

April 16, 2018

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket No. 13-24

Dear Ms. Dortch:

Sorenson Communications, LLC and its wholly owned subsidiary CaptionCall, LLC (together “CaptionCall”) submit this letter in response to the letter that ClearCaptions, LLC (“ClearCaptions”), a provider of Internet protocol captioned telephone service (“IP CTS”), submitted on March 2, 2018.<sup>1</sup> ClearCaptions seeks a partial waiver of Sections 64.605(a)(2)(iv) and (v) of the Commission’s rules, which govern 911 calls made by users of telecommunications relay services. Specifically, ClearCaptions seeks a waiver from the requirement that it deliver—to the Public Safety Answering Point (“PSAP”)—the applicable communications assistant’s (“CA”) identification number, the user’s callback number, and the name of the provider. ClearCaptions also seeks a waiver of the requirement that ClearCaptions reconnect disconnected 911 calls. If the Commission grants a waiver, it should do so for all IP CTS providers. However, the Commission’s rules require greater clarification than ClearCaptions requests.

It makes little sense to apply the location and callback requirements contained in Sections 64.605(a)(2)(iv) and (v) to most IP CTS calls. In the most common IP CTS use case, a consumer makes or receives a call using either a traditional PSTN line or an interconnected VoIP line provided by a third party carrier or interconnected VoIP provider (such as a cable company or “over-the-top” VoIP provider). The consumer uses IP CTS equipment simply to obtain captioning of what the other party says. In that case, the IP CTS provider has no involvement with call routing. Rather, in the event of a 911 call, the underlying carrier is responsible for routing the call to the appropriate PSAP and for providing all required location and callback information. After the underlying carrier completes the 911 call, the IP CTS equipment automatically connects to a CA. The CA is not connected to the PSAP. Instead, the consumer’s equipment relays the PSAP operator’s words to the CA, who listens and provides captions of the PSAP operator’s words back to the consumer. If the call is disconnected, the PSAP dials the

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<sup>1</sup> Letter from Michael Strecker, Vice President of Regulatory Affairs & Strategic Policy, ClearCaptions, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 13-24 (filed Mar. 2, 2018) (“ClearCaptions 911 Letter”).

callback number provided by the underlying carrier. Once the call is reconnected, the IP CTS equipment reconnects to a CA, and captions resume.

During that process, none of the provisions of Section 64.605(a)(2)(iv) or (v) can apply to the IP CTS provider. The IP CTS provider is not involved in routing the 911 call, has no direct connection to the PSAP, and cannot provide location or callback data to the PSAP.

In another use case, an IP CTS provider may provide both captioning services and the underlying transmission service, such as by procuring an interconnected VoIP or CMRS service that the IP CTS provides to the IP CTS user. In this case, the IP CTS provider generally acts both as a relay provider and as a provider of VoIP or other telecommunications services. In these circumstances, even though the provider offers both transmission and captioning service, the call flow remains the same, and the role of the provider as a relay provider remains the same. That is, the CA has no role in call setup or routing; the IP CTS equipment or software application still relays the other party's words to the CA, and the captions are returned to the device. As a result, it still makes little sense to apply relay-specific 911 call-handling requirements in this use case. However, because the IP CTS provider also has a role as a CMRS reseller or an interconnected VoIP provider, the underlying call is already subject to the Commission's 911 call-handling rules that specifically govern the E911 obligations of mobile wireless and VoIP providers. For mobile wireless service, that would mean complying with 47 C.F.R. § 20.18. For an interconnected VoIP service, that would mean complying with 47 C.F.R. § 9.5.

Notably, with respect to both sets of rules, the Commission has already rejected the use of call centers as a primary mechanism to route 911 calls,<sup>2</sup> though many providers do use them as a backup when mandated call-handling processes might otherwise fail. Among other issues, the use of call centers would delay the delivery of 911 calls, as the calls must be answered at the call center and then re-originated to the PSAP. Call centers also would be ineffective in the event a caller could not speak.

Regardless of the use case, CaptionCall, where possible, attempts to comply with the spirit of the relay-specific 911 call-handling rules. For example, those rules require providers to "implement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls . . . ."<sup>3</sup> Pursuant to this rule, CaptionCall ensures that 911 calls are

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<sup>2</sup> See 47 C.F.R. §§ 20.18, 9.5(b)(3) (requiring that VoIP providers route all 911 calls "via the dedicated Wireline E911 Network"); *IP-Enabled Servs., E911 Requirements for IP-Enabled Serv. Providers*, First Report and Order & Notice of Proposed Rulemaking, FCC 05-116, 20 FCC Rcd. 10245, WC Docket Nos. 04-36 & 05-196, ¶¶ 37, 42 n.142 (2005) ("These calls must be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network, and the Registered Location must be available from or through the ALI Database"; prohibiting VoIP providers from "routing 911 calls to 10-digit NPA-NXX numbers (so called 'administrative numbers') of PSAPs . . . where a Selective Router [*i.e.*, call center] is utilized").

<sup>3</sup> 47 C.F.R. § 64.605(a)(2)(ii).

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placed at the top of the queue of calls awaiting connection to a CA. But that process does not, and cannot, impact 911 call routing or the provision of E911 data.

It is not clear from ClearCaptions' waiver request whether its CAs will be involved with call setup generally, or whether it is simply bundling voice service with captioning service. In any event, because ClearCaptions will rely on the use of a call center as a primary means of 911 and E911 compliance,<sup>4</sup> it will not be in compliance with the rules applicable to VoIP and other telecommunications providers, and it has not sought a waiver of those rules.

In sum, the Commission should make clear that, where an IP CTS CA is not involved with call setup generally, Sections 64.605(a)(2)(iv) and (v) do not apply. The Commission, however, should also confirm that other rules applicable to call handling by mobile wireless providers or VoIP providers remain applicable, even when a VoIP or other telecommunications service is bundled with captioning service.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata", written in a cursive style.

John T. Nakahata

*Counsel to CaptionCall, LLC*

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<sup>4</sup> ClearCaptions 911 Letter at ¶ 4.