

February 7, 2019

VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: **EX PARTE PRESENTATION**
*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*

Dear Ms. Dortch:

Hamilton Relay, Inc. ("Hamilton"), by its counsel, submits these brief comments in response to the draft item on Internet Protocol Captioned Telephone Service ("IP CTS") which has been circulated for tentative consideration by the Commission at its February 2019 open meeting.¹

Database Implementation Costs Should Be Treated as Reimbursable Costs

The draft item proposes to require IP CTS providers to submit user registration information to the TRS User Registration Database (the "Database").² Although Hamilton does not object to the use of the Database in principle, Hamilton shares the concern of other providers that the Commission has not adequately addressed the cost of this requirement. For example, ClearCaptions has recommended that the Commission amend the draft item to confirm that the incremental costs of implementing the Database are recoverable exogenous costs.³ Hamilton agrees that the cost of implementing this requirement will be significant, and should be treated as

¹ FCC-CIRC1901-04 (Jan. 3, 2019) ("Draft Item").

² *Id.* ¶ 14.

³ Ex Parte Filing of ClearCaptions, LLC, CG Docket Nos. 13-24, 03-123, at 2 (Errata filed Feb. 1, 2019).

Federal Communications Commission
February 7, 2019
Page 2

an exogenous cost in order to avoid an unfunded mandate imposed on providers. This is particularly the case in light of the Commission's decision in 2018 to arbitrarily cut the IP CTS reimbursement rate by 10 percent.⁴ Given that providers are already struggling with this harmful rate cut, providers are unable to absorb the significant additional expense of implementing the Database without reimbursement for their reasonable costs of compliance.

In addition, given that IP CTS is used predominantly by seniors,⁵ who may be particularly wary of giving their personal information needed for the Database, Hamilton believes that significantly more time will be needed than the six months provided in the draft item.⁶ Hamilton encourages the Commission to seek comment on the amount of time that would be appropriate for Database implementation, so that all industry stakeholders, including consumer groups, can provide information necessary for the Commission to establish a reasonable timeframe.

Hamilton Supports the Partial Waiver of Emergency Call Handling Requirements

Separately, Hamilton welcomes the decision in the draft item to waive unnecessary IP CTS emergency call-handling requirements.⁷ Hamilton agrees that the current obligation to provide Public Safety Answering Points with information that they do not want, and do not need in order to respond to an emergency, simply delays processing the emergency call. Hamilton looks forward to engaging with stakeholders on these issues when the Commission initiates a rulemaking proceeding to examine IP CTS emergency call handling procedures in further detail.

Hamilton appreciates the opportunity to submit these comments on the draft item.

⁴ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800 (2018), *petition for recon. pending* ("Further Notice"). Hamilton notes that the TRS Fund Administrator, on behalf of a majority of the TRS Advisory Council, recently submitted comments confirming that the scheduled additional rate cut of 10 percent, due to take place July 1, 2019, is "unrealistic" and will drive market exit. *Ex Parte Filing of Rolka Loube Associates*, CG Docket Nos. 13-24, 03-123 (filed Dec. 4, 2018). Hamilton encourages the Commission to take the comments of the TRS Advisory Council into consideration as it examines the pending petition for reconsideration, and urges the Commission to resolve this issue before the next extraordinarily harmful rate cut occurs on July 1, 2019.

⁵ *Further Notice*, ¶ 139.

⁶ Draft Item, ¶ 25.

⁷ Draft Item. ¶¶ 2, 38-47.

Federal Communications Commission

February 7, 2019

Page 3

This filing is made in accordance with Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2). In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

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/s/ David A. O'Connor

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