

January 12, 2018

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket No. 13-24

Dear Ms. Dortch:

Sorenson Communications, LLC and its subsidiary CaptionCall, LLC (collectively “CaptionCall”) agree with the Telecommunications Equipment Distribution Program Association (“TEDPA”) that only individuals who need IP CTS should use the service.¹ TEDPA makes some good suggestions and we look forward to discussing those further with the Commission and TEDPA. CaptionCall also takes this opportunity to clarify measures it has adopted to confirm consumer eligibility before a customer uses CaptionCall’s service, and to give its customers the choice of tools to use to ensure that they can comprehend the content of a telephone conversation to an extent that is functionally equivalent to a hearing person.

First, TEDPA stated that “[state equipment distribution program] administrators and state [telephone relay service] administrators have concerns that professionals signing the third-party certification are doing so with little or no assessment and/or discussion with the patient of whether other technology such as amplified telephones (with or without tone control) would provide the most functionally equivalent access to telephone service.”² As described below, CaptionCall has adopted an independent third-party certification process to prevent such practices.

It is unfortunate that the FCC rescinded the independent hearing-health professional certification requirement when it adopted the now-defunct requirement to pay at least \$75 for the handset. Independent hearing-health professionals are well positioned to determine eligibility for IP CTS. As a matter of good faith and to prevent ineligible use of IP CTS, CaptionCall has kept in place its requirement that each new prospective customer provide a professional certification before CaptionCall installs an endpoint and makes IP CTS available to the customer.³

¹ Letter from James Forstall, Chair, TEDPA, to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 13-24 (filed Nov. 20, 2017) (“TEDPA Letter”).

² *Id.*, attachment at 1.

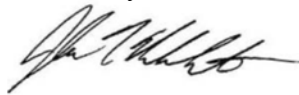
³ CaptionCall’s Professional Certification Form is available at https://captioncall.com/wp-content/uploads/408_ProCertForm_0615ee.pdf (“Certification Form”); *see also* 47 C.F.R. § 64.604(c)(9)(iii) (permitting consumers to self-certify that they have a hearing loss necessitating the use of a captioned telephone service).

CaptionCall's Professional Certification Form specifically requires a hearing-care or healthcare professional to attest, *under penalty of perjury*, that she has diagnosed the patient for a "hearing loss that makes it difficult to communicate by telephone and [that the patient] requires the use of captioned telephone service to communicate by telephone in a manner that is functionally equivalent to a fully hearing person."⁴ A hearing health care professional that has not examined the patient, personally or by a member of her staff, cannot make this attestation, and the judgment attested to is that the patient "requires" the use of captions to have functionally equivalent service. To ensure independence, CaptionCall also requires the professional to certify that she does "not have any business, family or social relationship with any employee of Sorenson Communications or CaptionCall."⁵ CaptionCall has not observed nor seen any evidence that any hearing-health professional is risking her professional career by signing false certifications.

Second, a TEDPA member commented that providers should be required to give users the option to use amplification, captioning, or both.⁶ CaptionCall agrees, and has always built its phones to provide this unconstrained choice. CaptionCall's equipment has always allowed customers to use amplification, regardless of whether captions are activated. Consumers can select either or both features when making calls with CaptionCall phones, according to their needs.

As these practices demonstrate, CaptionCall supports measures that prevent abuses of the TRS Fund while ensuring that disabled consumers have access to high quality equipment and a captioned telephone service that accommodates their individual needs.

Sincerely,



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⁴ Certification Form.

⁵ *Id.*

⁶ TEDPA Letter, attachment at 6.