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Via ECFS

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

**Re: COMMENTS OF CLEARCAPTIONS, LLC
CG Docket Nos. 13-24, 03-123
In the Matters of Misuse of Internet Protocol (IP) Captioned Telephone Service;
Telecommunications Relay Services and Speech to-Speech Services for
Individuals with Hearing and Speech Disabilities**

Dear Ms. Dortch:

ClearCaptions, LLC (ClearCaptions), a certified Internet Protocol Captioned Telephone Service (IP CTS) provider, submits these comments in response to the Federal Communications Commission's (FCC or Commission) Report and Order, Further Notice of Proposed Rulemaking, and Order (*FNPRM*) released on February 15, 2019.¹ The *FNPRM* proposes to revise IP CTS emergency call-handling procedures, which the Commission hopes will simplify the processing of 911 calls.² The Commission granted ClearCaptions' and other similarly situated IP CTS providers' waiver requests for certain emergency call-handling rules until these issues are resolved in this rulemaking.³

The Costs of Including a Unique Subscriber Identifier in Monthly Call Detail Records is Likely Minimal

ClearCaptions agrees that the costs of collecting and providing this information likely will be minimal. ClearCaptions has assigned a unique account identifier to each customer and is capable of including that number in call detail records.

¹ *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 19-11 (2019) (*FNPRM*).

² *FNPRM*, at ¶133-43.

³ *Id.* at ¶144-53.

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The Commission Should Consider VSR Porting when Revising Subscriber Verification

ClearCaptions asks the Commission to apply lessons learned from VRS customer porting to any rules regarding compensation for ported IP CTS customers. If there are delays in the new provider's re-verification of the IP CTS customer, two weeks may not be adequate time to complete identity verification. The IP CTS provider should not be penalized (denied compensation) for services provided to a ported customer who was initially verified by the original IP CTS provider and whose re-verification takes more than two weeks.

The Rules Should Require NANP Telephone Numbers and Location Information be Provided to PSAPs and Should Recognize an Exception for Routing to National Call Centers in Certain Circumstances

ClearCaptions supports amending Sections 64.605(a)(2)(iv) and (v) to eliminate the requirements that any IP CTS provider deliver the name of the caller, the name of the provider, and an identification number and callback number for the communications assistant (CA) handling the call.⁴ Eliminating these requirements recognizes that their application to IP CTS is inappropriate due to the overall call flow and involvement of the CA in an IP CTS call versus other forms of relay (e.g. VRS and IP Relay). Further, replacing the current requirements with the proposed rules improves the effectiveness of IP CTS, reduces unnecessary costs and burdens, and more appropriately achieves the policy outcome of ensuring all individuals have direct access to emergency services.

ClearCaptions also supports the Commission's proposal to eliminate IP CTS initiated reconnection attempts.⁵ ClearCaptions' IP CTS application would not support CA initiated 911 callbacks without reconfiguration and additional costs. The Commission's waiver decision recognized these costs and steps were unnecessary when the IP CTS provider assigns a NANP telephone number.⁶ ClearCaptions agrees that customers are better served by the PSAP reconnecting the telephone call than the IP CTS provider's CA reconnecting the call.

ClearCaptions supports the proposal to require an IP CTS provider, when they enable their customer to initiate a call by contacting the IP CTS provider over the Internet, to provide a telephone number to the Public Service Answering Point (PSAP) so that the PSAP can call the user back directly. In scenarios where the IP CTS provider has or could assign the customer a phone number, providing that phone number to the PSAP would facilitate quicker reconnection attempts than requiring the IP CTS provider to reconnect the call. In ClearCaptions' next generation web and wireless IP CTS application, ClearCaptions assigns NANP telephone numbers to customers that enable the customers to receive captioned calls.⁷ As found by the Commission, we believe

⁴ *Id.* at ¶38.

⁵ *Id.* at ¶39.

⁶ *Id.* at ¶49.

⁷ *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, 4 (filed Mar. 2, 2018) (available at <https://ecfsapi.fcc.gov/file/10302350229816/2018-03-02%20-%20ClearCaptions%2C%20LLC%20IP%20CTS%20Web%20Wireless%20911%20Waiver%20Request.pdf>) (*ClearCaptions 911 Waiver Petition*)

assigning NANP telephone numbers to IP CTS customers is feasible and improves efficiency and safety of emergency call handling.⁸

ClearCaptions also supports the proposal to require an IP CTS provider, when they enable their customer to initiate a call by contacting the IP CTS provider over the Internet,⁹ to provide the customer's location to the PSAP. If the customer has enabled location services on their wireless application, ClearCaptions can use the customer's GPS location to route the call and deliver the customer's callback number and location automatically to the appropriate PSAP.

ClearCaptions suggests that the proposed rule 64.605(a)(3) should recognize certain exceptions, however. There may be instances where it would be better for the IP CTS provider to route a call to a National Emergency Call Center rather than the PSAP, designated statewide default answering point, or local emergency authority. For example, if a customer is using ClearCaptions' IP CTS mobile app, and has disabled the geographic location services on the phone, it's more appropriate to route the call to some type of national administrative 911 facility, who can work with the customer to validate their physical location as the customer very likely could be outside of the territory associated with the registered 911 address which the customer may not have updated since activating the app.

Finally, ClearCaptions thanks the Commission for recognizing¹⁰ that it should continue internal coordination between this item and the Public Safety Notice, which is also seeking comment on 911 rules that could be applied to IP CTS providers.¹¹ ClearCaptions' reply comments in the Public Safety docket asked the Commission to incorporate any waiver or rule changes adopted in this docket, amend the proposed rule regarding dispatchable location to provide the flexibility discussed in the body of the Public Safety Notice, and consider alternatives for IP CTS providers to obtain dispatchable location, such as through a location override limited to when IP CTS subscribers place 911 calls.¹²

Sincerely,

Tamar E. Finn
Christian Hoefly

Counsel to ClearCaptions, LLC

⁸ *FNPRM*, at ¶49.

⁹ ClearCaptions understands that an IP CTS provider's assignment of a telephone number to the end user is the equivalent of "enabl[ing] their customer to initiate a call by contacting the IP CTS provider over the Internet."

¹⁰ *Id.* at ¶36, fn 109.

¹¹ *Public Safety and Homeland Security Bureau Announces Comment and Reply Comment Dates for the Notice of Proposed Rulemaking Implementing Kari's Law and Section 506 of RAY BAUM'S Act*, Public Notice, 33 FCC Rcd 10189 (PSHSB 2018).

¹² *ClearCaptions' Reply Comments*, PS Docket Nos. 18-261, 17-239 (filed Feb. 8, 2019) (available at <https://www.fcc.gov/ecfs/filing/102081179919177>).