

March 2, 2018

Via Electronic Filing

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

RE: Request 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 ("IP CTS"), CG Docket Nos. 03-123 and 13-24

Dear Ms. Dortch:

In accordance with Section 1.3 of the Commission's rules,¹ ClearCaptions, LLC ("ClearCaptions") hereby requests a partial waiver of the following Commission rules: (1) Section 64.605(a)(iv), to the extent this rule requires delivery to the Public Safety Answering Point ("PSAP") of the Communications Assistant's ("CA") identification number, the call back number, and the name of the provider; and (2) the requirement under section 64.605(a)(2)(v) to reconnect 911 calls that have been disconnected between a ClearCaptions caller and a PSAP ("Request"). As the Request explains, ClearCaptions' next generation of web and wireless IP CTS solutions provide for more effective implementation of the policy underlying the reconnection provisions and good cause exists for the grant of this Request.

¹ 47 C.F.R § 1.3. The Commission may "exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." *Northeast Cellular Tel. Co. v. FCC*, 897 F. 2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

I. BACKGROUND

A. The Commission's 911 Call Handling Requirements

1. The Commission's Telecommunications Relay Services ("TRS") rules establish specific call handling requirements for the processing and routing of 911 calls by Internet-based TRS providers ("iTRS"), including IP CTS providers.² Specifically, an IP CTS provider subject to section 64.605(a) of the rules must (1) accept and handle a 911 call; (2) give it priority over other calls; (3) access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, statewide default answering point, or appropriate local emergency authority, and route the call to that entity; (4) request, at the beginning of the call, the user's name and location of the emergency; and (5) deliver to the PSAP or other appropriate entity such name and location information, as well as the provider's name, the CA callback number, and the CA's identification number, at the outset of the outbound leg of the call.³ If the call is disconnected before this information is transmitted to the PSAP, the provider must reconnect the call.⁴

² See 47 CFR § 64.605; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities et al.*, Report and Order, 23 FCC Rcd 5255 (2008) (adopting section 64.605, later recodified as 47 C.F.R. § 64.605(a) (*Emergency Call Handling Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities et al.*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591 (2008) (amending section 64.605(a) and adding section 64.605(b)) (*First iTRS Numbering Order*). In these decisions, the Commission determined that the emergency call handling rule in 47 CFR § 64.605(a), should apply to those types of IP CTS in which "the call is initiated, or can be initiated, by the user contacting the provider via the Internet." *Emergency Call Handling Order*, 23 FCC Rcd at 5257, 5263, paras. 1 n.7, 13 n.59. There is another type of IP CTS, in which the IP CTS user connects directly to the called party over the public switched telephone network ("PSTN"). The emergency call handling rule does not apply to that type of IP CTS, because emergency 911 calls using that type of IP CTS are connected to the PSAP by the consumer's underlying telephone or voice over Internet Protocol ("VoIP") service provider (i.e., not the IP CTS provider). *Id.*

³ 47 C.F.R. §§ 64.605(a)(2)(i)-(iv).

⁴ *Id.* § 64.605(a)(2)(v).

B. The Commission Has Granted A Partial 911 Waiver to Mezmo Corporation d/b/a InnoCaption (“InnoCaption”)

2. In June 2016, the Commission granted InnoCaption a “partial waiver of (1) section 64.605(a)(2)(iv), to the extent this rule requires the delivery to the PSAP of the CA’s identification number, the CA’s call back number, and the name of the provider; and (2) the requirement under section 64.605(a)(2)(v) to reconnect 911 calls that have been disconnected between an InnoCaption caller and a PSAP.”⁵ This partial waiver was granted based on the reengineering of InnoCaption’s 911 calling arrangement. More specifically, this new 911 calling arrangement proposed to “route 911 calls to West Corporation’s Emergency Call Relay Center (ECRC),⁶ where the operator will request the user’s name, location, and ‘captioning number,’ a North American Numbering Plan (NANP) telephone number that is assigned to the user and that enables the user to receive captions when receiving calls placed to that number. The callback number is also provided to the ECRC operator automatically. The ECRC operator will then transfer the call to the appropriate PSAP and provide to the PSAP the user’s name, location, and call back number. The ECRC operator will not disconnect from the call until the user is connected to the PSAP and communications is initiated.”⁷

3. The Commission determined that InnoCaption’s reengineered 911 solution actually achieved “*more* effective implementation” of the underlying reconnection provisions as set forth in section 64.605(a)(2)(iv) and section 64.605(a)(2)(v) and that strict compliance with those provisions would cause unnecessary hardship.⁸ As such, the Commission chose to grant InnoCaption a partial waiver of (1) section 64.605(a)(2)(iv), to the extent this rule requires the delivery to the PSAP of the CA’s identification number, the CA’s call back number, and the name of the provider; and (2) the requirement under section 64.605(a)(2)(v) to reconnect 911 calls that have been disconnected between an InnoCaption caller and a PSAP.⁹

⁵ *Review of Mezmo Corporation d/b/a InnoCaption, Motion to Lift Suspension of Conditional Certification*, Order, CG Docket No. 03-123, 13-24, and 10-51, 31 FCC Rcd 7023, 7028-31, ¶¶ 14-22 (Consumer and Govt. Affairs Bur. 2016) (*InnoCaption Waiver*).

⁶ See West Corporation, ERS USA Service Guide, Version 2016.0405 (April 5, 2016) (describing the ECRC). West Corporation operates public safety communications services that were formerly marketed under the name “Intrado.” See Business Wire, “West Rebrands Intrado (Dec.3, 2015), available at, <http://www.businesswire.com/news/home/20151203005185/en/West-Rebrands-Intrado>.

⁷ *InnoCaption Waiver* ¶ 6.

⁸ *Id.*, ¶ 21. (Emphasis in original).

⁹ *Id.*; see also 47 C.F.R. § 64.605(a)(2)(iv)-(v).

II. DISCUSSION

4. ClearCaptions is preparing to launch the next generation of its web and wireless IP CTS application. A key component of this application is how ClearCaptions plans to handle 911 call processing. More specifically, ClearCaptions will be assigning a North American Numbering Plan (“NANP”) telephone number (“captioning number”) that is assigned to the user and that enables the user to receive captions when receiving calls placed to that number. With the assignment of a captioning number, ClearCaptions will have the ability to pass on this captioning number and the user’s name directly to a national PSAP. In the case of the user dialing 911, a national PSAP operator will request the user’s name, location, and NANP telephone number that is assigned to the user and that enables the user to receive captions when receiving calls placed to that number. The callback number is also provided to the national PSAP operator automatically. The national PSAP operator will then transfer the call to the geographically appropriate PSAP and provide to the PSAP the user’s name, location, and call back number. By way of passing this NANP telephone number to the PSAP, the PSAP will be able to directly call back the end user in the case of the 911 call being disconnected. As was the case with the *InnoCaption Waiver*, ClearCaptions agrees with the Commission that this type of arrangement is a “more effective implementation of the policy underlying the reconnection provisions” as set forth in Sections 64.605(a)(2)(iv) and 64.605(a)(2)(v) and “that strict compliance with those provisions would cause unnecessary hardship,”¹⁰ since ClearCaptions would need to “reconfigure its 911 arrangements so that its CAs can initiate and receive 911 callbacks.”¹¹ Therefore, ClearCaptions respectfully submits that it has established the requisite good cause to warrant the partial waiver requested herein.

III. REQUEST FOR PARTIAL 911 WAIVER

5. Based on all of the foregoing, ClearCaptions respectfully requests that the Commission grant a partial waiver of (1) Section 64.605(a)(2)(iv), to the extent this rule requires the delivery to the PSAP of the CA’s identification number, the CA’s call back number, and the name of the provider; and (2) the requirement under section 64.605(a)(2)(v) to reconnect 911 calls that have been disconnected between a ClearCaptions caller and a PSAP to be applied towards ClearCaptions next generation of web and wireless applications that assign the customer a NANP telephone number.

¹⁰ *InnoCaption Waiver* ¶¶ 19, 21. (Emphasis in original).

¹¹ *Id.* ¶ 20.

Respectfully submitted,

ClearCaptions, LLC

/s/

Michael Strecker
Vice President of Regulatory Affairs & Strategic Policy

cc: Karen Peltz Strauss
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