

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Stamp and Return

In the Matter of)
)
Telecommunications Relay Services)
and Speech-to-Speech Services for)
Individuals with Hearing and Speech)
Disabilities Application for TRS)
Certification to Provide IP Captioned)
Telephone Service)

CG Docket No. 03-123

Received-FCC

APR 24 2019

Bureau / Office

To: Chief, Consumer and Governmental Affairs Bureau, TRS Certification Program

**INTERNET-BASED TRS CERTIFICATION APPLICATION
CLARITY PRODUCTS, LLC**

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**INTERNET-BASED TRS CERTIFICATION APPLICATION
CLARITY PRODUCTS, LLC**

Clarity Products, LLC (“CLARITY”), by counsel and pursuant to the Federal Communications Commission’s (“FCC” or “Commission”) January 11, 2007, Declaratory Ruling in the above-captioned proceeding,¹ and FCC Rule Sections 64.604, 64.605 and 64.606,² respectfully submits this application for certification to provide Internet Protocol Captioned Telephone Service (“IP CTS”) (the “Application”). CLARITY respectfully requests expeditious review and grant of this Application.

CLARITY meets all requirements for certification to provide IP CTS as set forth in FCC Rule Section 64.606,³ except for requirements that are unnecessary given the design of

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, 22 FCC Rcd 379 (2007) (“IP CTS Ruling”). See also *Consumer & Governmental Affairs Bureau Clarifies the Eligibility Requirement for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund for Providers of Internet Protocol Captioned Telephone Service*, Public Notice, 23 FCC Rcd 2889 (2008) (“Public Notice”).

² 47 C.F.R. §§ 64.604, 64.605, and 64.606.

³ 47 C.F.R. § 64.606.

CLARITY's IP CTS system and for which CLARITY requests waiver in Section VII below. Accordingly, CLARITY requests that the Commission grant its Application. In support of this Application, Clarity Products submits the following.

I. ABOUT CLARITY

CLARITY is a privately-held Tennessee corporation headquartered at 6131 Preservation Drive, Chattanooga, TN 37416. CLARITY does not have a corporate parent, affiliates, or subsidiaries. Our main company website can be found here: <http://clarityproducts.com/>.

CLARITY creates smart communication solutions that help seniors live richer, more engaged lives. Founded 50 years ago, CLARITY is a world leader in amplified telephones, notification systems, and assistive listening devices.

CLARITY is driven by a simple purpose—help people with hearing loss live their fullest lives. Over the years, CLARITY has built unrivaled expertise in sound amplification and the role it can play in lives—especially as we age. Whether it's reconnecting with family members, sharing memories with old friends, enjoying the comforts of home, or setting off on the latest adventure, CLARITY is amplifying life every step of the way.

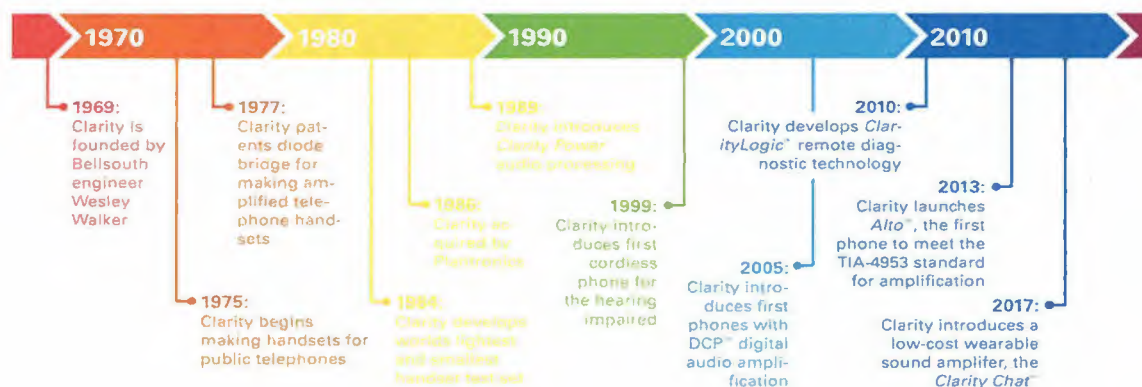
CLARITY's products range from amplified telephones and personal sound amplifiers to TV listening devices and home notification systems. We also manufacture products that meet the Americans with Disabilities Act requirements for hotels, cruise ships, and other public retreats. Our products have been featured by the Wall Street Journal, New York Times, USA Today, NBC's TODAY Show, AARP, and others.

We have a long and very close relationship with organizations that are important to supporting people with hearing loss. CLARITY products are distributed by the Veterans Administration, State Programs for Telecommunications Access, and Special Needs distributors such as Harris and Teltex. In addition, we have a dominant category presence on Amazon and

other web outlets. Our amplified and push-to-talk handsets are used by the Federal Aviation Administration and are in Airforce One and the White House.

CLARITY is based in Chattanooga, Tennessee where it houses engineering, marketing, sales, and a small manufacturing operation. CLARITY prides itself on innovating to create better solutions for people with hearing loss. CLARITY has set a series of industry precedents including: the first phone with digital sound processing in 2005; the first amplified phone with 50dB of amplification that same year; the first cell phone for seniors in 2008; the first remote access technology for telephones in 2010; and the first amplified Bluetooth headset in 2018. CLARITY evolved its product line to help consumers with other needs they face as they age—not just hearing loss but low vision, mobility, dexterity and other issues. Today, millions rely on CLARITY to communicate at home, at work, and throughout their lives.

Below is a visual depiction of CLARITY milestones:



CLARITY is uniquely positioned to offer captioning, as we have no business bias to offer captioning over amplified telephony, or a combination of both. We are simply interested in offering the best solution for the end-users' unique hearing loss.

We maintain a strong customer feedback loop: we monitor Amazon reviews, we do annual surveys of our distribution partners, we attend most major industry trade shows, and we have a call center that takes over 2,000 calls a week. Our products score well, and our returns are very

low; typically, less than 5%.

Most people working at CLARITY have been there many years; the typical tenure is 8 years or more.⁴ CLARITY will retain copies of employment agreements for all of CLARITY's employees directly involved in Telephone Relay Service ("TRS") operations, executives, and a list of names of employees directly involved in TRS operations, for five years from the date of application. CLARITY will submit these documents to the Commission upon request.

II. CLARITY PRODUCTS IP CTS OFFERING

The CLARITY solution is an IOS, Android, and Web application ("app") called CaptionMate ("CAPTIONMATE"). This app will be available to be installed on IOS and Android phones and tablets (accessed via the IOS App Store or Google Play, respectively), or accessed via website.

Once registered on one device, the user may also launch and log into the app with any other device, using the password set up during registration. The user will provide a registered location for their primary phone number, and CLARITY will use that registered location to obtain a new 10-digit phone number that will not incur long-distance charges when dialed from their primary phone number. We refer to this new number as the user's "New Phone Number".

The New Phone Number is used in the following way:

- a) **INCOMING CALLS:** Friends, family, and other contacts will dial this number in order to reach the user in the application.
- b) **OUTGOING CALLS:** When the user selects or dials a number to call, the app will first dial this number, which will then forward the call to the remote caller.

Appendix F lays out how CAPTIONMATE works in a visual manner.

⁴ See Appendix A for a list of owners and executives in CLARITY, and Appendix B for a list of all employees and contractors involved in CLARITY's TRS offering.

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When a call is connected, the user will begin to see transcriptions from the call appear on their device almost instantaneously. While viewing the transcription in the application, the user may:

- Pause the transcription or restart the transcription
- Launch the application on another device(s) (i.e., a tablet) and watch the transcription on all active devices
- Change the language of the transcription from their default language to the language used by the remote person
- Change the font size of the transcription in order to improve readability
- View either just the remote person's transcription, or both the remote person as well as their own
- Use the number pad in the application to send dual tone multi frequency ("DTMF") tones that will assist with interactive menus
- If the application the user is using is a telephone application, they can also choose to put the phone on speakerphone
- If the remote person is on a mobile phone that accepts text messages, the user will be able to choose to share the transcription through a secure, one-time use link to a website URL (the remote person will only see their side of the transcription)

At the end of the call, users will be asked to rate the call with stars from 1 to 5. If the user

selects a number lower than 5, they will also be presented with a choice of complaint codes to send to CLARITY. CLARITY will share their satisfaction ratings with the FCC.

Internal testing has shown a very high level of accuracy and a very quick response with CAPTIONMATE. We are very excited to offer this application to the deaf and hard-of-hearing community and hope that the FCC will certify us in an expeditious manner.

CLARITY believes that CAPTIONMATE competes well against traditional TRS solutions in accuracy of transcription, and that it improves on traditional TRS in the following ways:

- Less Expensive. The use of Automated Speech Recognition rather than Communications Assistants (“CAs”) means that CLARITY can provide the CAPTIONMATE service at a much lower cost, without paying for persons to type or re-voice the call.
- More Private. Speech recognition is done entirely through automated means, and the servers delete the transcription data as soon as the call is complete. There is no person listening to the call, thus making the calls much more private than traditional TRS technology.
- Multilingual. CAPTIONMATE currently allows the user to choose from 25 different languages for the transcription, from U.S. English and Spanish to Japanese and Urdu. We have limited this list to prevent users from becoming overwhelmed, but we have over 100 languages at our fingertips and can easily add more if users want them.
- Speed to Answer. Because we are not relying on personnel to staff our calling centers, there is virtually no wait for users placing a phone call.
- Faster Transcription. The computer technology used means that the transcription itself appears in very close to real-time. It uses contextual clues to correct itself and provide the most accurate transcription possible, with almost no latency.
- Two-sided Transcription. The user can select whether to view only the transcription of the remote person, or their own transcription as well, increasing flexibility and understanding.
- Remote Sharing of Transcription. The user will be able to choose to allow the remote person access to their own transcription, which allows the other user to double-check the accuracy of the information they are conveying.

- There is no need for breaks or length, call limitations, or change of CAs. The technology of Automated Speech Recognition, unlike staffed call centers, never needs to take a break or become fatigued during the transcription. It can work effectively and consistently for as long as the user has a need for it during a call.
- Multiple Devices, Multiple Choices. The user can use a landline phone, cell phone, tablet, or computer to make calls and view their transcription, selecting whichever technology suits them best. For example, they can choose to use a landline to make a call, and view their transcription comfortably on a computer, or they can make a call on their cell phone and view their transcription on a tablet. They can use their landline at home and their mobile phone while on the go.

We believe that many users will benefit from the clear advantages of IP CTS.

III. SPONSORSHIPS

CLARITY does not have any sponsorship arrangements related to their IP CTS offering.

IV. FRAUD PREVENTION

CLARITY will do its utmost to ensure that the minutes for which CLARITY bills the FCC are lawful and in accordance with the FCC regulations. To this end, we have a multifaceted approach in our fraud prevention program:

A. Consumer Registration and Certification

CLARITY will not seek to request or collect payments from the TRS funds for customers who do not satisfy the registration and certification requirements in Section 64.611(j)(1) of the FCC's rules,⁵ nor for those who have not fully registered through the CAPTIONMATE application.

The CAPTIONMATE application requires the consumer's full name, date of birth, last

⁵ IP CTS registration and certification requirements were previously codified at 47 C.F.R. § 64.604(c)(9). The FCC recently relocated the requirements to 47 C.F.R. § 64.611(j)(1) to consolidate them with corresponding registration requirements for VRS. *See Misuse of Internet Protocol (IP) Captioned Telephone Service*, Report and Order, Further Notice of Proposed Rulemaking, and Order, CG Docket No. 13-24, FCC 19-11, ¶ 14, n.32 (rel. Feb. 15, 2019) ("IP CTS Order").

four digits of the of the consumer's social security number, address, and telephone number. The CAPTIONMATE application has a provision where users self-certify that they are hearing-disabled. This part of the registration procedures ensures that the users attests that:

- The consumer has a hearing loss that necessitates use of captioned telephone service;
- The consumer understands that the cost of captioning each Internet protocol captioned telephone call is funded through a federal program; and
- The consumer will not permit, to the best of the consumer's ability, persons who have not registered to use Internet protocol captioned telephone service to make captioned telephone calls on the consumer's registered IP captioned telephone service or device.

The CAPTIONMATE application self-certification process is made, under penalty of perjury, by electronic signature on a separate page during the registration process. This process conforms to the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 *et seq.* by including the following elements:

- First, a form that explains to the consumer:
 - o That federal law prohibits anyone but registered users with hearing loss from using this application;
 - o That we will ask for the customer's signature on a form that certifies that they are eligible for using this application;
 - o That they have the right to view the form that they sign in both electronic form in their profile section, as well as in paper form by contacting CLARITY at the contact information shown on the screen. Viewing the form online is free; paper copies of the form will be available for the fee of \$5.00;
 - o That they have the right to withdraw their consent at any time, for no cost, by either signifying their withdrawal in their profile section of the app, or by contacting CLARITY customer service at the contact information shown; and
 - o Contact information at the bottom directs the user on how to contact CLARITY to withdraw consent or to request a paper copy.
- Second, a form asking the consumer to self-certify will follow immediately,

and requires a full signature.

B. TRS User Registration Database Information for IP CTS

CLARITY is prepared to comply with newly adopted Section 64.611(j)(2) of the FCC's rules, which extends TRS User Registration Database requirements to IP CTS providers.⁶ CLARITY appreciates the importance of improving program management and welcomes the opportunity to help ensure that TRS is provided only to eligible users.

CLARITY will submit user registration information to the TRS Database for verification. Specifically, CLARITY will submit the user's full name; full residential address; telephone number; electronic serial number of the user's IP CTS device; the user's log-in identification, e-mail address, or other unique identifier; last four digits of the user's social security number or Tribal Identification number; date of birth; Registered Location (if applicable); IP CTS provider name; date of service initiation and, when applicable, date of service termination; and a digital copy of the user's self-certification of eligibility. Because CLARITY does not have existing users, it is neither able nor required to submit the date of the user's most recent IP CTS call.⁷

CLARITY will not register or provide service to users until after CLARITY has submitted the required registration data and received verification from the TRS Database. Furthermore, CLARITY agrees not to seek compensation for service to users whose eligibility has not been verified through the TRS Database system.

CLARITY will promptly request removal of a user's registration from the database, upon learning that a registered user is no longer eligible or makes a request to cancel service. CLARITY

⁶ See *IP CTS Order*, Appendix B (Final Rules) (adding 47 C.F.R. § 64.611(j)(2)). Section 64.611(j)(2) contains new or modified information-collection and recordkeeping requirements. Accordingly, these requirements will not become effective until after approval by the Office of Management and Budget. See 47 C.F.R. § 64.611(k).

⁷ See *id.*, Appendix B (Final Rules), 47 C.F.R. § 64.611(j)(2)(i).

further agrees not to seek compensation for service to users whose registration information has been removed from the TRS Database or for whom CLARITY knows is not eligible to use IP CTS.

Finally, CLARITY agrees to comply with all data privacy requirements. CLARITY will obtain users' prior consent to transmit user registration information to the TRS Database for verification. As part of this process, CLARITY will notify users of the data to be submitted, the reason for disclosure, and the consequences of nondisclosure.

C. Third Party Policies

CLARITY and its affiliates will not refer any consumer to a third-party professional, either directly or indirectly, and will not accept third party certifications from anyone who has a business, family, or social relationship with CLARITY or its affiliates.

CLARITY will require that third parties provide his or her name, title, and contact information, including address, telephone number, and email address.

CLARITY will require that independent third-party certification include the signature of the third-party professional that they certify that the IP CTS user is an individual with hearing loss that necessitates use of captioned telephone service and that the third-party professional understands that the captioning on captioned telephone service is provided by Automated Speech Recognition and is funded through a federal program.

CLARITY will ensure that any third-party certification will be qualified to evaluate an individual's hearing loss in accordance with applicable professional standards, and must be either a physician, audiologist, or other hearing related professional. Such professional shall not have been referred to the IP CTS user, either directly or indirectly, by CLARITY or any officer, director, partner, employee, agent, subcontractor, or sponsoring organization or entity (collectively "affiliate") of CLARITY. Nor shall the third-party professional making such certification have any business, family, or social relationship with CLARITY or any affiliate of CLARITY from

which the consumer is receiving or will receive service.

CLARITY will further ensure that any third-party professional provide his or her name, title, and contact information, including address, telephone number, and email address, and that the professional certifies in writing, under penalty of perjury, that the IP CTS user is an individual with hearing loss that necessitates use of captioned telephone service and that the third-party professional understands that the captioning on captioned telephone service is funded through a federal program.

D. Record Maintenance

CLARITY shall maintain records of registration and certification for a period of at least five years after the consumer ceases to obtain service from the provider and shall maintain the confidentiality of such registration and certification information. CLARITY will not disclose such registration and certification information or the content of such registration and certification information except as required by law.

E. Limiting the Use of CAPTIONMATE to Registered Users

It is difficult for anyone who has not fully registered to use the app; they could only do so by attempting to use another user's app.

CLARITY will do its best to ensure that the captioning app is only used by the registered user. We accomplish this in these ways:

- During the registration process, the user certifies that they will not permit, to the best of the consumer's ability, persons who have not registered to use IP CTS to make captioned telephone calls on the consumer's registered IP captioned telephone app.
- Each time the CAPTIONMATE application is launched, the user sees a prominent message reminding them that "Federal law prohibits anyone but registered users with hearing loss from using this application."
- If a user withdraws consent or agreement with the self-certification notice, they are automatically withdrawn from the app and cannot re-register

without calling customer service and describing why they should be allowed to re-register. CLARITY will document any such cases and maintain such records for a minimum of five years. The user must re-register, including reconfirming their self-certification under penalty of perjury, to reactivate their account.

F. Banned Users

CAPTIONMATE has a method for CLARITY staff to indicate that a user has been banned, permanently or temporarily. If a user is banned because of suspicious activity, the ban is immediate and irrevocable without contacting customer service, on the record.

CLARITY will not bill the TRS Fund for any users who have withdrawn agreement to the provisions in this document or who have been banned for any reason.

G. No Incentives for Use

CLARITY will not offer or provide to any person or entity that registers to the IP CTS any form of direct or indirect incentives, financial or otherwise, to register for or use IP CTS. CLARITY will not offer or provide to a hearing health professional any direct or indirect incentives, financial or otherwise, that are tied to a consumer's decision to register for or use IP CTS. CLARITY understands that where an IP CTS provider offers or provides IP CTS equipment, directly or indirectly, to a hearing health professional, and such professional makes or has the opportunity to make a profit on the sale of the equipment to consumers, such IP CTS provider shall be deemed to be offering or providing a form of incentive tied to a consumer's decision to register for or use IP CTS.

CLARITY will not make joint marketing arrangements with hearing health professionals. CLARITY understands that for the purpose of Section 64.604(c)(8) of the FCC's rules, a hearing health professional is any medical or non-medical professional who advises consumers with regard to hearing disabilities.

CLARITY understands that any IP CTS provider that does not comply with this paragraph

shall be ineligible for compensation for such IP CTS from the TRS Fund.

V. PROCEDURES FOR CONSUMER COMPLAINT ABOUT CAPTIONMATE

CLARITY will maintain a log of all consumer complaints, and it will maintain the log until the next application for certification is granted. The log includes, at minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

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CLARITY will submit summaries of the complaint logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year.

The main office that receives complaints, grievances, inquiries and suggestions for the CLARITY CaptionMate application is:

Clear Call Belize
#109 New Road
Belize City, Belize

Local Belize Phone: +501-223-0100
Local Belize Fax: +501-223-0100
Email: support@captionmate.com

TTY Toll-free: 800-772-2889 (Chattanooga Offices)
TTY Local: 423-629-3466 (Chattanooga Offices)

VI. PROCEDURES FOR COMPLAINTS ABOUT CLARITY FROM THE COMMISSION

CLARITY attests and confirms all the paragraphs in Section 64.604(c)(6)(v) of the FCC's rules.

The agent whose principal responsibility will be to receive all complaints, inquiries, orders,

decisions and notices and other pronouncements forwarded by the Commission is:

Beryl Bucher, CAPTIONMATE Director
CLARITY
6131 Preservation Dr
Chattanooga, TN 37416

Phone: 1-800-426-3738
Fax: 1-800-325-8871
TTY Toll-Free: 800-772-2889
TTY Local: 423-629-3466

E-mail: beryl.bucher@clarityproducts.com

CLARITY will promptly reply to any formal or informal complaint regarding CAPTIONMATE.

If a complaint is served under Section 64.604(c)(6)(v) of the FCC's rules, CLARITY will serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. We understand that if we fail to file and serve an answer within the time and in the manner prescribed, we may be deemed in default.

VII. WAIVERS REQUESTED

CLARITY requests waiver of certain FCC rule requirements that do not align fully with next generation, IP CTS technology capabilities. Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown."⁸ Good cause exists if

⁸ 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

“special circumstances warrant a deviation from the general rule and such deviation will serve the public interest” better than adherence to the general rule.⁹ In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”¹⁰ CLARITY submits that good cause exists to waive the following rules.

A. 47 C.F.R. § 64.604(a)(3)(vii) and (viii)

CLARITY seeks waiver of Sections 64.604(a)(3)(vii) and (viii) of the FCC’s rules pertaining to answering machine and voicemail receipt, notice, and retrieval. Section 64.604(a)(3)(vii) requires TRS providers to electronically capture and retain recorded messages and TRS CAs to alert users via “hot key” of voicemail receipt. In addition, TRS providers may not charge users for calls required to retrieve recorded messages. Section 64.604(a)(3)(viii) requires TRS providers to provide answering machine and voicemail retrieval features.

CAPTIONMATE will transcribe all recorded messages, if the user has an answering machine or voicemail service capabilities. CAPTIONMATE will automatically send an electronic notification to the user when “unviewed” answering machine or voicemail service transcriptions become available. Consistent with Section 64.604(a)(3)(vii), CLARITY will not charge the user for these messages. However, because CLARITY does not supply user equipment, it must rely on the user’s provision of equipment or capabilities. If the user does not have an answering machine for their landline or voicemail capabilities on their mobile phone, they will not be able to receive transcribed messages. In addition, because CAPTIONMATE operates without CAs, users are automatically notified of message receipt electronically rather than through manual notification by

⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁰ *WAIT Radio*, 418 F.2d at 1159.

CAs.

Grant of waiver will facilitate CLARITY's ability to provide those with a hearing disability access to telephony and technology that is affordable and comparable to those without such disability. In addition, waiver would not interfere with FCC's intent to ensure that TRS users enjoy the benefits of answering machine and voicemail service capabilities. For these reasons, waiver of Sections 64.604(a)(3)(vii) and (viii) would serve the public interest.

B. 47 C.F.R. § 64.604(c)(5)(iii)(D)(2)(ii), (ix), and (x)

CLARITY requests waiver of the Section 64.604(a)(3)(vii)(D)(2)(ii), (ix), and (x) requirements to submit "CA ID number," "[t]he call center (by assigned center ID number) that handled the call," and "[t]he URL address through which the call is initiated" to receive compensation from the TRS Fund.¹¹ Because CAPTIONMATE routes calls through a SIP trunk connection and operates without CAs, CLARITY does not have and cannot provide this information to the Commission. CLARITY will submit all other information required under Section 64.604(c)(5)(iii)(D)(2) as part of its request for compensation from the TRS Fund. Waiver would therefore serve the public interest by enabling IP CTS capabilities without increasing the risk of waste, fraud, or abuse to the TRS program.

C. 47 C.F.R. § 64.605(a)(2)(ii) and (iii)

CLARITY requests waiver of Sections 64.605(a)(2)(ii) and (iii) of the FCC's rules, which provide additional emergency calling requirements for Internet-based TRS providers. Section 64.605(a)(2)(ii) requires TRS providers to prioritize emergency over non-emergency calls in the CA queue system, and Section 64.605(a)(2)(iii) requires the CA to request the caller's name and location information at the beginning of each call, unless the provider has the caller's registered

¹¹ 47 C.F.R. § 64.604(a)(3)(vii)(D)(2)(ii), (ix), and (x).

location. Because CAPTIONMATE connects emergency calls from TRS users directly to the Public Safety Answering Point (“PSAP”) and maintains users’ registered location information, the above-mentioned rule provisions are inapplicable and unnecessary. CAPTIONMATE eliminates the middleman—there is no queue for emergency calls and no CA intermediary between the TRS user and the PSAP. Emergency calls, as with all other calls, will be put through immediately. CLARITY will require all CAPTIONMATE users to provide registered location information for each landline they use, which will be registered in the automatic location information (“ALI”) database. In addition, CAPTIONMATE users must either grant access to location information on their mobile devices or, if they decline, to acknowledge that their mobile device location information will not be used for emergency purposes and that CAPTIONMATE will default to the device’s registered location.

Waiver is consistent with Commission precedent to grant 911 call handling waivers to IP CTS providers where waiver would provide more effective implementation of the policy underlying the rule. The FCC granted InnoCaption’s request for waiver of TRS provider requirements to deliver the name of the caller, the name of the provider, and an identification number and CA callback number to PSAPs, and requirement to initiate the reconnection of a disconnected 911 call.¹² The Commission found that InnoCaption’s system “render[ed] strict compliance unnecessary” and would “achieve ‘more effective implementation’ of the policy underlying the provisions.”¹³

¹² *Misuse of Internet Protocol (IP) Captioned Telephone Service*, Order, 31 FCC Rcd 7023 (2016).

¹³ *Id.*, ¶ 15 (citing *WAIT Radio*, 418 F.2d at 1159). For similar reasons, the FCC has proposed to eliminate these rule requirements and adopted a temporary, partial waiver for all similarly situated IP CTS providers pending resolution of these issues in a rulemaking. *See IP CTS Order*, ¶¶ 36-40, 44.

Like InnoCaption, CLARITY proposes to operate a system that would provide more effective implementation of the policy underlying the 911 call handling rule requirements than if compliance were required. By eliminating the middleman, TRS users can connect with PSAPs much quicker, thereby accelerating the delivery of critical assistance to the caller and the dispatch of first responders. CAPTIONMATE capabilities mirror those available to non-disabled consumers, with the added benefit that the call will be captioned for the user's convenience. Emergency calls are transferred to the PSAP instantaneously and without delay caused by a busy call center. Accordingly, good cause exists to waive Section 64.605(a)(2)(ii) and (iii) requirements.

D. 47 C.F.R. § 64.611(j)(1)(v)

CLARITY requests waiver of the Section 64.611(j)(1)(v) requirement to obtain certification from the user that he or she understands that IP CTS is “provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone.”¹⁴ Unlike most IP CTS systems, CAPTIONMATE operates without CAs. Consumers enjoy improved privacy as result, as well as the benefits of faster captioning. CLARITY will comply with all other certification requirements in accordance with Section 64.611(j)(1)(v). Waiver would therefore serve the public interest by enabling more advanced IP CTS capabilities while reducing privacy risks to consumers.

VIII. DESCRIPTION OF HOW CLARITY PRODUCTS MEETS OR EXCEEDS ALL NON-WAIVED MANDATORY MINIMUM STANDARDS APPLICABLE TO IP CTS.

Please see Appendix C, “Detailed Description of How CLARITY meets the Mandatory Minimum Standards.”

¹⁴ 47 C.F.R. § 64.611(j)(1)(v).

IX. ANNUAL REPORTS

CLARITY, on an annual basis, shall file with the Commission a report demonstrating that we are in compliance with Sections 64.604, 64.605, and 64.606 of the FCC's rules.

(1) Such reports will update the information required in paragraph (a)(2) of this section and include updated documentation and a summary of the updates, or certify that there are no changes to the information and documentation submitted with the application for certification, application for renewal of certification, or the most recent annual report, as applicable.

(2) The chief executive officer ("CEO"), chief financial officer ("CFO"), or other senior executive of CLARITY, with first-hand knowledge of the accuracy and completeness of the information provided, when submitting an annual report under paragraph (g) of this section, will, with each such submission, certify as follows:

I swear under penalty of perjury that I am _____ (name and title), an officer of the above-named reporting entity, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

X. ASSESSMENT OF INTERNET-BASED TRS PROVIDER CERTIFICATION APPLICATION.

CLARITY will welcome and look forward to on-site visits by the FCC to CLARITY's offices in Chattanooga, Tennessee.

XI. INTERNET-BASED TRS PROVIDER FCC CERTIFICATION

CLARITY understands that once certified as an Internet-based TRS provider, the certification will be good for a period of five years, and that applying for renewal will require submitting documentation with the Commission containing the information prescribed in Section 64.606(a)(2) of the FCC's rules.

XII. SERVICE INTERRUPTION

In the event of an unforeseen service interruption due to circumstances beyond CLARITY's control, CLARITY will submit a written notification to the Commission's Consumer and Governmental Affairs Bureau ("CGB") within two business days of the commencement of the service interruption, with an explanation of when and how CLARITY restored service or of CLARITY's plan to do so imminently. In the event CLARITY has not restored service at the time such a report is filed, CLARITY will submit a second report within two business days of the restoration of service with an explanation of when and how CLARITY restored service. CLARITY will also provide notification of service outages covered by this paragraph to consumers on an accessible Web site, and that notification of service status will be updated in a timely manner.

XIII. SUSPENSION OR REVOCATION OF INTERNET-BASED TRS PROVIDER FCC CERTIFICATION.

CLARITY understands that the Commission may suspend or revoke the certification of an Internet-based TRS provider if, after notice and opportunity for hearing, the Commission determines that such certification is no longer warranted. The Commission may, on its own motion, require a certified Internet-based TRS provider to submit documentation demonstrating ongoing compliance with the Commission's minimum standards if, for example, the Commission receives evidence that a certified Internet-based TRS provider may not be in compliance with the minimum standards.

XIV. RECERTIFICATION

CLARITY seeks certification as an IP CTS provider, with the ability to be compensated by the federal TRS Fund. CLARITY acknowledges that certification granted under this section will remain in effect for five years, and that CLARITY will need to file for renewal of certification

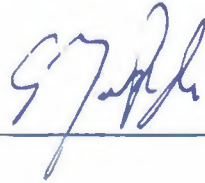
at least 90 days prior to expiration of its certification.¹⁵

XV. REQUEST FOR CERTIFICATION

As demonstrated in this Application, CLARITY amply meets or exceeds the technical requirements necessary to provide IP CTS service. Accordingly, CLARITY respectfully requests that the Commission certify it as an IP CTS provider expeditiously.

XVI. CERTIFICATION OF THIS APPLICATION BY CLARITY CEO

I swear under penalty of perjury that I am Seymour James van den Bergh, CEO, an officer of the Clarity Products, LLC, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.



XVII. CONCLUSION

For the reasons set forth above, CLARITY respectfully requests that the Commission grant this application for certification to provide IP CTS.

Respectfully submitted,

Clarity Products, LLC

By: /s/ Scott D. Delacourt

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¹⁵ 47 C.F.R. § 64.606.

APPENDIX A: OWNERS, EXECUTIVES AND CORPORATE STRUCTURE

[BEGIN CONFIDENTIAL]

[END CONFIDENTIAL]

**APPENDIX B: FULL-TIME AND PART-TIME EMPLOYEES AND CONTRACTORS
INVOLVED IN TRS OPERATIONS**

[BEGIN CONFIDENTIAL]

[END CONFIDENTIAL]

APPENDIX C: FCC RULES TABLE

A. 47 C.F.R. § 64.604 Mandatory Minimum Standards.

1. (a) Operational standards

	SUBSECTION	Apply / Waiver?	Note
§ 64.604(a)(1)	<p>§ 64.604(a)(1) Communications assistant (CA).</p> <p>(1) Communications assistant (CA).</p> <p>(i) TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.</p> <p>(ii) CAs must have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.</p> <p>(iii) CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.</p> <p>(iv) TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A “qualified interpreter” is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.</p> <p>(v) CAs answering and placing a TTY-based TRS or VRS call shall stay with the call for a minimum of ten minutes. CAs answering and placing an STS call shall stay with the</p>		<p>This subsection (§ 64.604(a)(1)) does not apply exactly, as CLARITY does not use Communications Assistants (CAs), but instead uses Automated Speech Recognition (ASR). Most of the requirements here (<i>e.g.</i>, the CA’s gender and impartiality) are not applicable. However, we would like to assure the Commission of those elements that may apply:</p> <ul style="list-style-type: none"> - Minimum of 60 words per minute <p>We believe the speed and quality of CAPTIONMATE’s transcription is excellent, albeit dependent on the clarity of the remote speaker’s voice as well as the amount of background noise.</p> <p>[BEGIN CONFIDENTIAL]</p>

	<p>call for a minimum of twenty minutes. The minimum time period shall begin to run when the CA reaches the called party. The obligation of the CA to stay with the call shall terminate upon the earlier of:</p> <p>(A) The termination of the call by one of the parties to the call; or</p> <p>(B) The completion of the minimum time period.</p> <p>(vi) TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.</p> <p>(vii) TRS shall transmit conversations between TTY and voice callers in real time.</p> <p>(viii) STS providers shall offer STS users the option to have their voices muted so that the other party to the call will hear only the CA and will not hear the STS user's voice.</p>	<p>[END CONFIDENTIAL]</p> <p>Staying with the call: CAPTIONMATE can stay with the call for as long as needed.</p> <p>Transmit in real time: CAPTIONMATE transmits the transcription in real time.</p>
<p>§ 64.604(a)(2)</p>	<p>§ 64.604(a)(2) Confidentiality and conversation content.</p> <p>(2) Confidentiality and conversation content.</p> <p>(i) Except as authorized by section 705 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for STS</p>	<p>CLARITY does not use CAs.</p> <p>However, this subsection addresses the issue of confidentiality, and we would like to explain how CLARITY addresses this:</p>

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[END CONFIDENTIAL]

<p>REDACTED - FOR PUBLIC INSPECTION</p> <p>Since there are no CAs, there are no persons that will overhear the conversation. CAPTIONMATE may intercept a conversation as follows:</p> <p>[BEGIN CONFIDENTIAL]</p>	<p>CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.</p> <p>(ii) CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.</p>	<p>[END CONFIDENTIAL]</p>
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§ 64.604(a)(3)(i)	§ 64.604(a)(3)(i) Types of calls. [Single and Sequential] (i) Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services.		CLARITY will not refuse single or sequential calls, nor will CLARITY limit the length of normal calls.
§ 64.604(a)(3)(ii)	§ 64.604(a)(3)(ii) Types of calls. [Handle any type of call] (ii) Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call. Providers of Internet-based TRS need not provide the same billing options (e.g., sent-paid long distance, operator-assisted, collect, and third party billing) traditionally offered for wireline voice services if they allow for long distance calls to be placed using calling cards or credit cards or do not assess charges for long distance calling. Providers of Internet-based TRS need not allow for long distance calls to be placed using calling cards or credit cards if they do not assess charges for long distance calling.		CAPTIONMATE long-distance calls will not incur a charge to the user, and thus will not require calling cards or credit cards for this purpose.
§ 64.604(a)(3)(iii)	§ 64.604(a)(3)(iii) Types of calls [Decline because of authorization] (iii) Relay service providers are permitted to decline to complete a call because credit authorization is denied.		CLARITY understands that it can decline a call because credit authorization is denied. This will only apply to pay-for-call services and international calls, as domestic long-distance calls are free. In CAPTIONMATE's first phase, international calling will not be included, but we hope to introduce international calling with a credit card later.

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§ 64.604(a)(3)(iv)	§ 64.604(a)(3)(iv) Types of calls [Pay-per-call] (iv) Relay services other than Internet-based TRS shall be capable of handling pay-per-call calls.	Does not apply	CAPTIONMATE is an Internet-based TRS.
§ 64.604(a)(3)(v)	<p>§ 64.604(a)(3)(v) Types of calls [TRS call types]</p> <p>(v) TRS providers are required to provide the following types of TRS calls:</p> <p>(A) Text-to-voice and voice-to-text;</p> <p>(B) One-line VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; and</p> <p>(C) One-line HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO. VRS providers are not required to provide text-to-voice and voice-to-text functionality. IP Relay providers are not required to provide one-line VCO and one-line HCO. IP Relay providers and VRS providers are not required to provide:</p> <p>(1) VCO-to-TTY and VCO-to-VCO; and</p> <p>(2) HCO-to-TTY and HCO-to-HCO. Captioned telephone service providers and IP CTS providers are not required to provide:</p> <p>(i) Text-to-voice functionality; and</p> <p>(ii) One-line HCO, two-line HCO, HCO-to-TTY, and HCO-to-HCO. IP CTS providers are not required to provide one-line VCO.</p>		<p>(A) Text-to-voice and voice-to-text: CAPTIONMATE provides voice-to-text. It is exempt from text-to-voice as in paragraph (C)(2)(i).</p> <p>(B) One-line VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO: CAPTIONMATE provides the equivalent of one-line VCO in that the user's voice is carried over to the remote party. VCO to VCO is possible if both users have the application.</p> <p>(C) One-line HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO: HCO does not apply as CAPTIONMATE is not required to provide text-to-voice as in paragraph (C)(2)(i).</p>
§ 64.604(a)(3)(vi)	§ 64.604(a)(3)(vi) Types of calls. [Features]		CLARITY does not provide TTY-based relay service and is thus exempt from call release functionality. CLARITY does provide speed

<p>REDACTED - FOR PUBLIC INSPECTION</p> <p>dialing in that a user can find a contact and dial with a single click in:</p> <ul style="list-style-type: none"> - His/her contact lists (for Android and IOS applications) - His/her "favorites" lists (for Android and IOS applications) - Call history (for all Android, IOS and Web apps) <p>CAPTIONMATE allows three way calling functionality.</p> <p>[BEGIN CONFIDENTIAL]</p>		<p>(vi) TRS providers are required to provide the following features:</p> <p>(A) Call release functionality (only with respect to the provision of TTY-based relay service);</p> <p>(B) Speed dialing functionality; and</p> <p>(C) Three-way calling functionality.</p>	
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					[END CONFIDENTIAL]
§ 64.604(a)(3)(vii)	§ 64.604(a)(3)(vii) Types of calls. [Voice mail and interactive menus] (vii) Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.	Waiver Requested			CAPTIONMATE transcribes voicemails in the same way that normal calls are transcribed. Voicemail notification is done through the user's native dialing application and/or normal landline telephone. The user can view the transcribed voicemail on all IOS, Android, and Web applications in their transcription history. Unviewed transcriptions will be designated as such, so that users will be able to see their voicemails quickly and easily.
§ 64.604(a)(3)(viii)	§ 64.604(a)(3)(viii) Types of calls. [Answering machine] (viii) TRS providers shall provide, as TRS features, answering machine and voice mail retrieval.	Waiver Requested			CAPTIONMATE does not provide any equipment. As such, it relies on the user's own equipment for answering machines. However, it does transcribe voicemails and keeps those voicemail transcriptions for a user to review, if the user has an answering machine or voicemail capabilities.
§ 64.604(a)(4)	§ 64.604 (a)(4) Emergency call handling requirements for TTY-based TRS providers. TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or	Does not apply			CLARITY is not a TTY-based TRS provider.

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	a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner		
§ 64.604(a)(5)	§ 64.604(a)(5) STS called numbers. Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.	Does not apply	CLARITY does not use CAs or assisted STS relay calls.
§ 64.604(a)(6)	§ 64.604(a)(6) Visual privacy screens/idle calls. A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must disconnect a VRS call if the caller or the called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 9-1-1 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. Prior to disconnecting the call, the CA must announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.	Does not apply	CLARITY does not provide VRS.
§ 64.604(a)(8)	§ 64.604(a)(7) International calls. VRS calls that originate from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. For purposes of this section, an international IP address is defined as one that indicates	Does not apply	CLARITY does not provide VRS.

	that the individual initiating the call is located outside the United States.	
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2. (b) Technical standards

	SUBSECTION	Apply / Waiver?	Note
§ 64.604(b)(1)	§ 64.604(b)(1) ASCII and Baudot. TTY-based relay service shall be capable of communicating with ASCII and Baudot format, at any speed generally in use. Other forms of TRS are not subject to this requirement.	Does not apply	CLARITY does not provide TTY-based relay service.
§ 64.604(b)(2)(i)	§ 64.604(b)(2)(i) Speed of answer. [Availability] (i) TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.	Does not apply	CLARITY does not use CAs. All calls will be answered efficiently, regardless of calling volumes, so that the probability of a busy response shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.
§ 64.604(b)(2)(ii)	§ 64.604(b)(2)(ii) Speed of answer. [85% within 10 seconds] (ii) TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in		CLARITY guarantees to answer 85% of all calls within 10 seconds, which results in the caller's call immediately being placed, not put in a queue or on hold. Because there are no queues or personnel involved, CLARITY will be able to answer 99.99% of calls within less than 10 seconds. CLARITY will measure the speed of answer from the moment the answer signal is received by CaptionMate backend to when the answer signal is sent to the other party. Once the answer signal is sent the full duplex transcription has been started.

	attempting to reach a party through the voice telephone network.		
§ 64.604(b)(2)(iii)	§ 64.604(b)(2)(iii) Speed of answer. [VRS Providers] (iii) Speed of answer requirements for VRS providers. VRS providers must answer 80% of all VRS calls within 120 seconds, measured on a monthly basis. VRS providers must meet the speed of answer requirements for VRS providers as measured from the time a VRS call reaches facilities operated by the VRS provider to the time when the call is answered by a CA - i.e., not when the call is put on hold, placed in a queue, or connected to an IVR system. Abandoned calls shall be included in the VRS speed of answer calculation.	Does not apply	CLARITY does not provide VRS.
§ 64.604(b)(3)	§ 64.604(b)(3) Equal access to interexchange carriers. TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services to the same extent that such access is provided to voice users. This requirement is inapplicable to providers of Internet-based TRS if they do not assess specific charges for long distance calling.	Does not apply	This does not apply, because CLARITY is an Internet-based TRS provider and does not assess specific charges for long distance calling.
§ 64.604(b)(4)(i)	§ 64.604(b)(4)(i) TRS facilities. [Hours of operation] (i) TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not be provided every day, 24 hours a day, except VRS.		CLARITY's CAPTIONMATE product will operate every day, 24 hours a day.
§ 64.604(b)(4)(ii)	§ 64.604(b)(4)(ii) TRS facilities. [Redundancy] (ii) TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.		[BEGIN CONFIDENTIAL]

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[END CONFIDENTIAL]

§ 64.604(b)(4)(iii)	§ 64.604(b)(4)(iii) TRS facilities. [VRS at home] (iii) A VRS CA may not handle VRS calls from a location primarily used as his or her home unless as part of the voluntary at-home VRS call handling pilot program as provided for by paragraph (b)(8) of this section.	Does not apply	[END CONFIDENTIAL] CLARITY is not a VRS provider.

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§ 64.604(b)(4)(iv)	§ 64.604(b)(4)(iv) TRS facilities [VRS and ACD] (iv) A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based upon minutes of use. In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform.	Does not apply	CLARITY is not a VRS provider.
§ 64.604(b)(5)	§ 64.604(b)(5) Technology. No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 et seq.	Does not apply	CLARITY does not use SS7 technology.
§ 64.604(b)(6)	§ 64.604(b)(6) Caller ID. When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party.		When CAPTIONMATE is able to transmit any calling party identifying information to the public network, it passes through, to the called party, the 10 digit number of the calling party.
§ 64.604(b)(7)	§ 64.604(b)(7) STS 711 Calls.	Does not apply	CLARITY is not an STS provider.

	An STS provider shall, at a minimum, employ the same means of enabling an STS user to connect to a CA when dialing 711 that the provider uses for all other forms of TRS. When a CA directly answers an incoming 711 call, the CA shall transfer the STS user to an STS CA without requiring the STS user to take any additional steps. When an interactive voice response (IVR) system answers an incoming 711 call, the IVR system shall allow for an STS user to connect directly to an STSCA using the same level of prompts as the IVR system uses for all other forms of TRS.		
§ 64.604(b)(8)	<p>§ 64.604(b)(8) Voluntary at-home VRS call handling pilot program.</p> <p>Any VRS provider that holds a conditional or full certification to receive compensation from the TRS Fund pursuant to § 64.606 as of March 23, 2017 may participate in the voluntary at-home VRS call handling pilot program. The pilot program shall be in effect for one year, for service provided by participants beginning November 1, 2017, and ending October 31, 2018. [and so on]</p>	Does not apply	This subsection § 64.604(b)(8) does not apply, as CLARITY does not provide VRS nor participate in the voluntary at-home VRS call handling pilot program.

3. (c) Functional standards

	SUBSECTION	Apply / Waiver?	Note
§ 64.604(c)(1)(i)	<p>§ 64.604(c)(1)(i) Consumer complaint logs.</p> <p>(i) States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a</p>		See Application, <i>infra</i> , Section V, Complaint Procedures.

§ 64.604(c)(1)(ii)	<p>minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.</p>		
§ 64.604(c)(1)(ii)	<p>§ 64.604(c)(1)(ii) Consumer complaint logs.</p> <p>(ii) Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001.</p>		See Application, <i>infra</i> , Section V, Complaint Procedures.
§ 64.604(c)(2)(i)	<p>§ 64.604(c)(2)(i) Contact persons. [for consumer information]</p> <p>Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:</p> <p>(i) The name and address of the office that receives complaints, grievances, inquiries, and suggestions;</p>		See Application, <i>infra</i> , Section V, Complaint Procedures.
§ 64.604(c)(2)(ii)	<p>§ 64.604(c)(2)(ii) Contact persons. [Details]</p> <p>(ii) Voice and TTY telephone numbers, fax number, e-mail address, and web address; and</p>		See Application, <i>infra</i> , Section V, Complaint Procedures.
§ 64.604(c)(2)(iii)	<p>§ 64.604(c)(2)(iii) Contact persons. [Physical address]</p>		See Application, <i>infra</i> , Section V, Complaint Procedures.

	(iii) The physical address to which correspondence should be sent.		
§ 64.604(c)(3)	<p>§ 64.604(c)(3) Public access to information.</p> <p>Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.</p>	Does not apply	CLARITY is not a carrier.
§ 64.604(c)(4)	<p>§ 64.604(c)(4) Rates.</p> <p>TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.</p>		The TRS users keep their own phone plans. There is no additional charge for the CAPTIONMATE application.
§ 64.604(c)(5)(i)	<p>§ 64.604(c)(5)(i) Jurisdictional separation of costs, General</p> <p>(i) General. Where appropriate, costs of providing TRS shall be separated in accordance with the jurisdictional separation procedures and standards set forth in the</p>	Does not apply	CLARITY is not a carrier.

	Commission's regulations adopted pursuant to section 410 of the Communications Act of 1934, as amended.		
§ 64.604(c)(5)(ii)	<p>§ 64.604 (c) (5) Jurisdictional separation of costs (ii) Cost Recovery</p> <p>(ii) Cost recovery. Costs caused by interstate TRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism. Except as noted in this paragraph, with respect to VRS, costs caused by intrastate TRS shall be recovered from the intrastate jurisdiction. In a state that has a certified program under § 64.606, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section. Costs caused by the provision of interstate and intrastate VRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism.</p>	Does not apply	CLARITY is not a carrier.
§ 64.604(c)(5)(iii)(A)	<p>§ 64.604(c)(5)(iii)(A) Jurisdictional separation of costs, TRS Fund, Contributions</p> <p>(iii) Telecommunications Relay Services Fund. Effective July 26, 1993, an Interstate Cost Recovery Plan, hereinafter referred to as the TRS Fund, shall be administered by an entity selected by the Commission (administrator). The initial administrator, for an interim period, will be the National Exchange Carrier Association, Inc.</p> <p>(A) Contributions. Every carrier providing interstate telecommunications services (including interconnected VoIP service providers pursuant to § 64.601(b)) and every provider of non-interconnected VoIP service shall</p>	Does not apply	CLARITY is not a carrier.

<p>§ 64.604(c)(5)(iii)(B)</p>	<p>contribute to the TRS Fund on the basis of interstate end-user revenues as described herein. Contributions shall be made by all carriers who provide interstate services, including, but not limited to, cellular telephone and paging, mobile radio, operator services, personal communications service (PCS), access (including subscriber line charges), alternative access and special access, packet-switched, WATS, 800, 900, message telephone service (MTS), private line, telex, telegraph, video, satellite, intraLATA, international and resale services.</p>		
<p>§ 64.604(c)(5)(iii)(B)</p>	<p>§ 64.604(c)(5)(iii)(B) Jurisdictional separation of costs, TRS Fund, Contribution computations</p> <p>(B) Contribution computations. Contributors' contributions to the TRS fund shall be the product of their subject revenues for the prior calendar year and a contribution factor determined annually by the Commission. The contribution factor shall be based on the ratio between expected TRS Fund expenses to the contributors' revenues subject to contribution. In the event that contributions exceed TRS payments and administrative costs, the contribution factor for the following year will be adjusted by an appropriate amount, taking into consideration projected cost and usage changes. In the event that contributions are inadequate, the fund administrator may request authority from the Commission to borrow funds commercially, with such debt secured by future years' contributions. Each subject contributor that has revenues subject to contribution must contribute at least \$25 per year. Contributors whose annual contributions total less than \$1,200 must pay the entire contribution at the beginning of the contribution period. Contributors whose contributions total \$1,200 or more may divide their contributions into equal monthly payments. Contributors shall complete and submit, and contributions shall be based on, a "Telecommunications Reporting Worksheet" (as</p>	<p>Does not apply</p>	<p>CLARITY is not a carrier.</p>

	published by the Commission in the FEDERAL REGISTER). The worksheet shall be certified to by an officer of the contributor, and subject to verification by the Commission or the administrator at the discretion of the Commission. Contributors' statements in the worksheet shall be subject to the provisions of section 220 of the Communications Act of 1934, as amended. The fund administrator may bill contributors a separate assessment for reasonable administrative expenses and interest resulting from improper filing or overdue contributions. The Chief of the Consumer and Governmental Affairs Bureau may waive, reduce, modify or eliminate contributor reporting requirements that prove unnecessary and require additional reporting requirements that the Bureau deems necessary to the sound and efficient administration of the TRS Fund.		
§ 64.604(c)(5)(iii)(C)	<p>§ 64.604(c)(5)(iii)(C) Jurisdictional separation of costs, TRS Fund, Registration requirements</p> <p>(C) Registration Requirements for Providers of Non-Interconnected VoIP Service</p> <p>(1) Applicability. A non-interconnected VoIP service provider that will provide interstate service that generates interstate end-user revenue that is subject to contribution to the Telecommunications Relay Service Fund shall file the registration information described in paragraph (c)(5)(iii)(C)(2) of this section in accordance with the procedures described in paragraphs (c)(5)(iii)(C)(3) and (c)(5)(iii)(C)(4) of this section. Any non-interconnected VoIP service provider already providing interstate service that generates interstate end-user revenue that is subject to contribution to the Telecommunications Relay Service Fund on the effective date of these rules shall submit the</p>	Does not apply	CLARITY is not a carrier.

	<p>relevant portion of its FCC Form 499-A in accordance with paragraphs (c)(5)(iii)(C)(2) and (3) of this section.</p> <p>(2) Information required for purposes of TRS Fund contributions. A non-interconnected VoIP service provider that is subject to the registration requirement pursuant to paragraph (c)(5)(iii)(C)(1) of this section shall provide the following information:</p> <p>(i) The provider's business name(s) and primary address;</p> <p>(ii) The names and business addresses of the provider's chief executive officer, chairman, and president, or, in the event that a provider does not have such executives, three similarly senior-level officials of the provider;</p> <p>(iii) The provider's regulatory contact and/or designated agent;</p> <p>(iv) All names that the provider has used in the past; and</p> <p>(v) The state(s) in which the provider provides such service.</p> <p>(3) Submission of registration. A provider that is subject to the registration requirement pursuant to paragraph (c)(5)(iii)(C)(1) of this section shall submit the information described in paragraph (c)(5)(iii)(C)(2) of this section in accordance with the Instructions to FCC Form 499-A. FCC Form 499-A must be submitted under oath and penalty of perjury.</p> <p>(4) Changes in information. A provider must notify the Commission of any changes to the information provided pursuant to paragraph (c)(5)(iii)(C)(2) of this section within no more than one week of the change. Providers may satisfy this requirement by filing the relevant portion</p>		
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	of FCC Form 499-A in accordance with the Instructions to such form.		
§ 64.604(c)(5)(iii)(D)(1)	<p>§ 64.604(c)(5)(iii)(D)(1) Jurisdictional separation of costs, TRS Fund, Data collection and audits. [General]</p> <p>(1) TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.</p>		CLARITY will provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. CLARITY will provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.
§ 64.604(c)(5)(iii)(D)(2)	<p>§ 64.604(c)(5)(iii)(D)(2) Jurisdictional separation of costs, TRS Fund, Data collection and audits. [Call details]</p> <p>(2) Call data required from all TRS providers. In addition to the data requested by paragraph (c)(5)(iii)(C)(1) of this section, TRS providers seeking compensation from the TRS Fund shall submit the following specific data associated with each TRS call for which compensation is sought:</p> <p>(i) The call record ID sequence;</p> <p>(ii) CA ID number;</p> <p>(iii) Session start and end times noted at a minimum to the nearest second;</p>	<p>Partial Waiver Requested</p>	<p>CLARITY will provide to the FCC each of the items in this section, as follows:</p> <p>(i) The call record ID sequence</p> <p>(iii) Session start and end times noted at a minimum to the nearest second</p> <p>(iv) Conversation start and end times, noted at a minimum to the nearest second</p> <p>(v) and (vi) Incoming and outgoing telephone numbers. Note that Incoming and outgoing calls are established through PSTN, not VoIP. That means there's no IP-based device involved during the calls. On the other hand, we will track the CAPTIONMATE device's IP address (used to</p>

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	<p>(iv) Conversation start and end times noted at a minimum to the nearest second;</p> <p>(v) Incoming telephone number and IP address (if call originates with an IP-based device) at the time of the call;</p> <p>(vi) Outbound telephone number (if call terminates to a telephone) and IP address (if call terminates to an IP-based device) at the time of call;</p> <p>(vii) Total conversation minutes;</p> <p>(viii) Total session minutes;</p> <p>(ix) The call center (by assigned center ID number) that handled the call; and</p> <p>(x) The URL address through which the call is initiated.</p>	<p>connect to Web Socket) when it is used to access the websocket for transcription and can provide these IP addresses to the FCC if desired.</p> <p>(vii) Total conversation minutes</p> <p>(viii) Total session minutes</p> <p>CLARITY requests a waiver on providing the following:</p> <p>(ii) CA ID number, because Clarity does not use CAs</p> <p>(ix) Call Center, because we do not have call centers that handle the call, and</p> <p>(x) URL Address, because the call is not initiated through a URL.</p> <p>CLARITY will track and provide speed of answer compliance data.</p>	<p>connect to Web Socket) when it is used to access the websocket for transcription and can provide these IP addresses to the FCC if desired.</p> <p>(vii) Total conversation minutes</p> <p>(viii) Total session minutes</p> <p>CLARITY requests a waiver on providing the following:</p> <p>(ii) CA ID number, because Clarity does not use CAs</p> <p>(ix) Call Center, because we do not have call centers that handle the call, and</p> <p>(x) URL Address, because the call is not initiated through a URL.</p> <p>CLARITY will track and provide speed of answer compliance data.</p>
§ 64.604(c)(5)(iii)(D)(3)	<p>§ 64.604(c)(5)(iii)(D)(3) Jurisdictional separation of costs, TRS Fund, Data collection and audits. [Speed of answer]</p> <p>(3) Additional call data required from Internet-based Relay Providers. In addition to the data required by paragraph (c)(5)(iii)(C)(2) of this section, Internet-based Relay Providers seeking compensation from the Fund shall submit speed of answer compliance data.</p>		
§ 64.604(c)(5)(iii)(D)(4)	<p>§ 64.604(c)(5)(iii)(D)(4) Jurisdictional separation of costs, TRS Fund, Data collection and audits. [Record keeping and submission]</p> <p>(4) Providers submitting call record and speed of answer data in compliance with paragraphs (c)(5)(iii)(C)(2) and (c)(5)(iii)(C)(3) of this section shall:</p>	<p>CLARITY employs an automated record-keeping system to capture speed in compliance with paragraphs (c)(5)(iii)(C)(2) and (c)(5)(iii)(C)(3) of this section, in such a way that does not allow human intervention during the call session for either conversation or session time.</p>	<p>CLARITY employs an automated record-keeping system to capture speed in compliance with paragraphs (c)(5)(iii)(C)(2) and (c)(5)(iii)(C)(3) of this section, in such a way that does not allow human intervention during the call session for either conversation or session time.</p>

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	<p>(i) Employ an automated record keeping system to capture such data required pursuant to paragraph (c)(5)(iii)(C)(2) of this section for each TRS call for which minutes are submitted to the fund administrator for compensation; and</p> <p>(ii) Submit such data electronically, in a standardized format. For purposes of this subparagraph, an automated record keeping system is a system that captures data in a computerized and electronic format that does not allow human intervention during the call session for either conversation or session time.</p>		<p>CLARITY will submit such data electronically, in a standardized format.</p>
<p>§ 64.604(c)(5)(iii)(D)(5)</p>	<p>§ 64.604(c)(5)(iii)(D)(5) Jurisdictional separation of costs, TRS Fund, Data collection and audits, Certification</p> <p>(5) Certification. The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of a TRS provider with first hand knowledge of the accuracy and completeness of the information provided, when submitting a request for compensation from the TRS Fund must, with each such request, certify as follows:</p> <p>I swear under penalty of perjury that:</p> <p>(i) I am _____ (name and title) _____, an officer of the above-named reporting entity and that I have examined the foregoing reports and that all requested information has been provided and all statements of fact, as well as all cost and demand data contained in this Relay Services Data Request, are true and accurate; and</p> <p>(ii) The TRS calls for which compensation is sought were handled in compliance with Section 225 of the Communications Act and the Commission's rules and</p>	<p>The CEO of CLARITY will have firsthand knowledge of the accuracy and completeness of the information provided when submitting a request for compensation from the fund. He will certify each request by signing a statement that reads:</p> <p>I swear under penalty of perjury that:</p> <p>(i) I am Seymour J van den Bergh, CEO, an officer of the above-named reporting entity and that I have examined the foregoing reports and that all requested information has been provided and all statements of fact, as well as all cost and demand data contained in this Relay Services Data Request, are true and accurate; and</p> <p>(ii) The TRS calls for which compensation is sought were handled in compliance with Section 225 of the Communications Act and the Commission's rules and orders, and are not the result of impermissible</p>	

	orders, and are not the result of impermissible financial incentives or payments to generate calls.		financial incentives or payments to generate calls.
§ 64.604(c)(5)(iii)(D)(6)	<p>§ 64.604(c)(5)(iii)(D)(6) Jurisdictional separation of costs, TRS Fund, Data collection and audits, Audits</p> <p>(6) Audits. The fund administrator and the Commission, including the Office of Inspector General, shall have the authority to examine and verify TRS provider data as necessary to assure the accuracy and integrity of TRS Fund payments. TRS providers must submit to audits annually or at times determined appropriate by the Commission, the fund administrator, or by an entity approved by the Commission for such purpose. A TRS provider that fails to submit to a requested audit, or fails to provide documentation necessary for verification upon reasonable request, will be subject to an automatic suspension of payment until it submits to the requested audit or provides sufficient documentation.</p>		CLARITY confirms that it is willing to submit to audits annually or at times determined appropriate by the Commission, the fund administrator, or by an entity approved by the Commission for such purpose. We understand that if we fail to submit to a requested audit, or fail to provide documentation necessary for verification upon reasonable request, we will be subject to an automatic suspension of payment until it submits to the requested audit or provides sufficient documentation.
§ 64.604(c)(5)(iii)(D)(7)	<p>§ 64.604(c)(5)(iii)(D)(7) Jurisdictional separation of costs, TRS Fund, Data collection and audits, Call data retention</p> <p>(7) Call data record retention. Internet-based TRS providers shall retain the data required to be submitted by this section, and all other call detail records, other records that support their claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years.</p>		CLARITY confirms that it shall retain the data required to be submitted by this section, and all other call detail records, other records that support their claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years.
§ 64.604(c)(5)(iii)(E)(1)	§ 64.604(c)(5)(E)(1) Jurisdictional separation of costs, TRS Fund, Payments to TRS providers, Distribution		CLARITY understands that TRS Fund payments shall be distributed to TRS providers based on formulas approved or modified by the Commission. The administrator shall file

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	<p>(1) TRS Fund payments shall be distributed to TRS providers based on formulas approved or modified by the Commission. The administrator shall file schedules of payment formulas with the Commission. Such formulas shall be designed to compensate TRS providers for reasonable costs of providing interstate TRS, and shall be subject to Commission approval. Such formulas shall be based on total monthly interstate TRS minutes of use. The formulas should appropriately compensate interstate providers for the provision of TRS, whether intrastate or interstate.</p>		<p>schedules of payment formulas with the Commission. Such formulas shall be designed to compensate TRS providers for reasonable costs of providing interstate TRS, and shall be subject to Commission approval. Such formulas shall be based on total monthly interstate TRS minutes of use. The formulas should appropriately compensate interstate providers for the provision of TRS, whether intrastate or interstate.</p>
<p>§ 64.604(c)(5)(iii)(E)(2)</p>	<p>§ 64.604(c)(5)(E)(2) Jurisdictional separation of costs, TRS Fund, Payments to TRS providers, Minutes to be billed</p> <p>(2) TRS minutes of use for purposes of interstate cost recovery under the TRS Fund are defined as the minutes of use for completed interstate TRS calls placed through the TRS center beginning after call set-up and concluding after the last message call unit.</p>		<p>CLARITY understands that TRS minutes of use for purposes of interstate cost recovery under the TRS Fund are defined as the minutes of use for completed interstate TRS calls placed through the TRS center beginning after call set-up and concluding after the last message call unit.</p>
<p>§ 64.604(c)(5)(iii)(E)(3)</p>	<p>§ 64.604(c)(5)(E)(3) Jurisdictional separation of costs, TRS Fund, Payments to TRS providers, Reporting requirements</p> <p>(3) In addition to the data required under paragraph (c)(5)(iii)(C) of this section, all TRS providers, including providers who are not interexchange carriers, local exchange carriers, or certified state relay providers, must submit reports of interstate TRS minutes of use to the administrator in order to receive payments.</p>		<p>CLARITY will submit reports of interstate TRS minutes of use to the administrator to receive payments.</p>

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§ 64.604(c)(5)(iii)(E)(4)	<p>§ 64.604(c)(5)(E)(4) Jurisdictional separation of costs, TRS Fund, Payments to TRS providers, Procedures to verify claims</p> <p>(4) The administrator shall establish procedures to verify payment claims, and may suspend or delay payments to a TRS provider if the TRS provider fails to provide adequate verification of payment upon reasonable request, or if directed by the Commission to do so. The TRS Fund administrator shall make payments only to eligible TRS providers operating pursuant to the mandatory minimum standards as required in this section, and after disbursements to the administrator for reasonable expenses incurred by it in connection with TRS Fund administration. TRS providers receiving payments shall file a form prescribed by the administrator. The administrator shall fashion a form that is consistent with 47 CFR parts 32 and 36 procedures reasonably tailored to meet the needs of TRS providers.</p>		<p>CLARITY understands that the administrator shall establish procedures to verify payment claims, and may suspend or delay payments to a TRS provider if the TRS provider fails to provide adequate verification of payment upon reasonable request, or if directed by the Commission to do so. The TRS Fund administrator shall make payments only to eligible TRS providers operating pursuant to the mandatory minimum standards as required in this section, and after disbursements to the administrator for reasonable expenses incurred by it in connection with TRS Fund administration. TRS providers receiving payments shall file a form prescribed by the administrator. The administrator shall fashion a form that is consistent with 47 CFR parts 32 and 36 procedures reasonably tailored to meet the needs of TRS providers.</p>
§ 64.604(c)(5)(iii)(E)(5)	<p>§ 64.604(c)(5)(E)(5) Jurisdictional separation of costs, TRS Fund, Payments to TRS providers, Commission Authority</p> <p>(5) The Commission shall have authority to audit providers and have access to all data, including carrier specific data, collected by the fund administrator. The fund administrator shall have authority to audit TRS providers reporting data to the administrator.</p>		<p>CLARITY understands that the Commission shall have authority to audit providers and have access to all data, including carrier specific data, collected by the fund administrator. The fund administrator shall have authority to audit CLARITY if it reports data to the administrator.</p>
§ 64.604(c)(5)(iii)(E)(6)	<p>§ 64.604(c)(5)(E)(iii)(6) Jurisdictional separation of costs, TRS Fund, Payments to TRS providers, Administrator rights</p> <p>(6) The administrator shall not be obligated to pay any request for compensation until it has been established as</p>		<p>CLARITY understands that the administrator shall not be obligated to pay any request for compensation until it has been established as compensable. A request shall be established as compensable only after the administrator, in consultation with the Commission, or the</p>

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	compensable. A request shall be established as compensable only after the administrator, in consultation with the Commission, or the Commission determines that the provider has met its burden to demonstrate that the claim is compensable under applicable Commission rules and the procedures established by the administrator. Any request for compensation for which payment has been suspended or withheld in accordance with paragraph (c)(5)(iii)(L) of this section shall not be established as compensable until the administrator, in consultation with the Commission, or the Commission determines that the request is compensable in accordance with paragraph (c)(5)(iii)(L)(4) of this section.		Commission determines that the provider has met its burden to demonstrate that the claim is compensable under applicable Commission rules and the procedures established by the administrator. Any request for compensation for which payment has been suspended or withheld in accordance with paragraph (c)(5)(iii)(L) of this section shall not be established as compensable until the administrator, in consultation with the Commission, or the Commission determines that the request is compensable in accordance with paragraph (c)(5)(iii)(L)(4) of this section.
§ 64.604(c)(5)(iii)(F)(1)	<p>§ 64.604(c)(5)(iii)(F)(1) Jurisdictional separation of costs, TRS Fund, Eligibility for payment from the TRS Fund, Who is eligible</p> <p>(1) TRS providers, except Internet-based TRS providers, eligible for receiving payments from the TRS Fund must be:</p> <p>(i) TRS facilities operated under contract with and/or by certified state TRS programs pursuant to § 64.606; or</p> <p>(ii) TRS facilities owned or operated under contract with a common carrier providing interstate services operated pursuant to this section; or</p> <p>(iii) Interstate common carriers offering TRS pursuant to this section.</p>	Does not apply	As and Internet-based TRS provider, this section does not apply to CLARITY.
§ 64.604(c)(5)(iii)(F)(2)	§ 64.604(c)(5)(iii)(F)(2) Jurisdictional separation of costs, TRS Fund, Eligibility for payment from the TRS Fund, IP TRS certification		CLARITY understands that it must be certified by the Commission pursuant to § 64.606 in order to be eligible to receive payments from the TRS Fund.

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	(2) Internet-based TRS providers eligible for receiving payments from the TRS fund must be certified by the Commission pursuant to § 64.606.		
§ 64.604(c)(5)(iii)(G)	<p>§ 64.604(c)(5)(iii)(G) Jurisdictional separation of costs, TRS Fund, Notification</p> <p>(G) Any eligible TRS provider as defined in paragraph (c)(5)(iii)(F) of this section shall notify the administrator of its intent to participate in the TRS Fund thirty (30) days prior to submitting reports of TRS interstate minutes of use in order to receive payment settlements for interstate TRS, and failure to file may exclude the TRS provider from eligibility for the year.</p>	CLARITY will notify the administrator of our intent to participate in the TRS Fund thirty (30) days prior to submitting reports of TRS interstate minutes of use in order to receive payment settlements for interstate TRS, and understands that failure to file may exclude the TRS provider from eligibility for the year.	
§ 64.604(c)(5)(iii)(H)	<p>§ 64.604(c)(5)(iii)(H) Jurisdictional separation of costs, TRS Fund, Administrator reporting</p> <p>(H) Administrator reporting, monitoring, and filing requirements. The administrator shall perform all filing and reporting functions required in paragraphs (c)(5)(iii)(A) through (c)(5)(iii)(J) of this section. TRS payment formulas and revenue requirements shall be filed with the Commission on May 1 of each year, to be effective the following July 1. The administrator shall report annually to the Commission an itemization of monthly administrative costs which shall consist of all expenses, receipts, and payments associated with the administration of the TRS Fund. The administrator is required to keep the TRS Fund separate from all other funds administered by the administrator, shall file a cost allocation manual (CAM) and shall provide the Commission full access to all data collected pursuant to the administration of the TRS Fund. The administrator shall account for the financial transactions of the TRS Fund in accordance with generally accepted accounting principles for federal agencies and</p>	CLARITY understands § 64.604(c)(5)(iii)(H), and we are happy to participate on the non-paid voluntary advisory committee.	

	<p>maintain the accounts of the TRS Fund in accordance with the United States Government Standard General Ledger. When the administrator, or any independent auditor hired by the administrator, conducts audits of providers of services under the TRS program or contributors to the TRS Fund, such audits shall be conducted in accordance with generally accepted government auditing standards. In administering the TRS Fund, the administrator shall also comply with all relevant and applicable federal financial management and reporting statutes. The administrator shall establish a non-paid voluntary advisory committee of persons from the hearing and speech disability community, TRS users (voice and text telephone), interstate service providers, state representatives, and TRS providers, which will meet at reasonable intervals (at least semi-annually) in order to monitor TRS cost recovery matters. Each group shall select its own representative to the committee. The administrator's annual report shall include a discussion of the advisory committee deliberations.</p>		
<p>§ 64.604(c)(5)(iii)(I)</p>	<p>§ 64.604(c)(5)(iii)(I) Jurisdictional separation of costs, TRS Fund, Information filed</p> <p>(I) Information filed with the administrator. The Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a provider submitting minutes to the Fund for compensation must, in each instance, certify, under penalty of perjury, that the minutes were handled in compliance with section 225 and the Commission's rules and orders, and are not the result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive of a provider submitting cost and demand data to the TRS Fund administrator shall certify under penalty of perjury that such information is true and correct. The administrator shall keep all data obtained from contributors and TRS</p>		<p>The person submitting minutes to the Fund for compensation will certify, under penalty of perjury, that the minutes were handled in compliance with section 225 and the Commission's rules and orders, and are not the result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive of CLARITY submitting cost and demand data to the TRS Fund administrator shall certify under penalty of perjury that such information is true and correct.</p>

	providers confidential and shall not disclose such data in company-specific form unless directed to do so by the Commission. Subject to any restrictions imposed by the Chief of the Consumer and Governmental Affairs Bureau, the TRS Fund administrator may share data obtained from carriers with the administrators of the universal support mechanisms (see § 54.701 of this chapter), the North American Numbering Plan administration cost recovery (see § 52.16 of this chapter), and the long-term local number portability cost recovery (see § 52.32 of this chapter). The TRS Fund administrator shall keep confidential all data obtained from other administrators. The administrator shall not use such data except for purposes of administering the TRS Fund, calculating the regulatory fees of interstate common carriers, and aggregating such fee payments for submission to the Commission. The Commission shall have access to all data reported to the administrator, and authority to audit TRS providers. Contributors may make requests for Commission nondisclosure of company-specific revenue information under § 0.459 of this chapter by so indicating on the Telecommunications Reporting Worksheet at the time that the subject data are submitted. The Commission shall make all decisions regarding nondisclosure of company-specific information.		
§ 64.604(c)(5)(iii)(J)	§ 64.604(c)(5)(iii)(J) Jurisdictional separation of costs, TRS Fund [Reserved]	--	
§ 64.604(c)(5)(iii)(K)	§ 64.604(c)(5)(iii)(K) Jurisdictional separation of costs, TRS Fund, Communications Act (K) All parties providing services or contributions or receiving payments under this section are subject to the enforcement provisions specified in the Communications		CLARITY understands that it is subject to the enforcement provisions specified in the Communications Act, the Americans with Disabilities Act, and the Commission's rules.

§ 64.604(c)(5)(iii)(L)	Act, the Americans with Disabilities Act, and the Commission's rules.		
§ 64.604(c)(5)(iii)(L)	<p>§ 64.604(c)(5)(iii)(L) Jurisdictional separation of costs, TRS Fund, Procedures for the suspension/withholding of payment.</p> <p>(1) The Fund administrator will continue the current practice of reviewing monthly requests for compensation of TRS minutes of use within two months after they are filed with the Fund administrator.</p> <p>(2) If the Fund administrator in consultation with the Commission, or the Commission on its own accord, determines that payments for certain minutes should be withheld, a TRS provider will be notified within two months from the date for the request for compensation was filed, as to why its claim for compensation has been withheld in whole or in part. TRS providers then will be given two additional months from the date of notification to provide additional justification for payment of such minutes of use. Such justification should be sufficiently detailed to provide the Fund administrator and the Commission the information needed to evaluate whether the minutes of use in dispute are compensable. If a TRS provider does not respond, or does not respond with sufficiently detailed information within two months after notification that payment for minutes of use is being withheld, payment for the minutes of use in dispute will be denied permanently.</p> <p>(3) If, the TRS provider submits additional justification for payment of the minutes of use in dispute within two months after being notified that its initial justification was insufficient, the Fund administrator or the Commission will review such additional justification documentation, and</p>		CLARITY understands and agrees to Section 64.604(c)(5)(iii)(L).

	<p>may ask further questions or conduct further investigation to evaluate whether to pay the TRS provider for the minutes of use in dispute, within eight months after submission of such additional justification.</p> <p>(4) If the provider meets its burden to establish that the minutes in question are compensable under the Commission's rules, the Fund administrator will compensate the provider for such minutes of use. Any payment by the Commission will not preclude any future action by either the Commission or the U.S. Department of Justice to recover past payments (regardless of whether the payment was the subject of withholding) if it is determined at any time that such payment was for minutes billed to the Commission in violation of the Commission's rules or any other civil or criminal law.</p> <p>(5) If the Commission determines that the provider has not met its burden to demonstrate that the minutes of use in dispute are compensable under the Commission's rules, payment will be permanently denied. The Fund administrator or the Commission will notify the provider of this decision within one year of the initial request for payment.</p> <p>(6) If the VRS provider submits a waiver request asserting exigent circumstances affecting one or more call centers that will make it highly improbable that the VRS provider will meet the speed-of-answer standard for call attempts occurring in a period of time identified by beginning and ending dates, the Fund administrator shall not withhold TRS Fund payments for a VRS provider's failure to meet the speed-of-answer standard during the identified period of time while the waiver request is under review by the Commission. In the event that the waiver request is denied, the speed-of-answer requirement is not met, and payment</p>		
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	<p>has been made to the provider from the TRS Fund for the identified period of time or a portion thereof, the provider shall return such payment to the TRS Fund for any period of time when the speed-of-answer requirement was not met.</p>		
<p>§ 64.604(c)(5)(iii)(M)</p>	<p>§ 64.604(c)(5)(iii)(M) Jurisdictional separation of costs, TRS Fund, Whistleblower protections</p> <p>Providers shall not take any reprisal in the form of a personnel action against any current or former employee or contractor who discloses to a designated manager of the provider, the Commission, the TRS Fund administrator or to any Federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund and discloses that information to a designated manager of the provider, the Commission, the TRS Fund administrator or to any Federal or state law enforcement entity. Providers shall provide an accurate and complete description of these TRS whistleblower protections, including the right to notify the FCC's Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing. Providers that already disseminate their internal business policies to its employees in writing (e.g. in employee handbooks, policies and procedures manuals, or bulletin board postings - either online or in hard copy) must include an accurate and complete description of these TRS whistleblower protections in those written materials.</p>		<p>CLARITY understands and agrees to Section 64.604(c)(5)(iii)(M).</p>

<p>§ 64.604(c)(5)(iii)(N)</p>	<p>§ 64.604(c)(5)(iii)(N) Jurisdictional separation of costs, TRS Fund</p> <p>In addition to the provisions set forth above, VRS providers shall be subject to the following provisions:</p> <p>(1) Eligibility for reimbursement from the TRS Fund.</p> <p>(i) Only an eligible VRS provider, as defined in paragraph (c)(5)(iii)(F) of this section, may hold itself out to the general public as providing VRS.</p> <p>(ii) VRS service must be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly identifies that provider of the service. Where a TRS provider also utilizes sub-brands to identify its VRS, each sub-brand must clearly identify the eligible VRS provider. Providers must route all VRS calls through a single URL address used for each name or sub-brand used.</p> <p>(iii) An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.</p> <p>(iv) To the extent that an eligible VRS provider contracts with or otherwise authorizes a third party to provide any other services or functions related to the provision of VRS other than interpretation services or call center functions, that third party must not hold itself out as a provider of VRS, and must clearly identify the eligible VRS provider to the public. To the extent an eligible VRS provider contracts with or authorizes a third party to provide any</p>	<p>Does not apply</p>	<p>CLARITY is not a VRS provider.</p>
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	<p>services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.</p> <p>(v) All third-party contracts or agreements entered into by an eligible provider must be in writing. Copies of such agreements shall be made available to the Commission and to the TRS Fund administrator upon request.</p> <p>(2) Call center reports. VRS providers shall file a written report with the Commission and the TRS Fund administrator, on April 1st and October 1st of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes:</p> <ul style="list-style-type: none"> (i) The complete street address of the center; (ii) The number of individual CAs and CA managers; and (iii) The name and contact information (phone number and e-mail address) of the manager(s) at the center. VRS providers shall also file written notification with the Commission and the TRS Fund administrator of any change in a center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change. <p>(3) Compensation of CAs. VRS providers may not compensate, give a preferential work schedule or otherwise benefit a CA in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group.</p> <p>(4) Remote training session calls. VRS calls to a remote training session or a comparable activity will not be</p>		
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	compensable from the TRS Fund when the provider submitting minutes for such a call has been involved, in any manner, with such a training session. Such prohibited involvement includes training programs or comparable activities in which the provider or any affiliate or related party thereto, including but not limited to its subcontractors, partners, employees or sponsoring organizations or entities, has any role in arranging, scheduling, sponsoring, hosting, conducting or promoting such programs or activities.		
§ 64.604(c)(6)(i)	§ 64.604(c)(6)(i) Complaints, Referral of Complaint (i) Referral of complaint. If a complaint to the Commission alleges a violation of this subpart with respect to intrastate TRS within a state and certification of the program of such state under § 64.606 is in effect, the Commission shall refer such complaint to such state expeditiously.	Does not apply	CLARITY is not a state or state entity.
§ 64.604(c)(6)(ii)	§ 64.604(c)(6)(ii) Complaints, Intrastate complaints (ii) Intrastate complaints shall be resolved by the state within 180 days after the complaint is first filed with a state entity, regardless of whether it is filed with the state relay administrator, a state PUC, the relay provider, or with any other state entity.	Does not apply	CLARITY is not a state or state entity.
§ 64.604(c)(6)(iii)	§ 64.604(c)(6)(iii) Complaints, Jurisdiction of Commission (iii) Jurisdiction of Commission. After referring a complaint to a state entity under paragraph (c)(6)(i) of this section, or if a complaint is filed directly with a state entity, the Commission shall exercise jurisdiction over such complaint only if:	Does not apply	CLARITY is not a state or state entity.

	<p>(A) Final action under such state program has not been taken within:</p> <p>(1) 180 days after the complaint is filed with such state entity; or</p> <p>(2) A shorter period as prescribed by the regulations of such state; or</p> <p>(B) The Commission determines that such state program is no longer qualified for certification under § 64.606.</p>		
§ 64.604(c)(6)(iv)	<p>§ 64.604(c)(6)(iv) Complaints, Resolution</p> <p>(iv) The Commission shall resolve within 180 days after the complaint is filed with the Commission any interstate TRS complaint alleging a violation of section 225 of the Act or any complaint involving intrastate relay services in states without a certified program. The Commission shall resolve intrastate complaints over which it exercises jurisdiction under paragraph (c)(6)(iii) of this section within 180 days.</p>	Does not apply	CLARITY is not a state or state entity.
§ 64.604(c)(6)(v)(A)	<p>§ 64.604(c)(6)(V) Complaints, Complaint procedures, Informal Complaints</p> <p>(v) Complaint Procedures. Complaints against TRS providers for alleged violations of this subpart may be either informal or formal.</p> <p>(A) Informal complaints -</p> <p>Form. An informal complaint may be transmitted to the Consumer & Governmental Affairs Bureau by any reasonable means, such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other</p>		See Application, <i>infra</i> , Section VI, Procedures for Complaints about CLARITY from the Commission.

<p>§ 64.604(c)(6)(v)(B)</p>	<p>method that would best accommodate a complainant's hearing or speech disability.</p> <p>Content. An informal complaint shall include the name and address of the complainant; the name and address of the TRS provider against whom the complaint is made; a statement of facts supporting the complainant's allegation that the TRS provided it has violated or is violating section 225 of the Act and/or requirements under the Commission's rules; the specific relief or satisfaction sought by the complainant; and the complainant's preferred format or method of response to the complaint by the Commission and the defendant TRS provider (such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other method that would best accommodate the complainant's hearing or speech disability).</p> <p>Service; designation of agents. The Commission shall promptly forward any complaint meeting the requirements of this subsection to the TRS provider named in the complaint. Such TRS provider shall be called upon to satisfy or answer the complaint within the time specified by the Commission. Every TRS provider shall file with the Commission a statement designating an agent or agents whose principal responsibility will be to receive all complaints, inquiries, orders, decisions, and notices and other pronouncements forwarded by the Commission. Such designation shall include a name or department designation, business address, telephone number (voice and TTY), facsimile number and, if available, internet e-mail address.</p>		
<p>§ 64.604(c)(6)(v)(B)</p>	<p>§ 64.604(c)(6)(v)(B) Complaints, Complaint procedures, Review and disposition of informal complaints</p>		<p>See Application, <i>infra</i>, Section VI, Procedures for Complaints about CLARITY from the Commission.</p>

	<p>(B) Review and disposition of informal complaints.</p> <p>Where it appears from the TRS provider's answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission may, in its discretion, consider the matter closed without response to the complainant or defendant. In all other cases, the Commission shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information shall be transmitted to the complainant and defendant in the manner requested by the complainant (e.g., letter, facsimile transmission, telephone (voice/TRS/TTY) or Internet e-mail.</p> <p>(2) A complainant unsatisfied with the defendant's response to the informal complaint and the staff's decision to terminate action on the informal complaint may file a formal complaint with the Commission pursuant to paragraph (c)(6)(v)(C) of this section.</p>		
<p>§ 64.604(c)(6)(v)(C)</p>	<p>§ 64.604(c)(6)(v)(C) Complaints, Complaint procedures, Formal Complaints</p> <p>(C) Formal complaints. A formal complaint shall be in writing, addressed to the Federal Communications Commission, Enforcement Bureau, Telecommunications Consumer Division, Washington, DC 20554 and shall contain:</p> <p>The name and address of the complainant,</p> <p>The name and address of the defendant against whom the complaint is made,</p>		<p>See Application, <i>infra</i>, Section VI, Procedures for Complaints about CLARITY from the Commission.</p>

	A complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of this subpart, and The relief sought.		
§ 64.604(c)(6)(v)(D)	§ 64.604(c)(6)(v)(D) Complaints, Complaint procedures, Review and disposition of informal complaints (D) Amended complaints. An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.		See Application, <i>infra</i> , Section VI, Procedures for Complaints about CLARITY from the Commission.
§ 64.604(c)(6)(v)(E)	§ 64.604(c)(6)(v)(E) Complaints, Complaint procedures, Number of copies (E) Number of copies. An original and two copies of all pleadings shall be filed.		See Application, <i>infra</i> , Section VI, Procedures for Complaints about CLARITY from the Commission.
§ 64.604(c)(6)(v)(F)	§ 64.604(c)(6)(v)(F) Complaints, Complaint procedures, Service. (F) Service. Except where a complaint is referred to a state pursuant to § 64.604(c)(6)(i), or where a complaint is filed directly with a state entity, the Commission will serve on the named party a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint. (2) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in		See Application, <i>infra</i> , Section VI, Procedures for Complaints about CLARITY from the Commission.

	accordance with the requirements of § 1.47 of this chapter. Proof of such service shall also be made in accordance with the requirements of said section.		
§ 64.604(c)(6)(v)(G)	<p>§ 64.604(c)(6)(v)(G) Complaints, Complaint procedures, Answers to complaints and amended complaints</p> <p>(G) Answers to complaints and amended complaints. Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.</p>		See Application, <i>infra</i> , Section VI, Procedures for Complaints about CLARITY from the Commission.
§ 64.604(c)(6)(v)(H)	<p>§ 64.604(c)(6)(v)(H) Complaints, Complaint procedures, Replies to answers or amended answers</p> <p>(H) Replies to answers or amended answers. Within 10 days after service of an answer or an amended answer, a complainant may file and serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matter. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.</p>		See Application, <i>infra</i> , Section VI, Procedures for Complaints about CLARITY from the Commission.

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§ 64.604(c)(6)(v)(I)	§ 64.604(c)(6)(v)(I) Complaints, Complaint procedures, Defective pleadings (I) Defective pleadings. Any pleading filed in a complaint proceeding that is not in substantial conformity with the requirements of the applicable rules in this subpart may be dismissed.		See Application, <i>infra</i> , Section VI, Procedures for Complaints about CLARITY from the Commission.
§ 64.604(c)(7)	§ 64.604(c)(7) Treatment of TRS customer information (7) Treatment of TRS customer information. Beginning on July 21, 2000, all future contracts between the TRS administrator and the TRS vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order.		If required, CLARITY will provide all TRS customer profile data in usable form within 60 days prior to our last day of service provision. We will not use such for any purposes other than to connect the TRS user with the called parties desired by that TRS user. CLARITY and its employees will not sell, distribute, share or reveal in any other way unless compelled to do so by lawful order.
§ 64.604(c)(8)(i)	§ 64.604(c)(8)(i) Incentives for use of IP CTS, Shall not offer to users (i) An IP CTS provider shall not offer or provide to any person or entity that registers to use IP CTS any form of direct or indirect incentives, financial or otherwise, to register for or use IP CTS.		See Application, <i>infra</i> , Section IV, Fraud Prevention
§ 64.604(c)(8)(ii)	§ 64.604(c)(8)(ii) Incentives for use of IP CTS, Shall not offer to health professionals (ii) An IP CTS provider shall not offer or provide to a hearing health professional any direct or indirect		See Application, <i>infra</i> , Section IV, Fraud Prevention

	incentives, financial or otherwise, that are tied to a consumer's decision to register for or use IP CTS. Where an IP CTS provider offers or provides IP CTS equipment, directly or indirectly, to a hearing health professional, and such professional makes or has the opportunity to make a profit on the sale of the equipment to consumers, such IP CTS provider shall be deemed to be offering or providing a form of incentive tied to a consumer's decision to register for or use IP CTS.		
§ 64.604(c)(8)(iii)	§ 64.604(c)(8)(iii) Incentives for use of IP CTS, No joint marketing (iii) Joint marketing arrangements between IP CTS providers and hearing health professionals shall be prohibited.		See Application, <i>infra</i> , Section IV, Fraud Prevention
§ 64.604(c)(8)(iv)	§ 64.604(c)(8)(iv) Incentives for use of IP CTS, Definition of health professional (iv) For the purpose of this paragraph (c)(8), a hearing health professional is any medical or non-medical professional who advises consumers with regard to hearing disabilities.		See Application, <i>infra</i> , Section IV, Fraud Prevention
§ 64.604(c)(8)(v)	§ 64.604(c)(8)(v) Incentives for use of IP CTS, Noncompliance (v) Any IP CTS provider that does not comply with this paragraph (c)(8) shall be ineligible for compensation for such IP CTS from the TRS Fund.		See Application, <i>infra</i> , Section IV, Fraud Prevention
§ 64.604(c)(10)	§ 64.604(c)(10) IP CTS settings. Each IP CTS provider shall ensure that each IP CTS telephone they distribute, directly or indirectly, shall		CLARITY does not distribute any equipment, but will ensure that the captioning application is easily operable and requires only one step for the consumer to turn on captioning, or to turn it off.

	include a button, icon, or other comparable feature that is easily operable and requires only one step for the consumer to turn on captioning.			
§ 64.604(c)(11)(i)	§ 64.604(c)(11)(i) [Reserved]	--	--	--
§ 64.604(c)(11)(ii)	<p>§ 64.604(c)(11)(ii) Only registered users</p> <p>(ii) No person shall use IP CTS equipment or software with the captioning on, unless:</p> <p>(A) Such person is registered to use IP CTS pursuant to paragraph (c)(9) of this section; or</p> <p>(B) Such person was an existing IP CTS user as of March 7, 2013, and either paragraph (c)(9)(xi) of this section is not yet in effect or the registration deadline in paragraph (c)(9)(xi) of this section has not yet passed.</p>			See Application, <i>infra</i> , Section IV, Fraud Prevention
§ 64.604(c)(11)(iii)	<p>§ 64.604(c)(11)(iii), Legal notification</p> <p>(iii) IP CTS providers shall ensure that any newly distributed IP CTS equipment has a label on its face in a conspicuous location with the following language in a clearly legible font: "FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING THIS DEVICE WITH THE CAPTIONS ON." For IP CTS equipment already distributed to consumers by any IP CTS provider as of July 11, 2014, such provider shall, no later than August 11, 2014, distribute to consumers equipment labels with the same language as mandated by this paragraph for newly distributed equipment, along with clear and specific instructions directing the consumer to attach such labels to the face of their IP CTS equipment in a conspicuous location. For software applications on mobile phones,</p>			See Application, <i>infra</i> , Section IV, Fraud Prevention

§ 64.604(c)(11)(iv)	laptops, tablets, computers or other similar devices, IP CTS providers shall ensure that, each time the consumer logs into the application, the notification language required by this paragraph appears in a conspicuous location on the device screen immediately after log-in.		
§ 64.604(c)(11)(iv)	<p>§ 64.604(c)(11)(iv), Equipment and labels</p> <p>(iv) IP CTS providers shall maintain, with each consumer's registration records, records describing any IP CTS equipment provided, directly or indirectly, to such consumer, stating the amount paid for such equipment, and stating whether the label required by paragraph (c)(11)(iii) of this section was affixed to such equipment prior to its provision to the consumer. For consumers to whom IP CTS equipment was provided directly or indirectly prior to the effective date of this paragraph (c)(11), such records shall state whether and when the label required by paragraph (c)(11)(iii) of this section was distributed to such consumer. Such records shall be maintained for a minimum period of five years after the consumer ceases to obtain service from the provider.</p>	Does not apply	This section does not apply to CLARITY, as we do not provide any equipment.
§ 64.604(c)(12)	<p>§ 64.604(c)(12) Discrimination and preferences</p> <p>A VRS provider shall not:</p> <p>(i) Directly or indirectly, by any means or device, engage in any unjust or unreasonable discrimination related to practices, facilities, or services for or in connection with like relay service,</p> <p>(ii) Engage in or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or</p>	Does not apply	CLARITY is not a VRS provider.

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	(ii) Subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.		
§ 64.604(c)(13)	<p>§ 64.604(c)(13) Unauthorized and unnecessary use of VRS</p> <p>A VRS provider shall not engage in any practice that causes or encourages, or that the provider knows or has reason to know will cause or encourage:</p> <p>(i) False or unverified claims for TRS Fund compensation,</p> <p>(ii) Unauthorized use of VRS,</p> <p>(iii) The making of VRS calls that would not otherwise be made, or</p> <p>(iv) The use of VRS by persons who do not need the service in order to communicate in a functionally equivalent manner. AVRS provider shall not seek payment from the TRS Fund for any minutes of service it knows or has reason to know are resulting from such practices. Any VRS provider that becomes aware of such practices being or having been committed by any person shall as soon as practicable report such practices to the Commission or the TRS Fund administrator.</p>	Does not apply	CLARITY is not a VRS provider.
§ 64.604(c)(14)	<p>§ 64.604(c)(14) TRS calls requiring the use of multiple CAs</p> <p>The following types of calls that require multiple CAs for their handling are compensable from the TRS Fund:</p> <p>(i) VCO-to-VCO calls between multiple captioned telephone relay service users, multiple IP CTS users, or captioned telephone relay service users and IP CTS users;</p>	Does not apply	This section does not apply to CLARITY as we do not use any CAs.

	(ii) Calls between captioned telephone relay service or IP CTS users and TTY service users; and (iii) Calls between captioned telephone relay service or IP CTS users and VRS users.	
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4. (d) Other standards

The applicable requirements of §§ 64.605, 64.611, 64.615, 64.617, 64.621, 64.631, 64.632, 64.5105, 64.5107, 64.5108, 64.5109, and 64.5110 of this part are to be considered mandatory minimum standards.

These standards are included below, as follows:

- § 64.605: Appendix C, Subsection D
- § 64.611: Appendix C, Subsection E
- § 64.615: Appendix C, Subsection F
- § 64.617: Appendix C, Subsection G
- § 64.621: Appendix C, Subsection H
- § 64.631: Appendix C, Subsection I
- § 64.632: Appendix C, Subsection J
- § 64.5105: Appendix C, Subsection K
- § 64.5107: Appendix C, Subsection L
- § 64.5108: Appendix C, Subsection M
- § 64.5109: Appendix C, Subsection N
- § 64.5110: Appendix C, Subsection O

B. 47 C.F.R. § 64.605 Emergency Calling Requirements

	SUBSECTION	Apply / Waiver?	Note
§ 64.605(a)(1)	<p>§ 64.605(a)(1) Additional emergency calling requirements applicable to internet-based TRS providers</p> <p>(1) As of December 31, 2008, the requirements of paragraphs (a)(2)(i) and (a)(2)(iv) of this section shall not apply to providers of VRS and IP Relay to which § 64.605(b) applies.</p>	--	
§ 64.605(a)(2)(i)	<p>§ 64.605(a)(2)(i) Additional emergency calling requirements applicable to internet-based TRS providers, Emergency calls, Accept and handle emergency calls</p> <p>Each provider of Internet-based TRS shall:</p> <p>(i) Accept and handle emergency calls and access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location, and to relay the call to that entity</p>		CLARITY will accept and handle emergency calls, determine an appropriate PSAP using a commercially available database, and relay the call to that entity.
§ 64.605(a)(2)(ii)	<p>§ 64.605(a)(2)(ii) Additional emergency calling requirements applicable to internet-based TRS providers, Emergency calls, Prioritize emergency numbers</p> <p>Each provider of Internet-based TRS shall:</p>	Waiver requested	There is no queue for CAPTIONMATE calls, and thus no need to prioritize emergency calls before other non-emergency calls. Emergency calls, as with all other calls, will be put through immediately. <i>See</i> Application, <i>infra</i> , Section VII(C).

	(ii) Implement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls (i.e., prioritize emergency calls and move them to the top of the queue);		
§ 64.605(a)(2)(iii)	<p>§ 64.605(a)(2)(iii) Additional emergency calling requirements applicable to internet-based TRS providers, Emergency calls, Beginning of call</p> <p>(iii) Request, at the beginning of each emergency call, the caller's name and location information, unless the Internet-based TRS provider already has, or has access to, a Registered Location for the caller;</p>	Waiver requested	<p>CAPTIONMATE users will be required to enter a Registered Location for each telephone they use.</p> <p>In addition, CAPTIONMATE users will be required to either allow CAPTIONMATE access to location information on their mobile devices, or to acknowledge that their mobile device location will not be used for emergency purposes and the system will default to their registered location for that phone.</p> <p>Because there are no CAs on the call, it is not possible for CAPTIONMATE to request the user's location at the beginning of each call. <i>See</i> Application, <i>infra</i>, Section VII(C).</p>
§ 64.605(a)(2)(iv)	<p>§ 64.605(a)(2)(iv) Additional emergency calling requirements applicable to internet-based TRS providers, Emergency calls, Deliver to PSAP</p> <p>(iv) Deliver to the PSAP, designated statewide default answering point, or appropriate local emergency authority, at the outset of the outbound leg of an emergency call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or</p>	Partial, temporary waiver granted pursuant to FCC Order	<p>The FCC granted a temporary, partial waiver of Section 64.605(a)(3)(iv) to IP CTS in configurations where (1) a user initiates an IP CTS call by connecting to the IP CTS provider via the Internet, and (2) the IP CTS provider assigns the user a NANP telephone number that the provider can transmit with a 911 call and that enables a PSAP to call the user back via IP CTS.²²</p>

²² See IP CTS Order, ¶¶ 36-40, 44.

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	appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected		Both conditions apply to CAPTIONMATE. Accordingly, the temporary, partial waiver applies here.
§ 64.605(a)(2)(v)	<p>§ 64.605(a)(2)(v) Additional emergency calling requirements applicable to internet-based TRS providers, Emergency calls, Disconnections</p> <p>(v) In the event one or both legs of an emergency call are disconnected (i.e., either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call; and</p>	Partial, temporary waiver granted pursuant to FCC Order	<p>The FCC granted a temporary, partial waiver of Section 64.605(a)(3)(iv) to IP CTS in configurations where (1) a user initiates an IP CTS call by connecting to the IP CTS provider via the Internet, and (2) the IP CTS provider assigns the user a NANP telephone number that the provider can transmit with a 911 call and that enables a PSAP to call the user back via IP CTS.²³</p> <p>Both conditions apply to CAPTIONMATE. Accordingly, the temporary, partial waiver applies here.</p>
§ 64.605(a)(2)(vi)	<p>§ 64.605(a)(20)(vi) Additional emergency calling requirements applicable to internet-based TRS providers, Emergency calls, Privacy concerns</p> <p>(vi) Ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a user's location in an emergency situation or for other emergency or law enforcement purposes.</p>		CLARITY will ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a user's location in an emergency situation or for other emergency or law enforcement purposes.
§ 64.605(b)(1)	§ 64.605(b)(1) E911 Service for VRS and IP Relay, Scope	Does not apply	CLARITY is not a VRS or IP Relay provider.

	(1) Scope. The following requirements are only applicable to providers of VRS or IP Relay. Further, the following requirements apply only to 911 calls placed by registered users whose Registered Location is in a geographic area served by a Wireline E911 Network and is available to the provider handling the call.		
§ 64.605(b)(2)(i)	<p>§ 64.605(b)(2)(i) E911 Service for VRS and IP Relay, Must provide</p> <p>(2) As of December 31, 2008:</p> <p>(i) VRS or IP Relay providers must, as a condition of providing service to a user, provide that user with E911 service as described in this section;</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.605(b)(2)(ii)	<p>§ 64.605(b)(2)(ii) E911 Service for VRS and IP Relay, Information to transmit</p> <p>(ii) VRS or IP Relay providers must transmit all 911 calls, as well as ANI, the caller's Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to § 64.3001 of this chapter, provided that "all 911 calls" is defined as "any communication initiated by an VRS or IP Relay user dialing 911"</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.605(b)(2)(iii)	§ 64.605(b)(2)(iii) E911 Service for VRS and IP Relay, 911 routing	Does not apply	CLARITY is not a VRS or IP Relay provider.

	(iii) All 911 calls must be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network; and		
§ 64.605(b)(2)(iv)	<p>§ 64.605(b)(2)(iv) E911 Service for VRS and IP Relay, Information to transmit</p> <p>(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number must be available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.605(b)(3)	<p>§ 64.605(b)(3) E911 Service for VRS and IP Relay, Service level obligation</p> <p>(3) Service level obligation. Notwithstanding the provisions in paragraph (b)(2) of this section, if a PSAP, designated statewide, or appropriate local emergency authority is not capable of receiving and processing either ANI or location information, a VRS or IP Relay provider need not provide such ANI or location information; however, nothing in this paragraph affects the obligation under paragraph (c) of this section of a VRS or IP Relay provider to transmit via the Wireline E911 Network all 911 calls to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to § 64.3001 of this chapter.</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.605(b)(4)	§ 64.605(b)(4) E911 Service for VRS and IP Relay, Registered location requirement.	Does not apply	CLARITY is not a VRS or IP Relay provider.

	<p>(4) As of December 31, 2008, VRS and IP Relay providers must:</p> <p>(i) Obtain from each Registered Internet-based TRS User, prior to the initiation of service, the physical location at which the service will first be utilized; and</p> <p>(ii) If the VRS or IP Relay is capable of being used from more than one location, provide their registered Internet-based TRS users one or more methods of updating their Registered Location, including at least one option that requires use only of the iTRS access technology necessary to access the VRS or IP Relay. Any method utilized must allow a registered Internet-based TRS user to update the Registered Location at will and in a timely manner.</p>		
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C. 47 C.F.R. § 64.611 Internet-based TRS Registration

	SUBSECTION	Apply / Waiver?	Note
§ 64.611(a)	<p>§ 64.611(a) Default provider registration</p> <p>* * *</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.611 (b)	<p>§ 64.611 (b) Mandatory registration of new users</p> <p>(b) Mandatory registration of new users. As of December 31, 2008, VRS and IP Relay providers must, prior to the initiation of service for an individual that has not previously utilized VRS or IP Relay, register that new user as described in paragraph (a) of this section.</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.

§ 64.611(c)	<p>§ 64.611(c) Obligations of default providers and former default providers</p> <p>(1) Default providers must:</p> <p>(i) Obtain current routing information, including IP addresses or domain names and user names, from their Registered Internet-based TRS Users;</p> <p>(ii) Provision such information to the TRS Numbering Directory; and</p> <p>(iii) Maintain such information in their internal databases and in the TRS Numbering Directory.</p> <p>(2) Internet-based TRS providers (and, to the extent necessary, their Numbering Partners) must:</p> <p>(i) Take such steps as are necessary to cease acquiring routing information from any VRS, IP Relay, or hearing point-to-point video user that ports his or her number to another VRS or IP Relay provider or otherwise selects a new default provider;</p> <p>(ii) Communicate among themselves as necessary to ensure that:</p> <p>(A) Only the default provider provisions routing information to the central database; and</p> <p>(B) VRS and IP Relay providers other than the default provider are aware that they must query the TRS Numbering Directory in order to obtain accurate routing information for a particular user of VRS or IP Relay.</p>	Does not apply	CLARITY does not currently have any users.
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§ 64.611(d)	<p>§ 64.611(d) Proxy numbers</p> <p>(d) Proxy numbers. After December 31, 2008, a VRS or IP Relay provider:</p> <p>(1) May not assign or issue a proxy or alias for a NANP telephone number to any user; and</p> <p>(2) Must cease to use any proxy or alias for a NANP telephone number assigned or issued to any Registered Internet-based TRS User.</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.611(e)	<p>§ 64.611(e) Toll free numbers</p> <p>(e) Toll free numbers. A VRS or IP Relay provider:</p> <p>(1) May not assign or issue a toll free number to any VRS or IP Relay user.</p> <p>(2) That has already assigned or provided a toll free number to a VRS or IP Relay user must, at the VRS or IP Relay user's request, facilitate the transfer of the toll free number to a toll free subscription with a toll free service provider that is under the direct control of the user.</p> <p>(3) Must within one year after the effective date of this Order remove from the Internet-based TRS Numbering Directory any toll free number that has not been transferred to a subscription with a toll free service provider and for which the user is the subscriber of record.</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.611(f)	<p>§ 64.611(f) iTRS access technology</p> <p>(1) Every VRS or IP Relay provider must ensure that all iTRS access technology they have issued, leased, or otherwise provided to VRS or IP Relay users delivers</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.

	routing information or other information only to the user's default provider, except as is necessary to complete or receive "dial around" calls on a case-by-case basis. (2) All iTRS access technology issued, leased, or otherwise provided to VRS or IP Relay users by Internet-based TRS providers must be capable of facilitating the requirements of this section.		
§ 64.611(g)(1)	<p>§ 64.611(g)(1) User notification, Advisory</p> <p>(g) User notification. Every VRS or IP Relay provider must include an advisory on its website and in any promotional materials addressing numbering or E911 services for VRS or IP Relay.</p> <p>(1) At a minimum, the advisory must address the following issues:</p> <p>(i) The process by which VRS or IP Relay users may obtain ten-digit telephone numbers, including a brief summary of the numbering assignment and administration processes adopted herein;</p> <p>(ii) The portability of ten-digit telephone numbers assigned to VRS or IP Relay users;</p> <p>(iii) The process by which persons using VRS or IP Relay may submit, update, and confirm receipt by the provider of their Registered Location information;</p> <p>(iv) An explanation emphasizing the importance of maintaining accurate, up-to-date Registered Location information with the user's default provider in the event</p>	Does not apply	CLARITY is not a VRS or IP Relay provider.

	that the individual places an emergency call via an Internet-based relay service; (v) The process by which a VRS or IP Relay user may acquire a toll free number, or transfer control of a toll free number from a VRS or IP Relay provider to the user; (vi) The process by which persons holding a toll free number request that the toll free number be linked to their ten-digit telephone number in the TRS Numbering Directory; and (vii) If the provider assigns iTRS numbers to hearing point-to-point video users, an explanation that hearing point-to-point video users will not be able to place an emergency call.		
§ 64.611(g)(2)	§ 64.611(g)(2), User notification, Affirmative acknowledgement (2) VRS and IP Relay providers must obtain and keep a record of affirmative acknowledgment by every Registered Internet-based TRS User of having received and understood the advisory described in this subsection.	Does not apply	CLARITY is not a VRS or IP Relay provider.
§ 64.611(j)(1)	§ 64.611(j)(1) IP CTS Registration and Certification Requirements (i) IP CTS providers must first obtain the following registration information from each consumer prior to requesting compensation from the TRS Fund for service provided to the consumer: The consumer's full name, date of birth, last four digits of the consumer's social security number, full residential address, and telephone number.	Partial Waiver Requested	§ 64.604(j)(1)(i): See Application, <i>infra</i> , Section IV, Fraud Prevention. § 64.604(j)(1)(iii): Does not apply. CLARITY, is registering users after August 28, 2014. § 64.604(j)(1)(v)-(vi): When a user registers for CAPTIONMATE and they self-certify, they do so on a form that is separate from any other agreement or form, and includes an electronic signature specific to the certification. Such

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	<p>(ii) [Reserved]</p> <p>(iii) [Reserved]</p> <p>(iv) Self-certification prior to August 28, 2014. IP CTS providers, in order to be eligible to receive compensation from the TRS Fund for providing IP CTS, also must first obtain a written certification from the consumer, and if obtained prior to August 28, 2014, such written certification shall attest that the consumer needs IP CTS to communicate in a manner that is functionally equivalent to the ability of a hearing individual to communicate using voice communication services. The certification must include the consumer's certification that:</p> <p>(A) The consumer has a hearing loss that necessitates IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users;</p> <p>(B) The consumer understands that the captioning service is provided by a live communications assistant; and</p> <p>(C) The consumer understands that the cost of IP CTS is funded by the TRS Fund.</p> <p>(v) Self-certification on or after August 28, 2014. IP CTS providers must also first obtain from each consumer prior to requesting compensation from the TRS Fund for the consumer, a written certification from the consumer, and if obtained on or after August 28, 2014, such certification shall state that:</p> <p>(A) The consumer has a hearing loss that necessitates use of captioned telephone service;</p>		<p>certification is made under penalty of perjury. Because CAPTIONMATE does not use CAs, CLARITY seeks waiver of the Section 64.604(j)(1)(v)(B) requirement to obtain user certification that the he or she understands the service is provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone.</p> <p>The electronic signatures comply with the definition and regulations defined by the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq. (<i>See</i> table of how CLARITY meets these requirements in Appendix C(N), "15 U.S. Global and National Commerce Act Code § 7001 - General rule of validity").</p> <p>§ 64.604(j)(1)(vii)-(viii): Does not apply. CLARITY, is registering users after August 28, 2014.</p> <p>§ 64.604(j)(1)(ix)(xi): Does not apply. CLARITY does not provide any equipment. However, we address the requirement regarding independent, third-party professionals above. <i>See</i> Application, <i>infra</i>, Section IV, Fraud Prevention.</p> <p>§ 64.604(j)(1)(ix)(xii): <i>See</i> Application, <i>infra</i>, Section IV, Fraud Prevention.</p>
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	<p>(B) The consumer understands that the captioning on captioned telephone service is provided by a live communications assistant who listens to the other party on the line and provides the text on the captioned phone;</p> <p>(C) The consumer understands that the cost of captioning each Internet protocol captioned telephone call is funded through a federal program; and</p> <p>(D) The consumer will not permit, to the best of the consumer's ability, persons who have not registered to use Internet protocol captioned telephone service to make captioned telephone calls on the consumer's registered IP captioned telephone service or device.</p> <p>(vi) The certification required by paragraphs (j)(1)(iv) and (v) of this section must be made on a form separate from any other agreement or form, and must include a separate consumer signature specific to the certification. Beginning on August 28, 2014, such certification shall be made under penalty of perjury. For purposes of this rule, an electronic signature, defined by the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record, has the same legal effect as a written signature.</p> <p>(vii) Third-party certification prior to August 28, 2014. Where IP CTS equipment is or has been obtained by a consumer from an IP CTS provider, directly or indirectly, at no charge or for less than \$75 and the consumer was registered in accordance with the requirements of paragraph (j)(1) of this section prior to August 28, 2014,</p>	
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	<p>the IP CTS provider must also obtain from each consumer prior to requesting compensation from the TRS Fund for the consumer, written certification provided and signed by an independent third-party professional, except as provided in paragraph (j)(1)(xi) of this section.</p> <p>(viii) To comply with paragraph (j)(1)(vii) of this section, the independent professional providing certification must:</p> <p>(A) Be qualified to evaluate an individual's hearing loss in accordance with applicable professional standards, and may include, but are not limited to, community-based social service providers, hearing related professionals, vocational rehabilitation counselors, occupational therapists, social workers, educators, audiologists, speech pathologists, hearing instrument specialists, and doctors, nurses and other medical or health professionals;</p> <p>(B) Provide his or her name, title, and contact information, including address, telephone number, and email address; and</p> <p>(C) Certify in writing that the IP CTS user is an individual with hearing loss who needs IP CTS to communicate in a manner that is functionally equivalent to telephone service experienced by individuals without hearing disabilities.</p> <p>(ix) Third-party certification on or after August 28, 2014. Where IP CTS equipment is or has been obtained by a consumer from an IP CTS provider, directly or indirectly, at no charge or for less than \$75, the consumer (in cases where the equipment was obtained directly from the IP CTS provider) has not subsequently paid \$75 to the IP CTS provider for the equipment prior to the date the consumer is registered to use IP CTS, and the consumer</p>
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	<p>is registered in accordance with the requirements of paragraph (j)(1) of this section on or after August 28, 2014, the IP CTS provider must also, prior to requesting compensation from the TRS Fund for service to the consumer, obtain from each consumer written certification provided and signed by an independent third-party professional, except as provided in paragraph (j)(1)(xi) of this section.</p> <p>(x) To comply with paragraph (j)(1)(ix) of this section, the independent third-party professional providing certification must:</p> <p>(A) Be qualified to evaluate an individual's hearing loss in accordance with applicable professional standards, and must be either a physician, audiologist, or other hearing related professional. Such professional shall not have been referred to the IP CTS user, either directly or indirectly, by any provider of TRS or any officer, director, partner, employee, agent, subcontractor, or sponsoring organization or entity (collectively "affiliate") of any TRS provider. Nor shall the third party professional making such certification have any business, family or social relationship with the TRS provider or any affiliate of the TRS provider from which the consumer is receiving or will receive service.</p> <p>(B) Provide his or her name, title, and contact information, including address, telephone number, and email address.</p> <p>(C) Certify in writing, under penalty of perjury, that the IP CTS user is an individual with hearing loss that necessitates use of captioned telephone service and that the third party professional understands that the captioning on captioned telephone service is provided by</p>
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	<p>a live communications assistant and is funded through a federal program.</p> <p>(xi) In instances where the consumer has obtained IP CTS equipment from a local, state, or federal governmental program, the consumer may present documentation to the IP CTS provider demonstrating that the equipment was obtained through one of these programs, in lieu of providing an independent, third-party certification under paragraphs (j)(1)(vii) and (ix) of this section.</p> <p>(xii) Each IP CTS provider shall maintain records of any registration and certification information for a period of at least five years after the consumer ceases to obtain service from the provider and shall maintain the confidentiality of such registration and certification information, and may not disclose such registration and certification information or the content of such registration and certification information except as required by law or regulation.</p> <p>(xiii) [Reserved]</p>		
§ 64.611(j)(2)	<p>§ 64.611(j)(2) TRS User Registration Database Information for IP CTS</p> <p>(i) Each IP CTS Provider shall collect and transmit to the TRS User Registration Database, in a format prescribed by the administrator of the TRS User Registration Database, the following information for each of its new and existing registered IP CTS users:</p> <p>(A) full name;</p> <p>(B) full residential address;</p>		<p>§ 64.611(j)(2)(i): CLARITY will collect and transmit to the TRS User Registration Database, in a format prescribed by the administrator of the TRS User Registration Database, the following information for each of its new and existing registered Internet-based TRS users:</p> <ul style="list-style-type: none"> - Full name - Full residential address - Ten-digit telephone number assigned in the TRS

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	<p>(C) telephone number;</p> <p>(D) a unique identifier such as the electronic serial number (ESN) of the user's IP CTS device, the user's log-in identification, or the user's email address;</p> <p>(E) the last four digits of the user's social security number or Tribal Identification number (or alternative documentation, if such documentation is permitted by and has been collected pursuant to Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order, 30 FCC Rcd 1093 (CGB 2015));</p> <p>(F) date of birth;</p> <p>(G) Registered Location (if applicable);</p> <p>(H) IP CTS provider name;</p> <p>(I) date of service initiation and (when applicable) termination;</p> <p>(J) a digital copy of the user's self-certification of eligibility for IP CTS and the date obtained by the provider; and</p> <p>(K) (for existing users only) the date on which the IP CTS user last placed an IP CTS call.</p> <p>(ii) Each IP CTS provider shall obtain, from each new and existing registered IP CTS user, consent to transmit the registered IP CTS user's information to the TRS User Registration Database. Prior to obtaining such consent, the IP CTS provider shall describe to the registered IP CTS user, using clear, easily understood language, the</p>		<p>numbering directory</p> <ul style="list-style-type: none"> - Last four digits of the social security number or Tribal Identification Number (and an indicator if the user is a member of a Tribal nation and does not have a social security number) - Date of Birth - Registered location - CLARITY's name and dates of service initiation and termination - A digital copy of the user's self-certification of eligibility and the date obtained by CLARITY, - The date on which the user's identification was verified and - For existing users only: the date on which the registered Internet-based TRS user last placed a point to point or relay call <p>§ 64.611(j)(2)(ii): CLARITY will obtain, from each new and existing user, consent to transmit the registered Internet-based TRS user, consent to transmit the registered Internet-based TRS user's information to the TRS User Registration Database. Prior to obtaining consent, CLARITY will describe to the registered Internet-based TRS user, using clear, easily understood language, the specific information being transmitted, that the information is being transmitted to the TRS User Registration Database to ensure proper administration of the TRS program, and that failure to provide consent will result in the registered Internet-based TRS user being denied</p>
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	<p>specific information obtained by the IP CTS provider from the user that is to be transmitted, and inform the user that the information is being transmitted to the TRS User Registration Database to ensure proper administration of the TRS program, and that failure to provide consent will result in the registered IP CTS user being denied service. IP CTS providers shall keep a record of affirmative acknowledgment of such consent by every registered IP CTS user.</p> <p>(iii) Registration of Emergency Shelter Devices. An IP CTS provider may seek and receive TRS Fund compensation for the provision of captioning service to users of a temporary, public IP CTS device set up in an emergency shelter, provided that, before commencing service to such a device, the IP CTS provider collects, maintains in its registration records, and submits to the TRS User Registration Database all information reasonably requested by the administrator, including the telephone number and location of the device. IP CTS providers shall remove the device's registration information from the Database when service for such a device is terminated.</p> <p>(iv) By the date of initiation of service to an IP CTS user or device, or one year after notice from the Commission that the TRS User Registration Database is ready to accept such information, whichever is later, IP CTS providers shall submit to the TRS User Registration Database the registration information required by paragraph (j)(2)(i) or (iii) of this section. Calls from or to registered IP CTS users or devices whose registration information has not been populated in the TRS User Registration Database by the applicable date shall not be</p>	<p>service. CLARITY will obtain and keep a record of affirmative acknowledgment by every registered Internet-based TRS user of such consent.</p> <p>§ 64.611(j)(2)(iii): CLARITY will, for registration of emergency shelter devices, collect, maintain in its registration records, and submit to the TRS User Registration Database all information reasonably requested by the administrator, including the telephone number and location of the device. CLARITY will also remove the device's registration information from the Database when service for such a device is terminated.</p> <p>§ 64.611(j)(2)(iv): CLARITY will, in a timely manner, submit to the TRS User Registration Database the registration information required by paragraph (j)(2)(i) or (iii) of this section. CLARITY will not seek TRS Fund compensation for calls from or to register IP CTS users or devices whose registration information has not been populated in the TRS User Registration Database by the applicable date.</p> <p>§ 64.611(j)(2)(v): When registering a user that is transferring service from another provider, CLARITY will obtain and submit a properly executed certification if a query of the TRS User Registration Database shows a properly executed certification has not been filed.</p>	
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	compensable, and an IP CTS provider shall not seek TRS Fund compensation for such calls. (v) When registering a user who is transferring service from another IP CTS provider, IP CTS providers shall obtain and submit a digital copy of a user's self-certification of eligibility if a query of the TRS User Registration Database shows a properly executed certification has not been filed.		
§ 64.611(j)(3)	§ 64.611(j)(3) An IP CTS provider shall not seek TRS Fund compensation for providing captioning service to any individual or device if the registration information for such individual or device has been removed from the TRS User Registration Database, or if the provider obtains information that the individual or device is not eligible to receive IP CTS.		CLARITY will not seek TRS Fund compensation for providing service to any individual or device if the registration information has been removed from the TRS User Registration Database or if CLARITY learns that the individual or device is not eligible to receive IP CTS.

D. 47 C.F.R. § 64.615 TRS User Registration Database and Administrator

	SUBSECTION	Apply / Waiver?	Note
§ 64.615(a)(1)	<p>§ 64.615(a)(1) TRS User Registration Database, VRS eligibility of calls</p> <p>(1) VRS providers shall validate the eligibility of the party on the video side of each call by querying the TRS User Registration Database on a per-call basis. Emergency 911 calls are excepted from this requirement.</p> <p>(i) Validation shall occur during the call setup process, prior to the placement of the call.</p> <p>(ii) If the eligibility of at least one party to the call is not validated using the TRS User Registration Database, the</p>	<p>Does not apply</p>	CLARITY does not provide VRS services.

	call shall not be completed, and the VRS provider shall either terminate the call or, if appropriate, offer to register the user if they are able to demonstrate eligibility. (iii) Calls that VRS providers are prohibited from completing because the user's eligibility cannot be validated shall not be included in speed of answer calculations and shall not be eligible for compensation from the TRS Fund.		
§ 64.615(a)(2)	§ 64.615(a)(2) TRS User Registration Database, Assignment of ID (2) The administrator of the TRS User Registration Database shall assign a unique identifier to each user in the TRS User Registration Database.		CLARITY understands the administrator's role in assigning a unique identifier to each user in the TRS User Registration database.
§ 64.615(a)(3)	§ 64.615(a)(3) TRS User Registration Database, Data Integrity (3) Data integrity. (i) Each VRS and IP CTS provider shall request that the administrator of the TRS User Registration Database remove from the TRS User Registration Database user information for any registered user or hearing point-to-point user: (A) Who informs its default VRS provider or its IP CTS provider that it no longer wants use of a ten-digit number for TRS or (in the case of a hearing point-to-point video user) for point-to-point video service; or (B) For whom the provider obtains information that the user is not eligible to use the service.		CLARITY is committed to data integrity and will request that the TRS User Registration Database administrator remove information pursuant to Section 64.615(a)(3).

	<p>(ii) The administrator of the TRS User Registration Database shall remove the data of:</p> <p>(A) Any VRS user that has neither placed nor received a VRS or point-to-point call in a one-year period; and</p> <p>(B) Any user for which a VRS or IP CTS provider makes a request under paragraph (a)(3)(i) of this section.</p>		
§ 64.615(a)(4)	<p>§ 64.615(a)(4) TRS User Registration Database, Querying the TRS database</p> <p>(4) VRS or IP CTS provider may query the TRS User Registration Database only for the purposes provided in this subpart, and to determine whether information with respect to its registered users already in the database is correct and complete.</p>		<p>CLARITY agrees only to query the TRS User Registration Database for purposes of complying with FCC requirements in this subpart.</p>
§ 64.615(a)(5)	<p>§ 64.615(a)(5) TRS User Registration Database, User Verification</p> <p>(5) User verification.</p> <p>(i) The TRS User Registration Database shall have the capability of performing an identification verification check when a VRS provider, IP CTS provider, or other party submits a query to the database about an existing or potential user.</p> <p>(ii) VRS and IP CTS provider shall not register individuals that do not pass the identification verification check conducted through the TRS User Registration Database.</p>		<p>CLARITY will not register individuals whose eligibility cannot be verified through the TRS User Registration Database. In addition, CLARITY will not seek TRS Fund compensation for calls placed to or from individuals that do not pass the identification verification check.</p>

	<p>(iii) VRS providers shall not seek compensation for calls placed by individuals that do not pass the identification verification check conducted through the TRS User Registration Database.</p> <p>(iv) IP CTS providers shall not seek compensation for calls placed to or from individuals that do not pass the identification verification check conducted through the TRS User Registration Database.</p>		
§ 64.615(b)	<p>§ 64.615(b) Administration</p> <p>(b) Administration -</p> <p>(1) Terms of administration. The administrator of the TRS User Registration Database shall administer the TRS User Registration Database pursuant to the terms of its contract.</p> <p>(2) Compensation. The TRS Fund, as defined by § 64.604(a)(5)(iii) of this subpart, may be used to compensate the administrator of the TRS User Registration Database for the reasonable costs of administration pursuant to the terms of its contract.</p>		CLARITY understands the role of the administrator and the compensation thereof.

E. 47 C.F.R. § 64.617 Neutral Video Communication Service Platform.

	SUBSECTION	Apply / Waiver?	Note
§ 64.617(a)	<p>§ 64.617(a) Requirement to Utilize</p> <p>(a) VRS CA service providers certified by the Commission are required to utilize the Neutral Video Communication Service Platform to process VRS calls. Each VRS CA service provider shall be responsible for</p>	Does not apply	CLARITY does not provide VRS services.

	providing sign language interpretation services and for ensuring that the Neutral Video Communication Service Platform has the information it needs to provide video communication service on the VRS CA service provider's behalf.		
§ 64.617(b)	<p>§ 64.617(b) Administration</p> <p>(b) Administration -</p> <p>(1) Terms of administration. The provider of the Neutral Video Communication Service Platform shall administer the Neutral Video Communication Service Platform pursuant to the terms of its contract.</p> <p>(2) Compensation. The TRS Fund, as defined by § 64.604(a)(5)(iii) of this subpart, may be used to compensate the provider of the Neutral Video Communication Service Platform for the reasonable costs of administration pursuant to the terms of its contract.</p>	Does not apply	CLARITY does not provide VRS services.

F. 47 C.F.R. § 64.621 Interoperability and Portability

	SUBSECTION	Apply / Waiver?	Note
§ 64.621(a)	<p>§ 64.621(a) General obligations of VRS providers</p> <p>(1) All Video Relay Service (VRS) users and hearing point-to-point video users must be able to place a VRS or point-to-point video call through any of the VRS providers' services, and all VRS providers must be able to receive calls from, and make calls to, any VRS or hearing point-to-point video user.</p>	Does not apply	CLARITY does not provide VRS services.

	<p>(2) A VRS provider may not take steps that restrict a user's unfettered access to another provider's service, such as providing degraded service quality to VRS users using VRS equipment or service with another provider's service.</p> <p>(3) Beginning no later than April 27, 2018, all VRS providers must ensure that their VRS access technologies and their video communication service platforms are interoperable with the VRS Access Technology Reference Platform, including for point-to-point calls, in accordance with the Interoperability Profile for Relay User Equipment (RUE Profile). No VRS provider shall be compensated for minutes of use involving their VRS access technologies or video communication service platforms that are not interoperable with the VRS Access Technology Reference Platform.</p> <p>(4) All VRS providers must ensure that their VRS access technologies and their video communication service platforms are interoperable with the Neutral Video Communication Service Platform, including for point-to-point calls. No VRS provider shall be compensated for minutes of use involving their VRS access technologies or video communication service platforms that are not interoperable with the Neutral Video Communication Service Platform.</p>		
<p>§ 64.621(b)</p>	<p>§ 64.621(b) Technical standards for interoperability and portability</p> <p>(1) Beginning no later than December 20, 2017, VRS providers shall ensure that their provision of VRS and video communications, including their access technology, meets the requirements of the VRS Provider Interoperability Profile.</p>	<p>Does not apply</p>	<p>CLARITY does not provide VRS services.</p>

§ 64.621(c)	(2) Beginning no later than October 24, 2017, VRS providers shall provide a standard xCard export interface to enable users to import their lists of contacts in xCard XML format, in accordance with IETF RFC 6351.		
§ 64.621(c)	<p>§ 64.621(c) Incorporation by reference</p> <p>(c) Incorporation by reference. The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 1 CFR part 51. All approved material is available for inspection at the Federal Communications Commission (FCC), 445 12th Street, SW., Reference Information Center, Room CY-A257, Washington, DC 20554, (202) 418-0270, and is available from the sources indicated below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.htm.</p> <p>(1) FCC (on behalf of SIP Forum), 445 12th Street SW., Washington, DC 20554, (888) 225-5322 (voice), (844) 432-2275 (videophone), (888) 835-5322 (TTY).</p> <p>(i) VRS US Providers Profile TWG-6.1, the US VRS Provider Interoperability Profile, September 23, 2015. https://www.fcc.gov/files/sip-forum-vrs-us-providers-profile-twg-6-1.</p> <p>(ii) [Reserved]</p>	Does not apply	CLARITY does not provide VRS services.

	<p>(2) The following standards are available from the Internet Engineering Task Force (IETF) Secretariat, 5177 Brandin Court, Fremont, CA 94538, 510-492-4080.</p> <p>(i) The Interoperability Profile for Relay User Equipment, draft-vrs-rue-dispatch-00, July 20, 2016 https://datatracker.ietf.org/doc/draft-vrs-rue-dispatch/.</p> <p>(ii) Request for Comments (RFC) 6351, xCard: vCard XML Representation (August 2011) https://tools.ietf.org/html/rfc6351.</p>	
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G. 47 C.F.R. § 64.631 Verification of Orders for Change of Default TRS Providers.

	SUBSECTION	Apply / Waiver?	Note
§ 64.631(a)	<p>§ 64.631(a), No change without authorization</p> <p>(a) No iTRS provider, either directly or through its numbering partner, shall initiate or implement the process to change an iTRS user's selection of a default provider prior to obtaining:</p> <p>(1) Authorization from the iTRS user, and</p> <p>(2) Verification of that authorization in accordance with the procedures prescribed in this section. The provider shall maintain and preserve without alteration or modification all records of verification of the iTRS user's authorization for a minimum period of five years after obtaining such verification and shall make such records available to the Commission upon request. In any case where the iTRS provider is unable, unwilling or otherwise fails to make such records available to the Commission upon request, it shall be presumed that the</p>		<p>CLARITY will not initiate or implement the process to change an iTRS user's selection of a default provider prior to obtaining authorization from the iTRS user, and verification of that authorization in accordance with the procedures prescribed in this section. CLARITY will maintain and preserve without alteration or modification all records of verification of the iTRS user's authorization for a minimum period of five years after obtaining such verification and shall make such records available to the Commission upon request.</p>

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	iTRS provider has failed to comply with its verification obligations under the rules.		
§ 64.631(b)	<p>§ 64.631(a), Multiple TRS Services</p> <p>(b) Where an iTRS provider is offering more than one type of TRS, that provider must obtain separate authorization from the iTRS user for each service, although the authorizations may be obtained within the same transaction. Each authorization must be verified separately from any other authorizations obtained in the same transaction. Each authorization must be verified in accordance with the verification procedures prescribed in this part.</p>	Does not apply	CLARITY only offers one type of TRS.
§ 64.631(c)	<p>§ 64.631(c), Procedures for Initiation and Implementation</p> <p>(c) A new iTRS provider shall not, either directly or through its numbering partner, initiate or implement the process to change a default provider unless and until the order has been verified in accordance with one of the following procedures:</p> <p>(1) The iTRS provider has obtained the iTRS user's written or electronically signed authorization in a form that meets the requirements of § 64.632 of this part; or</p> <p>(2) An independent third party meeting the qualifications in this subsection has obtained, in accordance with the procedures set forth in paragraphs (c)(2)(i) through (iv) of this section, the iTRS user's authorization to implement the default provider change order that confirms and includes appropriate verification of registration data with the TRS User Registration Database as defined in § 64.601(a) of this part. The</p>		CLARITY will not initiate or implement a process to change a default provider unless and until the order has been verified in accordance with one of the procedures stated in this section.

	<p>independent third party must not be owned, managed, controlled, or directed by the iTRS provider or the iTRS provider's marketing agent; must not have any financial incentive to confirm default provider change orders for the iTRS provider or the iTRS provider's marketing agent; and must operate in a location physically separate from the iTRS provider or the iTRS provider's marketing agent.</p> <p>(i) Methods of third party verification. Third party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of paragraphs (c)(3)(ii) through (iv) of this section are satisfied. It shall be a per se violation of these rules if at any time the iTRS provider, an iTRS provider's marketing representative, or any other person misleads the iTRS user with respect to the authorization that the iTRS user is giving, the purpose of that authorization, the purpose of the verification, the verification process, or the identity of the person who is placing the call as well as on whose behalf the call is being placed, if applicable.</p> <p>(ii) Provider initiation of third party verification. An iTRS provider or an iTRS provider's marketing representative initiating a three-way conference call must drop off the call once the three-way connection has been established.</p> <p>(iii) Requirements for content and format of third party verification. Any description of the default provider change transaction by a third party verifier must not be misleading. At the start of the third party verification process, the third party verifier shall identify the new default provider to the iTRS user and shall confirm that the iTRS user understands that the iTRS user is changing</p>
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	<p>default providers and will no longer receive service from the iTRS user's current iTRS provider. In addition, all third party verification methods shall elicit, at a minimum: The date of the verification; the identity of the iTRS user; confirmation that the person on the call is the iTRS user; confirmation that the iTRS user wants to make the provider change; confirmation that the iTRS user understands that a default provider change, not an upgrade to existing service, or any other misleading description of the transaction, is being authorized; confirmation that the iTRS user understands what the change in default provider means, including that the iTRS user may need to return any video equipment belonging to the original; the name of the new default provider affected by the change; the telephone number of record to be transferred to the new default provider; and the type of TRS used with the telephone number being transferred. If the iTRS user has additional questions for the iTRS provider's marketing representative during the verification process, the verifier shall instruct the iTRS user that they are terminating the verification process, that the iTRS user may contact the marketing representative with additional questions, and that the iTRS user's default provider will not be changed. The marketing representative may again initiate the verification process following the procedures set out in this section after the iTRS user contacts the marketing representative with any additional questions. Third party verifiers may not market the iTRS provider's services by providing additional information.</p> <p>(iv) Other requirements for third party verification. All third party verifications shall be conducted in the same language and format that were used in the underlying marketing transaction and shall be recorded in their entirety. In the case of VRS, this means that if the</p>		
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	marketing process was conducted in American Sign Language (ASL), then the third party verification shall be conducted in ASL. In the event that the underlying marketing transaction was conducted via text over IP Relay, such text format shall be used for the third party verification. The third party verifier shall inform both the iTRS user and, where applicable, the communications assistant relaying the call, that the call is being recorded. The third party verifier shall provide the new default provider an audio, video, or IP Relay transcript of the verification of the iTRS user authorization. New default providers shall maintain and preserve audio and video records of verification of iTRS user authorization in accordance with the procedures set forth in paragraph (a)(2) of this section.		
§ 64.631(d)	<p>§ 64.631(d), Change order implementation</p> <p>(d) A new default provider shall implement an iTRS user's default provider change order within 60 days of obtaining either:</p> <p>(1) A written or electronically signed letter of accordance with § 64.632 of this part or</p> <p>(2) Third party verification of the iTRS user's default provider change order in accordance with paragraph (c)(2) of this section. CLARITY understands that if the change order is not implemented within 60 days as required herein, such default provider change order shall be deemed void.</p>		<p>CLARITY will implement any iTRS user's default provider change order within 60 days of obtaining either:</p> <p>(1) A written or electronically signed letter of agency in accordance with § 64.632 of this part, or</p> <p>(2) Third party verification of the iTRS user's default provider change order in accordance with paragraph (c)(2) of this section. CLARITY understands that if the change order is not implemented within 60 days as required herein, such default provider change order shall be deemed void.</p>
§ 64.631(e)	<p>§ 64.631(e), Interim period</p> <p>(e) At any time during the process of changing an iTRS user's default provider, and until such process is completed, which is when the new default provider</p>		<p>During the process of changing an iTRS user's default provider, and until such process is completed, if CLARITY is the original default provider, CLARITY will not reduce the level or quality of iTRS service provided to such iTRS</p>

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	<p>assumes the role of default provider, the original default provider shall not:</p> <p>During the process of changing an iTRS user's default provider, and until such process is completed, if CLARITY is the original default provider, we shall not</p> <p>(1) Reduce the level or quality of iTRS service provided to such iTRS user, or</p> <p>(2) Reduce the functionality of any VRS access technology provided by the iTRS provider to such iTRS user.</p>		<p>user. Item § 64.631(e)(2) does not apply to CLARITY, because CLARITY does not provide VRS services.</p>
§ 64.631(f)	<p>§ 64.631(f), Bulk user change</p> <p>(f) An iTRS provider that is certified pursuant to § 64.606(a)(2) of this part may acquire, through a sale or transfer, either part or all of another iTRS provider's iTRS user base without obtaining each iTRS user's authorization and verification in accordance with paragraph (c) of this section, provided that the acquiring iTRS provider complies with the following streamlined procedures. An iTRS provider shall not use these streamlined procedures for any fraudulent purpose, including any attempt to avoid liability for violations under part 64 of the Commission rules.</p> <p>(1) Not later than 30 days before the transfer of the affected iTRS users from the selling or transferring iTRS provider to the acquiring iTRS provider, the acquiring iTRS provider shall provide notice to each affected iTRS user of the information specified herein. The acquiring iTRS provider is required to fulfill the obligations set forth in the advance iTRS user notice. In the case of VRS, the notice shall be provided as a pre-recorded</p>		<p>CLARITY understands and will conform with this section regarding the sale or transfer of part or all of one iTRS provider to another.</p>

	<p>video message in American Sign Language sent to all affected iTRS users. In the case of IP Relay, the notice shall be provided as a pre-recorded text message sent to all affected iTRS users. The advance iTRS user notice shall be provided in a manner consistent with 47 U.S.C. 255, 617, 619 and the Commission's rules regarding accessibility to blind and visually-impaired consumers, §§ 6.3, 6.5, 14.20, and 14.21 of this chapter. The following information must be included in the advance iTRS user notice:</p> <p>(i) The date on which the acquiring iTRS provider will become the iTRS user's new default provider;</p> <p>(ii) The iTRS user's right to select a different default provider for the iTRS at issue, if an alternative iTRS provider is available;</p> <p>(iii) Whether the acquiring iTRS provider will be responsible for handling any complaints filed, or otherwise raised, prior to or during the transfer against the selling or transferring iTRS provider, and</p> <p>(iv) The toll-free customer service telephone number of the acquiring iTRS provider.</p> <p>(2) All iTRS users receiving the notice will be transferred to the acquiring iTRS provider, unless they have selected a different default before the transfer date.</p>		
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H. 47 C.F.R. § 64.632 Letter of Authorization Form and Content

	SUBSECTION	Apply / Waiver?	Note
§ 64.632(a)	<p>§ 64.632(a), Letter of Authorization</p> <p>(a) An iTRS provider may use a written or electronically signed letter of authorization to obtain authorization of an iTRS user's request to change his or her default provider. A letter of authorization that does not conform with this section is invalid for purposes of this subpart.</p>		CLARITY understands an iTRS provider may use a written or electronically signed letter of authorization to obtain authorization of an iTRS user's request to change his or her default provider, and that a letter of authorization that does not conform with this section is invalid for purposes of this subpart.
§ 64.632(b)	<p>§ 64.632(b), Separate Document</p> <p>(b) The letter of authorization shall be a separate document or located on a separate screen or Web page. The letter of authorization shall contain the following title "Letter of Authorization to Change my Default Provider" at the top of the page, screen, or Web page, as applicable, in clear and legible type.</p>		CLARITY understands that letters of authorization to change provides must be a separate document or located on a separate screen or Web page, and that the letter shall contain the title "Letter of Authorization to Change my Default Provider" at the top of the page, screen, or Web page, as applicable, in clear and legible type
§ 64.632(c)	<p>§ 64.632(c), Limits on Letter of Authorization</p> <p>(c) The letter of authorization shall contain only the authorizing language described in paragraph (d) of this section and be strictly limited to authorizing the new default provider to implement a default provider change order. The letter of authorization shall be signed and dated by the iTRS user requesting the default provider change.</p>		CLARITY understands that the letter of authorization must be limited to the authorization required to implement a default provider change order, and that the letter shall be signed and dated by the user requesting the change.
§ 64.632(d)	<p>§ 64.632(d), Letter of Authorization details</p> <p>(d) At a minimum, the letter of authorization must be printed with a type of sufficient size and readable type to</p>		CLARITY understands the formatting requirements of the Letter of Authorization, and that the details must include the registered and address and each telephone number to be covered,

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	be clearly legible and must contain clear and unambiguous language that confirms: (1) The iTRS user's registered name and address and each telephone number to be covered by the default provider change order; (2) The decision to change the default provider from the original default provider to the new default provider; (3) That the iTRS user designates [insert the name of the new default provider] to act as the iTRS user's agent and authorizing the new default provider to implement the default provider change; and		the decision to change, and that the user designates the new default provider to implement the change
§ 64.632(e)	§ 64.632(e), Letter of Authorization translations (e) If any portion of a letter of authorization is translated into another language then all portions of the letter of authorization must be translated into that language. Every letter of authorization must be translated into the same language as any promotional materials, descriptions or instructions provided with the letter of authorization.		CLARITY understands that if the Letter of Authorization is translated into another language then all portions of the letter, as well as any accompanying documents, must also be translated into that language.
§ 64.632(f)	§ 64.632(f), Letter of Authorization Electronic Signatures (f) Letters of authorization submitted with an electronically signed authorization must include the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act.		CLARITY understands and will comply with consumer disclosures described in Section 101(c) of the Electronic Signatures in Global and National Commerce Act when accepting Letters of Authorization submitted with an electronically signed authorization

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I. 47 C.F.R. § 64.5105 Use of Customer Proprietary Network Information Without Customer Approval

	SUBSECTION	Apply / Waiver?	Note
§ 64.5105(a)	<p>§ 64.5105(a), CPNI for multiple types of TRS</p> <p>(a) A TRS provider may use, disclose, or permit access to CPNI for the purpose of providing or lawfully marketing service offerings among the categories of service (i.e., type of TRS) for which the TRS provider is currently the default provider for that customer, without customer approval.</p> <p>(1) If a TRS provider provides different categories of TRS, and the TRS provider is currently the default provider for that customer for more than one category of TRS offered by the TRS provider, the TRS provider may share CPNI among the TRS provider's affiliated entities that provide a TRS offering to the customer.</p> <p>(2) If a TRS provider provides different categories of TRS, but the TRS provider is currently not the default provider for that customer for more than one offering by the TRS provider, the TRS provider shall not share CPNI with its affiliates, except as provided in § 64.5107(b) of this subpart.</p>	Does not apply	CLARITY does not provide more than one type of TRS. However, CLARITY does provide other products (i.e., amplified telephones). CLARITY will not use TRS customer CPNI to market these other products.
§ 64.5105(b)	<p>§ 64.5105(b), CPNI non-disclosure</p> <p>(b) A TRS provider shall not use, disclose, or permit access to CPNI as described in this paragraph (b).</p> <p>(1) A TRS provider shall not use, disclose, or permit access to CPNI to market to a customer TRS offerings that are within a category of TRS for which the TRS provider is not currently the default provider for that customer, unless that TRS provider has customer approval to do so.</p>		<p>CLARITY will not use, disclose, or permit access to CPNI to market to a customer TRS offerings that are within a category of TRS for which the CLARITY is not currently the default provider for that customer, unless CLARITY has customer approval to do so.</p> <p>CLARITY will not identify or track CPNI of customers that call competing TRS providers and, notwithstanding any other provision of this subpart, will not use, disclose or permit</p>

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	(2) A TRS provider shall not identify or track CPNI of customers that call competing TRS providers and, notwithstanding any other provision of this subpart, a TRS provider shall not use, disclose or permit access to CPNI related to a customer call to a competing TRS provider.		access to CPNI related to a customer call to a competing TRS provider.
§ 64.5105(c)	<p>§ 64.5105(c), CPNI permissible uses</p> <p>(c) A TRS provider may use, disclose, or permit access to CPNI, without customer approval, as described in this paragraph (c).</p> <p>(1) A TRS provider may use, disclose or permit access to CPNI derived from its provision of TRS without customer approval, for the provision of CPE or iTRS access technology, and call answering, voice or video mail or messaging, voice or video storage and retrieval services.</p> <p>(2) A TRS provider may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.</p> <p>(3) A TRS provider may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, call waiting, caller I.D., and call forwarding, only to those customers that are currently registered with that TRS provider as their default provider.</p> <p>(4) A TRS provider shall use, disclose, or permit access to CPNI to the extent necessary to:</p> <p>(i) Accept and handle 911/E911 calls;</p> <p>(ii) Access, either directly or via a third party, a commercially available database that will allow the TRS provider to determine an appropriate Public Safety Answering Point, designated</p>		<p>CLARITY understands that it may use TRS customer CPNI for those customers who use CLARITY as their default provider, without customer approval, to:</p> <ul style="list-style-type: none">- Provide iTRS access technology, voice mail messaging, and voice storage/retrieval- Maintain the iTRS technology- Market adjunct services such as speed dialing, call waiting, etc.- To accept and handle 911/E911 calls; to access a commercially available database that will allow CLARITY to determine an appropriate Public Safety Answer point, or appropriate local emergency authority that corresponds to the caller's location; to relay the 911/E911 call to that entity; and to facilitate the dispatch and response of emergency service or law enforcement personnel to the caller's location, in the event that the 911/E911 call is disconnected or the caller becomes incapacitated

	<p>statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location;</p> <p>(iii) Relay the 911/E911 call to that entity; and</p> <p>(iv) Facilitate the dispatch and response of emergency service or law enforcement personnel to the caller's location, in the event that the 911/E911 call is disconnected or the caller becomes incapacitated.</p>	
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J. 47 C.F.R. § 64.5107 Approval Required for Use of Customer Proprietary Network Information

	SUBSECTION	Apply / Waiver?	Note
§ 64.5107(a)	<p>§ 64.5107(a), CPNI for multiple types of TRS</p> <p>(a) A TRS provider may obtain approval through written, oral, electronic, or sign language methods.</p> <p>(1) A TRS provider relying on oral or sign language approval shall bear the burden of demonstrating that such approval has been given in compliance with the Commission's rules in this part.</p> <p>(2) Approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by a TRS provider must remain in effect until the customer revokes or limits such approval or disapproval. A TRS provider shall accept any such customer revocation, whether in written, oral, electronic, or sign language methods.</p> <p>(3) A TRS provider must maintain records of approval, whether oral, written, electronic, or sign language, during the time period</p>		<p>CLARITY understands that it may obtain approval for the use of CPNI through written, oral, electronic or sign language methods, and that such approval or disapproval must remain in effect until the customer revokes or limits such approval or disapproval (be it in written, oral, electronic or sign language). Records of such approval or disapproval will be maintained for at least one year after they are in effect.</p> <p>The burden of demonstrating that such approval has been given in compliance with the Commission's rules lies with CLARITY.</p>

	that the approval or disapproval is in effect and for at least one year thereafter.		
§ 64.5107(b)	<p>§ 64.5107(b) Use of opt-in and opt-out approval processes</p> <p>(b) Use of opt-in and opt-out approval processes.</p> <p>(1) Opt-in approval requires that the TRS provider obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the TRS provider's request consistent with the requirements set forth in this subpart.</p> <p>(2) With opt-out approval, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within the waiting period described in § 64.5108(d)(1) of this subpart after the TRS provider has provided to the customer appropriate notification of the TRS provider's request for consent consistent with the rules in this subpart.</p> <p>(3) A TRS provider may only use, disclose, or permit access to the customer's individually identifiable CPNI with the customer's opt-in approval, except as follows:</p> <p>(i) Where a TRS provider is permitted to use, disclose, or permit access to CPNI without customer approval under § 64.5105 of this subpart.</p> <p>(ii) Where a TRS provider is permitted to use, disclose, or permit access to CPNI by making use of customer opt-in or opt-out approval under paragraph (?) (4) [sic] of this section.</p> <p>(4) A TRS provider may make use of customer opt-in or opt-out approval to take the following actions with respect to CPNI:</p>		<p>CLARITY will not use, disclose, or access a user's CPNI unless the user expressly provides opt-in approval, except as provided in section 4 of this subpart, or in section § 64.5105.</p>

	<p>(i) Use its customer's individually identifiable CPNI for the purpose of lawfully marketing TRS-related services to that customer.</p> <p>(ii) Disclose its customer's individually identifiable CPNI to its agents and its affiliates that provide TRS-related services for the purpose of lawfully marketing TRS-related services to that customer. A TRS provider may also permit such persons or entities to obtain access to such CPNI for such purposes.</p>	
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K. 47 C.F.R. § 64.5108 Notice Required for Use of Customer Proprietary Network Information

	SUBSECTION	Apply / Waiver?	Note
§ 64.5108(a)	<p>§ 64.5108(a) Notification, generally</p> <p>(a) Notification, generally.</p> <p>(1) Prior to any solicitation for customer approval to use, disclose, or permit access to CPNI, a TRS provider shall provide notification to the customer of the customer's right to deny or restrict use of, disclosure of, and access to that customer's CPNI.</p> <p>(2) A TRS provider shall maintain records of notification, whether oral, written, electronic, or sign language, during the time period that the approval is in effect and for at least one year thereafter.</p>		<p>Before soliciting customer approval to use, disclose or permit access to CPNI, CLARITY will provide notification to the customer of the customer's right to deny or restrict the use, disclosure of and access to the CPNI. When approval is given, CLARITY will maintain records of such notification for at least a year after the approval is given.</p>
§ 64.5108(b)	<p>§ 64.5108(b)</p> <p>(b) Individual notice. A TRS provider shall provide individual notice to customers when soliciting approval to use, disclose, or permit access to customers' CPNI.</p>		<p>CLARITY will provide individual notice to customers when soliciting approval to use, disclose or permit access to the customer's CPNI.</p>

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<p>§ 64.5108(c)</p>	<p>§ 64.5108(c) Content of notice</p> <p>(c) Content of notice. Customer notification shall provide sufficient information in clear and unambiguous language to enable the customer to make an informed decision as to whether to permit a TRS provider to use, disclose, or permit access to, the customer's CPNI.</p> <p>(1) The notification shall state that the customer has a right to deny any TRS provider the right to use, disclose or permit access to the customer's CPNI, and the TRS provider has a duty, under federal law, to honor the customer's right and to protect the confidentiality of CPNI.</p> <p>(2) The notification shall specify the types of information that constitute CPNI and the specific entities that will use, receive or have access to the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw the customer's consent to use, disclose, or permit access to access to CPNI at any time.</p> <p>(3) The notification shall advise the customer of the precise steps the customer must take in order to grant or deny use, disclosure, or access to CPNI, and must clearly state that customer denial of approval will not affect the TRS provider's provision of any services to the customer. However, TRS providers may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.</p> <p>(4) TRS providers shall provide the notification in a manner that is accessible to the customer, comprehensible, and not misleading.</p>	<p>CLARITY will provide the user sufficient information in clear and unambiguous language to enable the customer to make an informed decision as to whether to permit a TRS provider to use, disclose or permit access to the customer's CPNI, according to the requirements in this section.</p>
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	<p>(5) If the TRS provider provides written notification to the customer, the notice shall be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.</p> <p>(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.</p> <p>(7) A TRS provider may state in the notification that the customer's approval to use CPNI may enhance the TRS provider's ability to offer products and services tailored to the customer's needs. A TRS provider also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.</p> <p>(8) The notification shall state that any approval or denial of approval for the use of CPNI outside of the service for which the TRS provider is the default provider for the customer is valid until the customer affirmatively revokes or limits such approval or denial.</p> <p>(9) A TRS provider's solicitation for approval to use, disclose, or have access to the customer's CPNI must be proximate to the notification of a customer's CPNI rights to non-disclosure.</p>		
§ 64.5108(d)	<p>§ 64.5108(d) Notice requirements specific to opt-out</p> <p>(d) Notice requirements specific to opt-out. A TRS provider shall provide notification to obtain opt-out approval through electronic or written methods, but not by oral or sign language communication (except as provided in paragraph (f) of this section). The contents of any such notification shall comply with the requirements of paragraph (c) of this section.</p>		<p>CLARITY will provide users with notification to obtain opt-out approval through electronic or written methods, but not by oral or sign language communication (except as provided in paragraph (f) of this section). The contents of any such notification shall comply with the requirements of paragraph (c) of this section and with the requirements of this section.</p>

	<p>(1) TRS providers shall wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. A TRS provider may, in its discretion, provide for a longer period. TRS providers shall notify customers as to the applicable waiting period for a response before approval is assumed.</p> <p>(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and</p> <p>(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.</p> <p>(2) TRS providers using the opt-out mechanism shall provide notices to their customers every two years.</p> <p>(3) TRS providers that use email to provide opt-out notices shall comply with the following requirements in addition to the requirements generally applicable to notification:</p> <p>(i) TRS providers shall obtain express, verifiable, prior approval from consumers to send notices via email regarding their service in general, or CPNI in particular;</p> <p>(ii) TRS providers shall either:</p> <p>(A) Allow customers to reply directly to the email containing the CPNI notice in order to opt-out; or</p> <p>(B) Include within the email containing the CPNI notice a conspicuous link to a Web page that provides to the customer a readily usable opt-out mechanism;</p>
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	<p>(iii) Opt-out email notices that are returned to the TRS provider as undeliverable shall be sent to the customer in another form before the TRS provider may consider the customer to have received notice;</p> <p>(iv) TRS providers that use email to send CPNI notices shall ensure that the subject line of the message clearly and accurately identifies the subject matter of the email; and</p> <p>(v) TRS providers shall make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. TRS providers may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.</p>		
§ 64.5108(e)	<p>§ 64.5108(e) Notice requirements specific to opt-in</p> <p>(e) Notice requirements specific to opt-in. A TRS provider may provide notification to obtain opt-in approval through oral, sign language, written, or electronic methods. The contents of any such notification shall comply with the requirements of paragraph of this section.</p>		<p>CLARITY will provide their users with notification to obtain opt-in approval through oral, sign language, written, or electronic methods. The contents of any such notification shall comply with the requirements of paragraph of this section.</p>
§ 64.5108(f)	<p>§ 64.5108(f) Notice requirements specific to one-time use of CPNI</p> <p>(f) Notice requirements specific to one-time use of CPNI.</p> <p>(1) TRS providers may use oral, text, or sign language notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone, TRS, or point-to-point contacts for the duration of the call, regardless of whether TRS providers use opt-out or opt-in approval based on the nature of the contact.</p>		<p>CLARITY understands that it may use oral, text, or sign language notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone, TRS, or point-to-point contacts for the duration of the call, regardless of whether TRS providers use opt-out or opt-in approval based on the nature of the contact. Such notification will comply with the requirements of this section.</p>

	<p>(2) The contents of any such notification shall comply with the requirements of paragraph (c) of this section, except that TRS providers may omit any of the following notice provisions if not relevant to the limited use for which the TRS provider seeks CPNI:</p> <p>(i) TRS providers need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;</p> <p>(ii) TRS providers need not advise customers that the TRS provider may share CPNI with the TRS provider's affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;</p> <p>(iii) TRS providers need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as the TRS provider explains to customers that the scope of the approval the TRS provider seeks is limited to one-time use; and</p> <p>(iv) TRS providers may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the TRS provider clearly communicates that the customer can deny access to his or her CPNI for the call.</p>	
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L. 47 C.F.R. § 64.5109 Safeguards Required for Use of Customer Proprietary Network Information

	SUBSECTION	Apply / Waiver?	Note
§ 64.5109(a)	<p>§ 64.5109(a) Notification, generally</p> <p>(a) Notification, generally.</p>		<p>Prior to any solicitation for customer approval to use, disclose, or permit access to CPNI, CLARITY will provide notification to the customer of the customer's right to deny or</p>

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	<p>(1) Prior to any solicitation for customer approval to use, disclose, or permit access to CPNI, a TRS provider shall provide notification to the customer of the customer's right to deny or restrict use of, disclosure of, and access to that customer's CPNI.</p> <p>(2) A TRS provider shall maintain records of notification, whether oral, written, electronic, or sign language, during the time period that the approval is in effect and for at least one year thereafter.</p>		<p>CLARITY will maintain records of notification, whether oral, written, electronic, or sign language, during the time period that the approval is in effect and for at least one year thereafter.</p>
§ 64.5109(b)	<p>§ 64.5109(b), Personnel, agents, contractors and subcontractors</p> <p>(b) TRS providers shall train their personnel, including any agents, contractors, and subcontractors, as to when they are and are not authorized to use CPNI, including procedures for verification of the status of a customer's CPNI approval. TRS providers shall have an express disciplinary process in place, including in the case of agents, contractors, and subcontractors, a right to cancel the applicable contract(s) or otherwise take disciplinary action.</p>		<p>CLARITY will train their personnel, including any agents, contractors, and subcontractors, as to when they are and are not authorized to use CPNI, including procedures for verification of the status of a customer's CPNI approval. CLARITY will have an express disciplinary process in place, including in the case of agents, contractors, and subcontractors, a right to cancel the applicable contract(s) or otherwise take disciplinary action.</p>
§ 64.5109(c)	<p>§ 64.5109(c)</p> <p>(c) TRS providers shall maintain a record, electronically or in some other manner, of their own and their affiliates' sales and marketing campaigns that use their customers' CPNI. All TRS providers shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record shall include a description of each campaign, the specific CPNI that was used in the campaign, including the customer's name, and what products and services were offered as a part of the campaign. TRS providers shall retain the record for a minimum of three years.</p>		<p>CLARITY will maintain a record, electronically or in some other manner, of their own and their affiliates' sales and marketing campaigns that use their customers' CPNI. CLARITY will maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record will include a description of each campaign, the specific CPNI that was used in the campaign, including the customer's name, and what products and services were offered as a part of the</p>

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			campaign. TRS providers shall retain the record for a minimum of three years.
§ 64.5109(d)	§ 64.5109(d)	(d) TRS providers shall establish a supervisory review process regarding TRS provider compliance with the rules in this subpart for outbound marketing situations and maintain records of TRS provider compliance for a minimum period of three years. CLARITY sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.	CLARITY will establish a supervisory review process regarding TRS provider compliance with the rules in this subpart for outbound marketing situations and maintain records of TRS provider compliance for a minimum period of three years. CLARITY sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.
§ 64.5109(e)	§ 64.5109(e)	(e) A TRS provider shall have an officer, as an agent of the TRS provider, sign and file with the Commission a compliance certification on an annual basis. The officer shall state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The TRS provider must provide a statement accompanying the certification explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart. In addition, the TRS provider must include an explanation of any actions taken against data brokers, a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI, and a report detailing all instances where the TRS provider, or its agents, contractors, or subcontractors, used, disclosed, or permitted access to CPNI without complying with the procedures specified in this subpart. In the case of iTRS providers, this filing shall be included in the annual report filed with the Commission pursuant to § 64.606(g) of this part for data pertaining to the previous year. In the case of all other TRS providers, this filing shall be made annually with the Disability Rights Office of the Consumer and Governmental Affairs Bureau on or before	CLARITY will have an officer, as an agent of the CLARITY, sign and file with the Commission a compliance certification on an annual basis. The officer shall state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. CLARITY will provide a statement accompanying the certification explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart. In addition, CLARITY will include an explanation of any actions taken against data brokers, a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI, and a report detailing all instances where CLARITY, or its agents, contractors, or subcontractors, used, disclosed, or permitted access to CPNI without complying with the procedures specified in this subpart. As an IP CTS provider, this filing shall be included in CLARITY's annual report filed with the

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	March 1 in CG Docket No. 03-123 for data pertaining to the previous calendar year.		Commission pursuant to § 64.606(g) of this part for data pertaining to the previous year.
§ 64.5109(f)	<p>§ 64.5109 (f)</p> <p>(f) TRS providers shall provide written notice within five business days to the Disability Rights Office of the Consumer and Governmental Affairs Bureau of the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.</p> <p>(1) The notice shall be in the form of a letter, and shall include the TRS provider's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified, if applicable, and whether the state commission(s) has taken any action, a copy of the notice provided to customers, and contact information.</p> <p>(2) Such notice shall be submitted even if the TRS provider offers other methods by which consumers may opt-out.</p>		<p>CLARITY will provide written notice within five business days to the Disability Rights Office of the Consumer and Governmental Affairs Bureau of the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly. The notice shall be in the form of a letter, and shall include the CLARITY's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified, if applicable, and whether the state commission(s) has taken any action, a copy of the notice provided to customers, and contact information. Such notice will be submitted even if the TRS provider offers other methods by which consumers may opt-out.</p>

M. 47 C.F.R. § 64.5110 Safeguards on the Disclosure of Customer Proprietary Network Information

	SUBSECTION	Apply / Waiver?	Note
§ 64.5110(a)	<p>§ 64.5110(a) Safeguarding CPNI</p> <p>(a) Safeguarding CPNI. TRS providers shall take all reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. TRS providers shall authenticate a customer prior to disclosing CPNI based on a customer-</p>		<p>CLARITY will take all reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. CLARITY will authenticate a customer prior to disclosing CPNI based on a customer-initiated telephone contact, TRS call, point-to-</p>

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	initiated telephone contact, TRS call, point-to-point call, online account access, or an in-store visit.		point call, online account access, or an in-store visit.
§ 64.5110(b)	<p>§ 64.5110 (b) Telephone, TRS, and point-to-point access to CPNI</p> <p>(b) Telephone, TRS, and point-to-point access to CPNI. A TRS provider shall authenticate a customer without the use of readily available biographical or account information, prior to allowing the customer telephonic, TRS, or point-to-point access to CPNI related to his or her TRS account. Alternatively, the customer may obtain telephonic, TRS, or point-to-point access to CPNI related to his or her TRS account through a password, as described in paragraph (e) of this section.</p>		CLARITY will authenticate users over the telephone, TRS and point-to-point access by the use of telephone customer service password only, as described in paragraph (e) of this section. If the user is unable to remember their customer service password, they will still receive customer service help, but the customer service representative will not be able to access or communicate any CPNI.
§ 64.5110(c)	<p>§ 64.5110(c) Online access to CPNI</p> <p>(c) Online access to CPNI. A TRS provider shall authenticate a customer without the use of readily available biographical information, or account information, prior to allowing the customer online access to CPNI related to his or her TRS account. Once authenticated, the customer may only obtain online access to CPNI related to his or her TRS account through a password, as described in paragraph (e) of this section.</p>		CLARITY will allow a user online access to the CPNI related their account only through a password, as described in paragraph (e) of this section.
§ 64.5110(d)	<p>§ 64.5110(d) In-store access to CPNI</p> <p>(d) In-store access to CPNI. A TRS provider may disclose CPNI to a customer who, at a TRS provider's retail location, first presents to the TRS provider or its agent a valid photo ID matching the customer's account information.</p>		CLARITY will not disclose CPNI to a customer in person unless the customer first presents to the TRS provider or its agent a valid photo ID matching the customer's account information.
§ 64.5110(e)	<p>§ 64.5110(e), Passwords</p> <p>(e) Establishment of a password and back-up authentication methods for lost or forgotten passwords. To establish a</p>		Upon registration, the user will establish a password for the application, as well as a telephone password to be used when contacting customer service. The user will be

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	password, a TRS provider shall authenticate the customer without the use of readily available biographical information, or account information. TRS providers may create a back-up customer authentication method in the event of a lost or forgotten password, but such back-up customer authentication method may not prompt the customer for readily available biographical information, or account. If a customer cannot provide the correct password or the correct response for the back-up customer authentication method, the customer shall establish a new password as described in this paragraph.		able change both passwords in the app. The user will also provide their email, where they may receive a password change email if they lose their password.
§ 64.5110(f)	<p>§ 64.5110(f) Notification of account changes.</p> <p>(f) Notification of account changes. TRS providers shall notify customers immediately whenever a password, customer response to a back-up means of authentication for lost or forgotten passwords, online account, or address of record is created or changed. This notification is not required when the customer initiates service, including the selection of a password at service initiation. This notification may be through a TRS provider-originated voicemail, text message, or video mail to the telephone number of record, by mail to the physical address of record, or by email to the email address of record, and shall not reveal the changed information or be sent to the new account information.</p>		<p>Whenever the user changes their password, responds to a back-up means of authentication for lost or forgotten passwords, online account of address of record (except for initiation of service), CLARITY will notify the customer through a provider-originated voicemail, text message, email to the email address of record, or physical mail to the address of record. This communication will not reveal the changed information, but simply that a change has occurred.</p>

N. 15 U.S.C. § 7001 General Rule of Validity

	SUBSECTION	Apply / Waiver?	Note
§ 7001(a)	<p>§ 7001(a) In General</p> <p>(a) In general Notwithstanding any statute, regulation, or other rule of law (other than this subchapter and subchapter II), with</p>		CLARITY accepts electronic signatures with the understanding that such a signature may not be denied legal effect solely because it is in electronic form.

	<p>respect to any transaction in or affecting interstate or foreign commerce—</p> <p>(1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and</p> <p>(2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.</p>		
§ 7001(b)	<p>§ 7001(b) Preservation of rights and obligations</p> <p>(b) Preservation of rights and obligations This subchapter does not—</p> <p>(1) limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form; or</p> <p>(2) require any person to agree to use or accept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract to which it is a party.</p>	CLARITY understands that this subchapter does not affect the preservation of rights and obligations.	
§ 7001(c)	<p>§ 7001(c) Consumer disclosures</p> <p>(c) Consumer disclosures</p> <p>(1) Consent to electronic records Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that information relating to a transaction or transactions in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the use of an electronic</p>	<p>When accepting electronic signatures, CLARITY, prior to the consumer consenting,</p> <ul style="list-style-type: none"> - informs the user of the right to have the record made available in paper form, - informs the user how to obtain a paper form copy 	

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	<p>record to provide or make available (whichever is required) such information satisfies the requirement that such information be in writing if—</p> <p>(A) the consumer has affirmatively consented to such use and has not withdrawn such consent;</p> <p>(B) the consumer, prior to consenting, is provided with a clear and conspicuous statement—</p> <p>(i) informing the consumer of (I) any right or option of the consumer to have the record provided or made available on paper or in nonelectronic form, and (II) the right of the consumer to withdraw the consent to have the record provided or made available in an electronic form and of any conditions, consequences (which may include termination of the parties' relationship), or fees in the event of such withdrawal;</p> <p>(ii) informing the consumer of whether the consent applies (I) only to the particular transaction which gave rise to the obligation to provide the record, or (II) to identified categories of records that may be provided or made available during the course of the parties' relationship;</p> <p>(iii) describing the procedures the consumer must use to withdraw consent as provided in clause (i) and to update information needed to contact the consumer electronically; and</p> <p>(iv) informing the consumer (I) how, after the consent, the consumer may, upon request, obtain a paper copy of an electronic record, and (II) whether any fee will be charged for such copy;</p> <p>(C) the consumer—</p>		<p>- informs the user of the right to withdraw consent in the future and how to do so</p>
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	<p>(i) prior to consenting, is provided with a statement of the hardware and software requirements for access to and retention of the electronic records; and</p> <p>(ii) consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent; and</p> <p>(D) after the consent of a consumer in accordance with subparagraph (A), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record—</p> <p>(i) provides the consumer with a statement of (I) the revised hardware and software requirements for access to and retention of the electronic records, and (II) the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (B)(i); and</p> <p>(ii) again complies with subparagraph (C).</p> <p>(2) Other rights</p> <p>(A) Preservation of consumer protections</p> <p>Nothing in this subchapter affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.</p>	
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	<p>(B) Verification or acknowledgment</p> <p>If a law that was enacted prior to this chapter expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).</p> <p>(3) Effect of failure to obtain electronic consent or confirmation of consent</p> <p>The legal effectiveness, validity, or enforceability of any contract executed by a consumer shall not be denied solely because of the failure to obtain electronic consent or confirmation of consent by that consumer in accordance with paragraph (1)(C)(ii).</p> <p>(4) Prospective effect</p> <p>Withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.</p> <p>(5) Prior consent</p> <p>This subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this subchapter to receive such records in</p>
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	<p>electronic form as permitted by any statute, regulation, or other rule of law.</p> <p>(6) Oral communications</p> <p>An oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.</p>		
§ 7001(d)	<p>§ 7001(d) Retention of contracts and records</p> <p>(d) Retention of contracts and records</p> <p>(1) Accuracy and accessibility. If a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be retained, that requirement is met by retaining an electronic record of the information in the contract or other record that—</p> <p>(A) accurately reflects the information set forth in the contract or other record; and</p> <p>(B) remains accessible to all persons who are entitled to access by statute, regulation, or rule of law, for the period required by such statute, regulation, or rule of law, in a form that is capable of being accurately reproduced for later reference, whether by transmission, printing, or otherwise.</p> <p>(2) Exception</p> <p>A requirement to retain a contract or other record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract or other record to be sent, communicated, or received.</p>		<p>CLARITY maintains accurate records of the electronic signatures and documents, and allows the user to access these records in electronic form after they sign them. The user may also request these records in paper form, and the procedure for doing so is explained in the section whereby the user may request them. (Clarity does not accept electronic checks)</p>

	<p>(3) Originals</p> <p>If a statute, regulation, or other rule of law requires a contract or other record relating to a transaction in or affecting interstate or foreign commerce to be provided, available, or retained in its original form, or provides consequences if the contract or other record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).</p> <p>(4) Checks</p> <p>If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with paragraph (1).</p>	
<p>§ 7001(e)</p>	<p>§ 7001(e) Accuracy and ability to retain contracts and other records</p> <p>(e) Accuracy and ability to retain contracts and other records</p> <p>Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be in writing, the legal effect, validity, or enforceability of an electronic record of such contract or other record may be denied if such electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties or persons who are entitled to retain the contract or other record.</p>	<p>CLARITY maintains all electronic signatures in a form that is capable of being retained and accurately reproduced for later reference by all parties or persons who are entitled to retain the contract or other record.</p>
<p>§ 7001(f)</p>	<p>§ 7001(f) Proximity</p> <p>(f) Proximity</p>	<p>CLARITY understands and agrees to this paragraph.</p>

	Nothing in this subchapter affects the proximity required by any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.		
§ 7001(g)	<p>§ 7001(g) Notarization and acknowledgment</p> <p>(g) Notarization and acknowledgment</p> <p>If a statute, regulation, or other rule of law requires a signature or record relating to a transaction in or affecting interstate or foreign commerce to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record.</p>		CLARITY understands and agrees to this paragraph.
§ 7001(h)	<p>§ 7001(h) Electronic agents</p> <p>(h) Electronic agents</p> <p>A contract or other record relating to a transaction in or affecting interstate or foreign commerce may not be denied legal effect, validity, or enforceability solely because its formation, creation, or delivery involved the action of one or more electronic agents so long as the action of any such electronic agent is legally attributable to the person to be bound.</p>		CLARITY understands and agrees to this paragraph.
§ 7001(i)	<p>§ 7001(i) Insurance</p> <p>(i) Insurance</p> <p>It is the specific intent of the Congress that this subchapter and subchapter II apply to the business of insurance.</p>	Does not apply	CLARITY is not an insurance agent or broker.

§ 7001(j)	§ 7001(j) (j) Insurance agents and brokers An insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature may not be held liable for any deficiency in the electronic procedures agreed to by the parties under that contract if— (1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct; (2) the agent or broker was not involved in the development or establishment of such electronic procedures; and (3) the agent or broker did not deviate from such procedures. (Pub. L. 106–229, title I, § 101, June 30, 2000, 114 Stat. 464.)	Does not apply	CLARITY is not an insurance agent or broker.
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O. 47 C.F.R. § 52.34 Obligations Regarding Local Number Porting To and From Interconnected VoIP or Internet-based TRS Providers

	SUBSECTION	Apply / Waiver?	Note
§ 52.34(a)	§ 52.34(a), Facilitation of valid number portability request (a) An interconnected VoIP or VRS or IP Relay provider must facilitate an end-user customer's or a Registered Internet-based TRS User's valid number portability request, as it is defined in this subpart, either to or from a telecommunications carrier or an interconnected VoIP or VRS or IP Relay provider. “Facilitate” is defined as the interconnected VoIP or VRS or IP Relay provider's affirmative legal obligation to take all steps necessary to initiate or allow a port-in or port-out itself or through the telecommunications carriers, if any, that it relies on to obtain numbering resources, subject to a valid port request,		CLARITY will facilitate an end user's valid number portability request, either to or from a telecommunication's carrier or an interconnected VOIP or VRS or IP Relay provider.

	without unreasonable delay or unreasonable procedures that have the effect of delaying or denying porting of the NANP-based telephone number.		
§ 52.34(b)	<p>§ 52.34(a), May not enter agreement that would prohibit porting</p> <p>(b) An interconnected VoIP or VRS or IP Relay provider may not enter into any agreement that would prohibit an end-user customer or a Registered Internet-based TRS User from porting between interconnected VoIP or VRS or IP Relay providers, or to or from a telecommunications carrier.</p>		<p>CLARITY will not enter into any agreement that would prohibit an end user customer or Registered Internet-based user from porting between interconnected VOIP or IP relay provides, or to or from a telecommunications carrier.</p>
§ 52.34(c)	<p>§ 52.34(a), Telecommunication Carriers</p> <p>(c) Telecommunications carriers must facilitate an end-user customer's valid number portability request either to or from an interconnected VoIP or VRS or IP Relay provider. "Facilitate" is defined as the telecommunication carrier's affirmative legal obligation to take all steps necessary to initiate or allow a port-in or port-out itself, subject to a valid port request, without unreasonable delay or unreasonable procedures that have the effect of delaying or denying porting of the NANP-based telephone number.</p>	Does not apply	<p>CLARITY is not a telecommunications carrier</p>

APPENDIX D: IN-HOUSE TESTING SPEED

[BEGIN CONFIDENTIAL]

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[END CONFIDENTIAL]

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APPENDIX E: DATA LOGGING

[BEGIN CONFIDENTIAL]

[END CONFIDENTIAL]

APPENDIX F: OVERVIEW OF HOW CAPTIONMATE WORKS

[BEGIN CONFIDENTIAL]

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