

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Misuse of Internet Protocol (IP)	)	CG Docket No. 13-24
Captioned Telephone Service	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for Individuals	)	CG Docket No. 03-123
with Hearing and Speech Disabilities	)	

**PETITION FOR WAIVER**

Pursuant to section 1.3 of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) rules,<sup>1</sup> Sprint Corporation (“Sprint”) hereby requests a waiver of Commission rules related to emergency calling for IP Captioned Telephone Service (“IP CTS”). Specifically, as detailed below, Sprint seeks a waiver of Section 64.605(a)(2)(iv) and all of Section 64.605(a)(2)(v).

**I. BACKGROUND**

Sprint wishes to join its fellow IP CTS providers in seeking relief from Commission rules which hamper, rather than help, in the delivery of emergency calls made via IP CTS. Innocaption, Inc. CaptionCall, LLC and Hamilton Relay have each filed for relief of these rules.<sup>2</sup> While Sprint is in compliance with these rules, Sprint’s experience has shown that

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> See, Innocaption, Inc., Petition for Waiver of Rule, CG Docket No 03-123 (filed July 15, 2015); CaptionCall, LLC, Petition for Declaratory Ruling or, in the Alternative, Waiver with Respect to § 47 C.F.R. 64.605(a), and for Clarification with Respect to 47 C.F.R. § 64.605(a), CG Docket Nos. 13-24, 03-1213 (filed May 18, 2015); and Hamilton Relay, Petition for Waiver, CG Docket Nos. 13-24, 03-1213 CG (filed Feb. 29, 2016).

adherence to the rules actually slows down the delivery of emergency calls and results in the delivery of unnecessary information,

**A. Waiver of Portions of Section 64.605(a)(2)(iv)**

In adherence with current rules, Sprint delivers, at the outset of the outbound leg of an emergency call: the name of the relay user and location of the emergency as well the name of the relay provider, the CA's callback number and the CA's identification number.

It is Sprint's experience, however, that some of this information is useless to the Public Safety Answering Points ("PSAPs"). In particular, the name of the IP CTS provider, the CA's callback number and the CA's identification number have virtually no value to the PSAP and delivery of such information actually slows down the emergency call. In fact, some PSAPs have become confused by the delivery of this information. As such, Sprint believes the Commission should waive portions of 64.605(a)(2)(iv) so that the only required information to be delivered by the IP CTS provider at the outset of the outbound leg of an emergency call is: the relay user's name, the location of the emergency, and the *user's* callback number.

**B. Waiver of All of Section 64.605(a)(2)(v)**

Section 64.605(a)(2)(v) provides that, in the event that one or both legs of an emergency call are disconnected, an IP CTS provider must immediately re-establish contact with the TRS user and/or the appropriate PSAP and resume handling the call. Once again, while Sprint adheres to this rule, its experience is that compliance with this rule does not help in an emergency.

Sprint believes the PSAP or the relay user are in the best position to determine whether a 911 call should be re-established. The CA is not in a position to know whether

the emergency call was disconnected intentionally (at the natural conclusion of the call) or whether it was prematurely or unintentionally disconnected. The rule, however, places the CA in an awkward position of making this judgment call.

In the event a call was prematurely, unintentionally disconnected, the PSAP is likely in the best position to make this determination. And, if armed with the IP CTS user's phone number, the PSAP will be able to re-establish the call. On the other hand, if the IP CTS user believes the call was disconnected, he or she may simply dial 911 again, and Sprint will prioritize the call as required in Section 64.605(a)(ii). In short, by waiving this rule, the CA is rightly removed from making a judgment call that may lead to confusion of the PSAP or the IP CTS user.

## **II. GRANTING A WAIVER IS IN THE PUBLIC INTEREST**

Waiver of Commission rules is permitted upon a showing of "good cause."<sup>3</sup> Specifically, the Commission may waive its rules where the particular facts would make strict compliance inconsistent with the public interest, taking into account, *inter alia*, considerations of "hardship, equity, or more effective implementation of overall policy on an individual basis."<sup>4</sup> Waiver is particularly appropriate where "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."<sup>5</sup>

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<sup>3</sup> 47 C.F.R. § 1.3.

<sup>4</sup> *Numbering Resource Optimization; Petition of California Public Utilities Commission for Waiver of the Federal Communications Commission's Contamination Threshold Rule*, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) ("*WAIT Radio*"); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

<sup>5</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d at 1166 (referencing *WAIT Radio*).

As demonstrated above, there is good cause for granting a waiver. The waiver will result in a more efficient process for handling emergency calls via IP CTS. The Commission's existing rules actually bog-down the call flow; thus, a waiver will more effectively implement the Commission's policy of fast, efficient response times in emergency situations.

### **III. CONCLUSION**

For the foregoing reasons, Sprint requests that the Commission grant a waiver of portions of Section 64.605(a)(2)(iv) and all of Section 65.605(a)(2)(v) of the Commission's rules.

Respectfully submitted,

*/s/ Scott R. Freiermuth*

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