



HARRIS, WILTSHIRE  
& GRANNIS LLP

June 27, 2019

**Ex Parte**

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

Re: *Implementing Kari's Law and Section 506 of RAY BAUM'S Act*, PS Docket No. 18-261; *Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, PS Docket No. 17-239.

Dear Ms. Dortch:

On June 25, 2019, Mike Maddix and Isaac Roach of Sorenson Communications, LLC ("Sorenson"), Shane Roylance of CaptionCall, LLC ("CaptionCall"), Elliot Tarloff of Jenner & Block, outside counsel to CaptionCall, Kristine Devine, William Quinn and the undersigned, all of Harris, Wiltshire & Grannis LLP, outside counsel to Sorenson, met in person and by teleconference with Bob Aldrich, Eliot Greenwald, Douglas Graebner, and Michael Scott of the Consumer and Governmental Affairs Bureau ("CBG"), David Furth, Kenneth Carlberg, Erika Olsen, John Evanoff, Thomas Eng, Nellie Foosaner, and Rasoul Safavian, of the Public Safety and Homeland Security Bureau ("PSHSB"), and Andrew Mulitz of the Office of the Managing Director, regarding the September 26, 2018 Notice of Proposed Rulemaking<sup>1</sup> and Sorenson's and CaptionCall's May 24, 2019 *ex parte* letter.<sup>2</sup> We reiterated our support for the Commission's efforts to improve 911 and E911 access and explained Sorenson's and CaptionCall's proposed changes to the draft rules.

Sorenson and CaptionCall recognize that a 911 call may be the most important a caller places, and accurate location information can be critical to ensuring a timely emergency response. Accordingly, the companies have worked to continue to improve 911 location capabilities. For example, in April 2019, Sorenson launched the capability to support the

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<sup>1</sup> *Implementing Kari's Law and Section 506 of RAY BAUM'S Act and Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, Notice of Proposed Rulemaking, FCC No. 18-132, PS Docket Nos. 18-261 & 17-239 (rel. Sep. 26, 2018) ("*Kari's Law NPRM*").

<sup>2</sup> Letter from John T. Nakahata, Counsel to Sorenson Communications, LLC and CaptionCall, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 18-261, PS Docket No. 17-239 (filed May 24, 2019).

delivery of x,y location estimates, when its VRS users utilize handsets that support such capabilities and authorize location to be provided to Sorenson.<sup>3</sup>

Sorenson and CaptionCall proposed changes to the draft rules in response to a question from the Commission at the end of Sorenson's March 25, 2019 *ex parte* meeting,<sup>4</sup> in which Sorenson and CaptionCall were asked what changes they believed were necessary to the proposed rules as drafted. As drafted by Sorenson and CaptionCall, the proposed rules keep faith with the intent of RAY BAUM'S Act to deliver highly accurate location data whenever possible, reflect the flexibility to utilize Registered Location when other location data is not available as contemplated by paragraph 81 the Kari's Law NPRM,<sup>5</sup> and eliminate any confusion caused by the different capabilities and architectures of different services.

As drafted by Sorenson and CaptionCall, the proposed rules recognize the differences between Internet Protocol Captioned Telephone Service ("IP CTS") and Video Relay Service ("VRS"). In particular, the draft rules reflect the fact that the IP CTS communications assistant ("CA") is not in the media stream of the call, and therefore cannot readily interact with the IP CTS subscriber, whereas VRS Video Interpreters are able to interact with both the calling and called parties. The draft rules also reflect that, for most IP CTS users, the connection to 911 and the provision of E911 location information is performed by a third-party voice provider, such as the local telephone company, independent of the service that CaptionCall provides. CaptionCall supplies the underlying voice connection along with the captioning service for only a small fraction of its users. For ease of reading, the draft rule provisions are reorganized into specific VRS and IP CTS subsections, and requirements have been reallocated accordingly.

The proposed rules require that the VRS or IP CTS provider provide location information to a Public Safety Answering Point ("PSAP") in a hierarchy, with dispatchable location preferred, geolocation next, and Registered Location provided if the other two are not available or if there is not sufficient confidence or accuracy in the real-time location data. Acknowledging the differences between the types of service, the proposed rules tailor the location update requirements to the capabilities of each service.

As explained by CaptionCall, where an IP CTS provider supplies the underlying voice connection, it still cannot implement any type of automatic location identification or movement detection solutions unless they are supported by the underlying Voice over Internet Protocol ("VoIP") provider's capability. The proposed rules therefore would require the reporting of dispatchable location or geolocation information one year after the requirements are

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<sup>3</sup> See Letter of Isaac Roach, Vice President of Engineering, Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 10-51 (filed May 17, 2019).

<sup>4</sup> Letter from John T. Nakahata, Counsel to Sorenson Communications, LLC and CaptionCall, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 18-261, PS Docket No. 17-239 (filed Mar. 25, 2019).

<sup>5</sup> *Kari's Law NPRM* ¶ 81.

implemented for VoIP providers. This request reflects the fact that CaptionCall, like any mobile device app provider, will need to integrate the third-party solution into its application as well as verify the reliability and performance of location identification and PSAP delivery mechanisms with those of the device manufacturer, the interconnected VoIP provider, and the 911 PSAP routing service. The VoIP service provider may not finalize and fully deploy stable, provider Application Programming Interfaces (“APIs”) that support 911 location delivery until close to the VoIP implementation deadline. Any mobile device communications app publisher, such as CaptionCall, will then require some time to finalize its software that connects to and relies on the underlying VoIP provider’s API and, if necessary, to a 911 service provider (e.g. West). Once that device software is developed, it and the full system still need to be tested to ensure there are no problems within the mobile IP CTS application or the manufacturers’ various devices on which the software may run. Pre-launch product performance verification usually takes about 6 months. Together, finalizing software and subsequent verification testing add up to one year. While it is possible that these processes could be completed in less time, as a matter of safety, time must be allowed for the necessary final development and testing period. A phased approach ensures that the VoIP provider and 911 call routing service providers deploy stable, verified foundational systems, and then allows IP CTS application providers to complete building on and testing of the fully integrated system to ensure user safety.

Sorenson and CaptionCall will continue to work to improve their capabilities to deliver 911 location information to PSAPs.

Sincerely,



John T. Nakahata

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CaptionCall, LLC*

cc: David Furth  
Kenneth Carlberg  
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John Evanoff  
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