

July 25, 2019

VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

RE: **EX PARTE PRESENTATION**  
*Implementing Kari's Law and Section 506 of RAY BAUM'S Act, et al.*  
PS Docket Nos. 18-261, 17-239; GN Docket No. 11-117

Dear Ms. Dortch:

On July 23, 2019, Dixie Ziegler, Andrea Groelz, and Jeff Knighton of Hamilton Relay, Inc. ("Hamilton"), together with the undersigned counsel on behalf of Hamilton (collectively, "Hamilton Participants"), had a call with Zenji Nakazawa, Public Safety and Consumer Protection Advisor to Chairman Pai, concerning the above-captioned proceedings. On July 24, 2019, Hamilton Participants had a call to discuss these proceedings with the following Commission staff: David Furth, Erika Olson, Thomas Eng, John Evanoff, William Beckwith, and Rasoul Safavian (Public Safety and Homeland Security Bureau), and Diane Burstein, Robert Aldrich, Eliot Greenwald, Michael Scott, and Douglas Graebner (intern) (Consumer & Governmental Affairs Bureau).<sup>1</sup>

On both calls, Hamilton Participants discussed a discrete issue relating to the draft *Report and Order* ("Draft R&O") released by the Commission on July 11, 2019.<sup>2</sup> Hamilton requested that the Commission make a minor modification to the rules accompanying the Draft R&O to reflect the unique nature of emergency call handling using TTY-based Telecommunications Relay Services ("TRS") in a non-IP based environment. The result of this requested modification would be to maintain the status quo for handling TTY-based emergency calls, and

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<sup>1</sup> John Nelson, President of Hamilton, also participated in portions of the July 24, 2019 call.

<sup>2</sup> *Implementing Kari's Law and Section 506 of RAY BAUM'S Act*, draft Report and Order, PS Docket Nos. 18-261 and 17-239, and GN Docket No. 11-117, FCC-CIRC1908-05 (rel. July 11, 2019) ("Draft R&O").

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to avoid the need for significant and unnecessary expenditures by TTY-based TRS providers, originating carriers, and Public Safety Answering Points (“PSAPs”).

Hamilton’s specific concern involves draft rule Section 9.14(a)(2), which would require TTY-based TRS providers to “use a system for incoming emergency calls that ... allows the caller’s dispatchable location information to pass to the PSAP.”<sup>3</sup> Hamilton agrees that PSAPs should have access to dispatchable location. Hamilton’s concern is regarding the proposed requirement of the TTY-based TRS provider to pass dispatchable location information to the PSAP. Currently, TTY-based providers do not have access to, or the ability to generate, dispatchable location information about their TTY users.

As Hamilton explained during the calls, to comply with the existing emergency call handling requirements,<sup>4</sup> TTY-based TRS providers rely on Automatic Number Identification (“ANI”) of the caller to determine the location of an appropriate PSAP when directing an emergency call. TTY-based TRS providers pass the caller’s ANI information to PSAPs, enabling PSAPs to query their existing Automatic Location Identification (“ALI”) database to resolve a dispatchable location for the caller. TTY-based TRS providers do not have access to these ALI databases. Moreover, given the limitations of the Public Switched Telephone Network, TTY-based TRS providers do not currently receive any location information from a carrier when a TTY caller places a call to a TTY-based TRS provider that is then directed to 911.<sup>5</sup>

If the Commission were to adopt a rule obligating TTY-based TRS providers to pass dispatchable location information to the PSAP, it would require all carriers, TTY-based TRS providers, and PSAPs to make extensive and costly technology changes to their equipment and networks in order to meet the new requirements without a clear benefit to callers, as this information is currently conveyed directly between carriers and PSAPs via ALI databases. Hamilton believes that these significant costs can be avoided by simply retaining the current emergency call handling rule for TTY, either in its present form in Section 64.604(a)(4), or in new Section 9.14(a) but without the dispatchable location requirement.<sup>6</sup> In addition, imposing

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<sup>3</sup> See Draft R&O at Subpart E, draft rule Section 9.14(a)(2) (emphasis added).

<sup>4</sup> 47 C.F.R. § 64.604(a)(4).

<sup>5</sup> Hamilton advises its TTY users to call 911 directly in the event of an emergency, rather than making a TRS call via 711. See also <https://www.fcc.gov/consumers/guides/711-telecommunications-relay-service> (providing the same advice).

<sup>6</sup> Given the repetitive language in draft Section 9.14(a)(1) and 9.14(a)(2), these provisions could be consolidated into one Section 9.14(a) if the dispatchable location language is eliminated. Thus, Section 9.14(a) could provide: “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 the caller had dialed 911 directly, or a PSAP that is capable of

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this requirement on a service that the Commission has announced it intends to sunset seems unnecessary and wasteful.<sup>7</sup>

By way of example of the complexities involved in requiring TTY-based providers to pass dispatchable location information to the PSAP, it would be imperative in the first instance that the Commission require originating carriers to transmit or otherwise make available dispatchable location information to TTY-based TRS providers. SS7 signaling that is typically used in routing the caller to the TTY-based TRS provider does not readily permit the passing of additional information with a call. Because Internet Protocol (IP-based) network call routing would likely be required in order to pass dispatchable location information to the TTY-based TRS provider, carriers would need to interconnect their IP-based networks with each TTY-based TRS provider and transmit location information with *every phone call* because a 911 call is not identified as such until it reaches the TTY-based TRS provider. Second, PSAPs would be required to make extensive technology changes in order to be capable of receiving location information via a digital connection between the TTY-based TRS provider and the PSAP. Third, the TTY-based TRS providers would be required to make extensive changes to be able to receive and pass through any dispatchable location information.

Hamilton reiterated on both calls that it is impossible for TTY-based TRS providers to have access to dispatchable location information unless such information is made available to them by the originating carriers. TTY-based TRS calls may be initiated by anyone at any time, without any registration requirement, making access to even manually updated Registered Location impossible.

Given all of these impracticalities, and given that the present method of handling TTY-based emergency calls has functioned adequately for many years without issue, Hamilton recommends that the Commission maintain its existing emergency call handling rules for TTY-based TRS providers. Hamilton believes that the less-attractive alternative of imposing significant new costs on carriers, TTY-based TRS providers, and PSAPs can be avoided by eliminating the dispatchable location information language from Section 9.14(a)(2). Should the

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enabling the dispatch of emergency services to the caller in an expeditious manner.” This rule could go into effect immediately, because it is the same language as current rule Section 64.604(a)(4).

<sup>7</sup> *Technology Transitions; USTelecom Petition for Declaratory Ruling that Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers*, Declaratory Ruling, Second Report and Order, and Order on Reconsideration, 31 FCC Rcd 8283, 8341-42, ¶¶ 158-59 (2016). TTY-based call volumes are also extremely low, with approximately 5 million conversation minutes per year, compared to the more than 716 million overall minutes for all relay services projected for the 2019-2020 TRS Fund year. See Rolka Loube Associates LLC, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123, 10-51, at 16-17 & Ex. 2 (filed May 1, 2019).

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Commission nonetheless decide to move forward with Section 9.14(a)(2) as currently drafted, it must recognize that TTY-based TRS providers will be unable to pass dispatchable location information to PSAPs unless that information is provided to them by carriers.

This filing is made in accordance with Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1). In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O'Connor

David A. O'Connor

Danielle Thumann

Counsel for Hamilton Relay, Inc.

cc (via email): Meeting Participants