other than a governmental program.</p> <p>Third party certifications obtained prior to the effective date of the final rule need only comply with 47 C.F.R. § 64.604(c)(9)(v) and (vi).</p>
Consumers enrolled with an IP CTS provider on or after March 7, 2013 and before the date of the court's mandate vacating the interim rules	<p>If consumer is registered in accordance with the interim rules during this time period, provider must collect consumer's name, address, and telephone number.</p> <p>If consumer is not registered in accordance with the interim rules before effective date of final rule, provider must collect consumer's full name, date of birth, last four digits of social security number, address, and</p>	<p>If consumer is registered in accordance with the interim rules during this time period, provider must obtain self-certification in accordance with 47 C.F.R. § 64.604(c)(9)(ii) and (iv).</p> <p>If consumer is not registered in accordance with the interim rules before effective date of final rule, provider must obtain self-certification in accordance</p>	<p>The interim rules, which will apply until the court issues its mandate, require the provider to obtain independent, third party certification attesting to the consumer's need for IP CTS in accordance with 47 C.F.R. § 64.604(c)(9)(v) and (vi), if the consumer accepted IP CTS equipment free of charge or at a price below \$75 from any source other than a governmental program.</p> <p>After the court issues its mandate, the interim rules are vacated. The final rule does not require independent, third party certification</p>

	telephone number within 180 days after effective date of final rule.	with 47 C.F.R. §64.604(c)(9)(iii) and (iv) within 180 days after effective date of final rule.	of users enrolled during the interim period but not registered in accordance with the interim rules.
Consumers enrolled with an IP CTS provider on or after the date of court's mandate and before the effective date of the final rule	<p>If consumer is registered in accordance with the interim rules during this time period (although providers are not obligated to follow the interim rules during this time), provider must collect consumer's name, address, and telephone number.</p> <p>If consumer is not registered in accordance with the interim rules, provider must collect consumer's full name, date of birth, last four digits of social security number, address, and telephone number within 180 days after effective date of final rule.</p>	<p>If consumer is registered in accordance with the interim rules during this time period (although providers are not obligated to follow the interim rules during this time), provider must obtain self-certification in accordance with 47 C.F.R. § 64.604(c)(9)(ii) and (iv).</p> <p>If consumer is not registered in accordance with the interim rules, provider must obtain self-certification in accordance with 47 C.F.R. § 64.604(c)(9)(iii) and (iv) within 180 days after effective date of final rules.</p>	<p>If consumer is registered in accordance with the interim rules during this time period (although providers are not obligated to follow the interim rules during this time), provider must obtain independent, third party certification attesting to the consumer's need for IP CTS in accordance with 47 C.F.R. § 64.604(c)(9)(v) and (vi), if the consumer accepted IP CTS equipment free of charge or at a price below \$75 from any source other than a governmental program.</p> <p>If the consumer is not registered in accordance with the interim rules, the final rules do not require provider to obtain independent, third party certification of these users.</p>
Consumers enrolled with an IP CTS provider on or after the effective date of the final rule	Must collect consumer's full name, date of birth, last four digits of social security number, address, and telephone number upon registration.	Must obtain self-certification in accordance with 47 C.F.R. § 64.604(c)(9)(iii) and (iv) upon registration.	No independent, third party certification required.