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February 8, 2019

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Re: REPLY COMMENTS OF CLEARCAPTIONS, LLC
PS Docket No. 18-261, PS Docket No. 17-239
In the Matter of Implementing Kari's Law and Section 506 of RAY BAUM'S
Act and Inquiry Concerning 911 Access, Routing, and Location in Enterprise
Communications Systems

Dear Sir or Madam:

ClearCaptions, LLC ("ClearCaptions"), a certified Internet Protocol Captioned Telephone Service ("IP CTS") provider, submits these brief reply comments in response to the Federal Communication Commission's ("Commission") Notice of Proposed Rulemaking ("NPRM") released on September 26, 2018. That NPRM proposes to add dispatchable location requirements to the Commission's existing 911 rules for fixed telephony providers, interconnected Voice over Internet Protocol ("VoIP") providers and Internet-based Telecommunications Relay Services ("TRS").¹

ClearCaptions is preparing to launch the next generation of its web and wireless IP CTS application and previously submitted a request to the Commission for a partial waiver of

¹ *Implementing Kari's Law and Section 506 of RAY BAUM'S Act and Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, Notice of Proposed Rulemaking, FCC 18-132, PS Docket Nos. 18-261 & 17-239 (rel. Sept. 26, 2018) ("NPRM"). See also, Public Notice, DA 18-1102 (rel. Oct. 26, 2018) (setting reply comment deadline of Jan. 9, 2019) and Public Notice, DA 19-26 (rel. Jan. 29, 2019) (superseding prior public notices and further extending filing deadlines that would have been due during a suspension of operations).

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certain FCC emergency call-handling rules applicable to IP CTS providers.² The Commission circulated a draft Report and Order, Further Notice of Proposed Rulemaking, and Order that if adopted will grant a temporary waiver to ClearCaptions and other IP CTS providers of certain emergency call-handling rules, pending resolution of the FCC's rulemaking to simplify the processing of 911 calls by IP CTS providers.³ The *Draft R&O, FNPRM, and Order* finds that "strict compliance by IP CTS providers with the current emergency call-handling requirements appears likely to increase public safety risks, especially where the assignment of a [North American Numbering Plan ("NANP")] number to the user has made other options available."⁴

This Proceeding Should Recognize and Include the Commission's Expected 911 Waiver for IP CTS Providers

Given that the *Draft R&O, FNPRM, and Order* is expected to be considered at the Commission's February 14, 2019 open meeting, ClearCaptions urges the Commission to adjust the NPRM's proposed rules to incorporate the draft temporary waiver of certain emergency call-handling rules for IP CTS providers. Specifically, this rulemaking should recognize and address the Commission's "partial waiver for IP CTS providers of the provisions of sections 64.605(a)(2)(iv) and (v) of the Commission's rules requiring TRS providers to (1) deliver to [Public Service Answering Points ("PSAPs")] at the outset of an emergency call the name of the relay provider, the [communications assistant's ("CA")] callback number, and the CA's identification number; and (2) immediately reestablish a disconnected emergency call, conditional on the provider assigning its registered users NANP telephone numbers that enable the PSAP to call the user back directly...and delivering the user's NANP number to the PSAP with a 911 call."⁵ As set forth in the *Draft R&O, FNPRM, and Order*, the partial waivers, when granted, will "expire on the effective date of a Commission decision addressing the proposed rule amendments on this issue in the accompanying Further Notice."⁶

In addition, the Commission should acknowledge in this rulemaking the proposed rule amendments in the *Draft R&O, FNPRM, and Order* in connection with emergency call-handling by IP CTS users who initiate calls via the Internet. The Commission's proposals in the *Draft R&O, FNPRM, and Order* would (1) eliminate the current requirements for an IP CTS provider to deliver to the PSAP the name of the caller, the name of the provider, and an identification

² See Petition of ClearCaptions, LLC for Partial Waiver of Sections 64.605(a)(2)(iv) and 64.605(a)(2)(v) of the Commission's Rules in Connection with ClearCaptions, LLC Web and Wireless Forms of Internet Protocol Captioned Telephone Service, CG Docket Nos. 13-24 and 03-123 (filed Mar. 2, 2018) ("ClearCaptions 911 Waiver Petition").

³ See *In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service and Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Further Notice of Proposed Rulemaking, and Order, CG Docket Nos. 13-24 & 03-123, FCC-CIRC1901-04 (circulated Jan. 3, 2019) ("*Draft R&O, FNPRM, and Order*").

⁴ *Id.* ¶44.

⁵ *Id.* ¶47.

⁶ *Id.*

number and callback number for the CA handling the call; and (2) remove the current requirement for an IP CTS provider to initiate the reconnection of a disconnected 911 call.⁷

The Rules Should Include the Option to Fall Back to Registered Location

Proposed Rule 9.14(d)(2)(ii) to provide a dispatchable location with each 911 call should reflect the Commission's proposal to permit TRS providers, which includes IP CTS providers like ClearCaptions, to "fall back to Registered Location options when real-time dispatchable location is not feasible."⁸ As a commenter pointed out, this option is discussed in the body of the NPRM and should be expressly included in the proposed rules.⁹ Inclusion of this proposal in the final rules will ensure TRS providers have the flexibility needed to implement dispatchable location solutions and to use Registered Location options when dispatchable location is not feasible, as acknowledged by the Commission in the NPRM.

The Commission Should Consider Requiring an Override Feature to Enable IP CTS and Over-the-Top VoIP Providers to Access a GPS Location During a 911 Call, but Even with Such Access, IP CTS Providers Will Not Have the Same Technical Abilities as CMRS Providers

Finally, when ClearCaptions uses an over-the-top VoIP application to provision its IP CTS service, ClearCaptions will not have access to the same technical capabilities as a CMRS provider. Therefore, IP CTS providers should not be treated as CMRS providers for purposes of public safety obligations. ClearCaptions suggests the Commission consider requiring implementation of an override feature to ensure updated dispatchable location is feasible for IP CTS calls connected via the Internet and for over-the-top nomadic VoIP applications. For example, if a 911 call is placed on an over-the-top nomadic VoIP application, an override feature might permit a mobile carrier or a phone manufacturer to share location information with the application provider. Currently, if a customer declines to share his or her location information and places a 911 call through the application, the application is prevented from accessing the GPS coordinates associated with the device. A requirement to implement an override feature would permit access to updated location information that would streamline the ability of certain providers to comply with the proposed 911 location rules and help decrease public safety risks for end users. Although such an override option should better meet the needs of public safety for IP CTS users, doing so still would not provide IP CTS providers the same technical abilities as true CMRS providers.

⁷ *Id.* ¶¶30-34.

⁸ NPRM, ¶ 81.

⁹ See Comments of Sorenson Communications, LLC, PS Docket No. 18-261 & 17-239, at p. 7 (filed Dec. 10, 2018). See *also*, Comments of Hamilton Relay, Inc. PS Docket No. 18-261 & 17-239, at p. 6 (filed Dec. 10, 2018) (asserting the Commission should deem Registered Location sufficient to meet the requirements of dispatchable location information for relay calls).

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Respectfully submitted,

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