

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

COMMENTS OF HAMILTON RELAY, INC.

Hamilton Relay, Inc. (“Hamilton”), by its counsel, hereby submits these comments in response to the February 15, 2019 *Further Notice of Proposed Rulemaking* (“*Further Notice*”) in the above-captioned proceeding regarding Internet Protocol Captioned Telephone Services (“IP CTS”).¹ As a provider of IP CTS nationwide to hard of hearing individuals who rely daily on this critical service, Hamilton supports the Commission’s efforts to improve IP CTS.

I. For Privacy Reasons, Any Supporting Data for IP CTS Compensation Requests Should Be Limited to Non-Personally Identifiable Information

The *Further Notice* proposes that IP CTS providers must submit a unique account identifier, such as the electronic serial number of the user’s device, the user’s log-in ID, or the user’s email address, to the Telecommunications Relay Service (“TRS”) Fund administrator in monthly call detail records (“CDRs”) submitted for compensation.²

¹ *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, *Further Notice of Proposed Rulemaking*, and Order, CG Docket Nos. 13-24 & 03-123, FCC 19-11 (rel. Feb. 15, 2019) (“*Report and Order*,” “*Further Notice*,” or “*Waiver Order*” as appropriate).

² *Further Notice*, ¶ 33.

Because this proposal is consistent with the information that providers must submit to the TRS User Registration Database (“Database”), Hamilton does not object to this proposal as long as providers are given the flexibility to choose which unique account identifier it will include in its CDRs. For privacy reasons, however, Hamilton recommends that the Commission encourage providers to use a unique account identifier that contains non-personally identifiable information about the user.

II. IP CTS Users Should Be Permitted Interim Access Pending Database Verification

To eliminate unnecessary inconvenience to IP CTS registrants, the *Further Notice* proposes to allow IP CTS providers to provide service to new and porting users for up to two weeks pending the completion of identity verification by the Database administrator.³ Hamilton agrees that allowing such access will help minimize disruption of service to users, while ensuring that the TRS Fund does not improperly compensate providers because any minutes handled during such interim period will be compensated only if the user’s identity is ultimately verified.⁴

III. Simplifying the IP CTS Emergency Call Handling Requirements Will Speed the Delivery of Emergency Calls and Reduce Unnecessary Call-Backs

Hamilton agrees with the Commission that it is time to revisit the interim call handling procedures for IP CTS that were adopted in 2008. The waivers issued under the *Waiver Order* were an important first step, and the *Further Notice* continues that effort.

A. 911 RULES FOR TRS SHOULD REMAIN IN PART 64 AND NOT BE MOVED TO PART 9

As an initial matter, Hamilton reiterates its support for retaining the IP CTS emergency call handling rules, and all other TRS-related emergency call handling rules, in Part 64 of the Commission’s rules. Given the special status of TRS under the Americans with Disabilities Act

³ *Id.* ¶ 34.

⁴ *Id.*

of 1990, and the particular needs of individuals who rely on TRS, the Commission should continue to address all emergency calling issues for relay-related services in the omnibus TRS docket (CG Docket No. 03-123) and Part 64, rather than moving relay-related emergency call handling rules to Part 9, as proposed in a separate Commission proceeding.⁵ As Hamilton has noted, many of the issues addressed in the Part 9 proceeding are simply inapplicable to the unique environment in which TRS operates.⁶

B. THE PROPOSED REFORMS TO SECTION 64.605(A) SHOULD BE ADOPTED

With respect to the particular issues raised in the *Further Notice*, the Commission is right to observe that the most common form of IP CTS is not subject to TRS-specific 911 rules.⁷ This is because the majority of IP CTS calls are made by consumers using an ordinary wireline voice service connection—which is otherwise subject to 911 obligations—to place a voice call to the called party and separately contacts the IP CTS provider via broadband to receive captions. For such calls, there is no need for the IP CTS provider to play a role in call setup.

Accordingly, the emergency call-handling requirements set forth in Section 64.605(a) apply only to those forms of IP CTS where a call is initiated, or can be initiated, by the user contacting the provider via the Internet—e.g., web and wireless IP CTS calls.⁸ Currently for such calls, IP CTS providers must provide the public safety answering point (“PSAP”) (or its equivalent) with the name of the relay user, location of the emergency, the name of the IP CTS

⁵ *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, Notice of Proposed Rulemaking, 33 FCC Rcd 8984 (2018).

⁶ Comments of Hamilton Relay, Inc., PS Docket Nos. 18-261, 17-239, at 2 (filed Dec. 10, 2018).

⁷ *Further Notice*, n.109.

⁸ *Id.*

provider, a Communications Assistant (“CA”) identification number, and a CA callback number.⁹

In reality, PSAPs appear to only want information concerning the user’s location and a callback number. In Hamilton’s experience over the past eleven years of accepting and handling web and wireless IP CTS emergency calls, it has become clear that PSAPs do not find other information helpful or even necessary.¹⁰ On the contrary, Hamilton has heard from PSAPs and its emergency calling vendor that providing much of this required information simply delays the process of handling the emergency call, thus endangering public safety.¹¹ Accordingly, as a public safety matter, Hamilton supports efforts to reform these rules.

The *Further Notice* specifically proposes to streamline these requirements by requiring the web or wireless IP CTS provider to provide the PSAP with the following information at the outset of an emergency call: “the location of the emergency, and a telephone number that is assigned to the caller and that enables the [PSAP] to call the 911 caller back directly, while ensuring that the caller receives captions on the callback.”¹² Hamilton supports this rule change for the reasons stated above.

⁹ 47 C.F.R. § 64.605(a)(2)(iv).

¹⁰ See Petition for Waiver of Hamilton Relay, Inc., CG Docket Nos. 13-24, 03-123 (filed Feb. 29, 2016) (“Hamilton Waiver Petition”).

¹¹ See *Waiver Order* ¶ 49 (noting that “PSAPs are generally interested in receiving the location of the emergency and the IP CTS user’s callback number” and that the additional information required by the rule—and the requirement for the provider to initiate reconnection of calls—are not needed in the IP CTS context if an IP CTS provider assigns the user a ten-digit NANP telephone number that is used specifically for captioning and has the ability to deliver that callback number to the PSAP with a 911 call.”).

¹² *Further Notice*, App. C (proposed new rule Section 64.605(a)(3)).

C. THE PROPOSED CHANGES TO 911 DISCONNECT PROCEDURES SHOULD BE ADOPTED

The *Further Notice* also proposes a change to the manner in which web and wireless IP CTS 911 calls are reconnected in the event of a premature disconnect. Under current rules, if one or both legs of such an emergency call are disconnected, the IP CTS provider must immediately re-establish contact with the TRS user and/or the PSAP and resume handling the call.¹³

The *Further Notice* proposes that, if a web or wireless 911 call is disconnected, the PSAP would be able to call the user directly using the telephone number tied to the device or application generating captions, allowing for captions during the callback.¹⁴ Such a scenario is better for both consumers and emergency services, as it “would decrease the time and cost associated with responding to emergencies reported by web- and wireless-based IP CTS users.”¹⁵

Removing the requirement for an IP CTS provider to initiate the reconnection of a disconnected 911 call would also improve public safety by allowing PSAPs—the experts—to directly call back any users they deem necessary. Compliance with the current requirement has proven to be both difficult and, ultimately, unnecessary.¹⁶ As an initial matter, it is difficult for web and wireless IP CTS providers to comply with this requirement because it is not always apparent whether an emergency call has simply ended and disconnected in the normal course, or whether it has been prematurely disconnected. This has led to a level of subjectivity which imposes a difficult obligation on the part of the CA to determine whether an emergency call has

¹³ 47 C.F.R. § 64.605(a)(2)(v).

¹⁴ *Further Notice* ¶ 39 (proposing to remove requirement for an IP CTS provider to initiate the reconnection of a disconnected 911 call).

¹⁵ *Id.* ¶ 38.

¹⁶ *See generally* Hamilton Waiver Petition at 3-4.

really ended (through either party, or both parties, intentionally hanging up), in which case the call should not be re-established because at least one party to the call deems the call to be complete, or whether the call has been disconnected inadvertently and needs to be re-established.¹⁷ In emergency situations, the subjective views of a CA should not determine when an emergency call should be re-established. Ultimately, the determination of whether to re-establish a 911 call should be made by either the PSAP or the relay user, and not the IP CTS provider. The IP CTS provider's only appropriate role in this situation is to provide the parties with the information necessary to re-establish the call if the parties to the call deem it necessary to do so.

Accordingly, under the proposed rule, the PSAP can re-establish the call, when the *PSAP* determines that the call ended prematurely.¹⁸ Likewise, the relay user has all the information he or she needs to re-establish the call, when the *relay user* determines that the call ended prematurely—he or she may simply dial 911 again, and web and wireless IP CTS providers will prioritize the call as required.¹⁹ These proposed reforms “may save precious seconds during an emergency and may avoid confusion in the callback.”²⁰

D. ASSIGNING NANP NUMBERS TO USERS IS TECHNICALLY FEASIBLE

The proposed rule changes necessarily require IP CTS providers to be capable of providing their relevant user base with telephone numbers that enable the users to receive

¹⁷ See *Waiver Order* ¶ 50 (observing that the 911 caller and the PSAPs are likely “better informed about the emergency needs of the situation”).

¹⁸ *Waiver Order* ¶ 50 (noting that if a NANP number is assigned to the user, the PSAP and the user can call each other directly if a call is prematurely disconnected).

¹⁹ 47 C.F.R. § 64.605(a)(2)(ii).

²⁰ *Waiver Order* ¶ 50.

captioned callbacks from a 911 PSAP.²¹ Hamilton believes that this requirement is technically feasible because Hamilton is already doing it. Specifically, Hamilton provides its web- and wireless-based users with North American Numbering Plan telephone numbers that will enable users to receive captioned callbacks from a 911 PSAP.²²

E. THE SCOPE OF THE RULE SHOULD NOT CHANGE

The *Further Notice* seeks comment on how to define the category of IP CTS providers that would be subject to the proposed 911 call handling rule.²³ In this regard, the Commission asks whether it should continue to define this class as “providers of forms of IP CTS that allow users to initiate calls by contacting the provider over the Internet,” or whether alternative formulations would be more appropriate. For example, the Commission asks whether it should define the category as “IP CTS providers that provide the voice connection, as well as captions, for an IP CTS call.”²⁴

Hamilton supports continuing to define the relevant category as “providers of forms of IP CTS that allow users to initiate calls by contacting the provider over the Internet.” This definition appropriately narrows the scope of providers covered by the rule. In contrast, “IP CTS providers that provide the voice connection, as well as captions, for an IP CTS call” is too broad a definition, because it would potentially include the most common form of IP CTS, i.e., consumers using an ordinary wireline voice service connection with a separate broadband connection for captions. To the extent that the IP CTS provider is able to provide the voice

²¹ See *Further Notice* ¶ 41.

²² See Hamilton CapTel Call Me #, <https://hamiltoncaptel.com/account/call-me-number.html> (last visited Apr. 3, 2019).

²³ *Further Notice* ¶ 42.

²⁴ *Id.*

connection, it would necessarily be over the Internet, or otherwise the IP CTS provider would be subject to separate wireline 911 rules. Thus, the present formulation is accurate.

Importantly, however, the Commission should resolve any potential tension in its rules by clarifying the status of IP CTS providers when providing the voice connection of an IP CTS call. Currently, to the extent that the voice connection portion is deemed a VoIP call, such calls are subject to Part 9 which requires the provider to give the PSAP the user's registered location.²⁵ This is different than the requirement under both the current requirements under Section 64.605(a), and the proposed revisions to that rule. The Commission should clarify that IP CTS providers that provide both the Internet voice connection and the Internet captions connection for IP CTS are deemed in compliance with emergency call handling requirements when they comply with Section 64.605 (current or revised). Under no circumstances should IP CTS providers be deemed CMRS resellers, because it is not technically feasible for IP CTS providers to comply with the 911 location requirements applicable to CMRS providers.²⁶

IV. Conclusion

As the Commission harmonizes its CDR submission rules with the implementation of the Database, the CDR supporting data for IP CTS compensation requests should be limited to non-personally identifiable information. To ensure the Commission's verification process does not delay access to a consumer who requires IP CTS, users should be permitted interim access pending Database verification, as proposed in the *Further Notice*. Finally, the Commission should adopt its proposal to improve public safety by expediting web and wireless IP CTS 911

²⁵ 47 C.F.R. § 9.5(b)(2).

²⁶ See *Further Notice* ¶ 43.

calls, and to empower relay users and PSAPs with the ability to re-establish such calls when needed.

Respectfully submitted,

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