

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Telecommunications Relay Services and) CG Docket No. 03-123
Speech-to-Speech Services for Individuals with)
Hearing and Speech Disabilities)

To: Secretary, FCC
For: Chief, Consumer & Governmental Affairs Bureau

SUPPLEMENT TO
PETITION FOR INTERIM WAIVER

On March 14, 2016, Hamilton Relay, Inc. (“Hamilton”) requested an interim waiver of Sections 64.604(a)(3)(ii) and 64.604(b)(3) of the Commission’s rules,¹ with respect to Hamilton’s traditional Telecommunications Relay Service (“TRS”) and Captioned Telephone Service (“CTS”) offerings (the “Waiver Request”). In this Supplement, Hamilton requests that its Speech-to-Speech (“STS”) offering be included in the Waiver Request, and that any waiver issued by the Commission in response to the Waiver Request include traditional TRS, CTS, and STS.²

¹ 47 C.F.R. §§ 64.603(a)(3)(ii), 64.604(b)(3).

² Hamilton and Sprint Corporation (“Sprint”) filed a joint Petition for Rulemaking asking the Commission to exempt traditional TRS and CTS providers from these rule provisions, to the extent that such providers do not charge for long-distance services. Hamilton Relay, Inc. and Sprint Corporation, Joint Petition for Rulemaking, CG Docket No. 03-123 (filed Sept. 23, 2015) (“Petition”). The Petition remains pending. STS was not specifically covered in the Petition, but Hamilton believes that the same rationale for including STS in the Waiver Request applies to the Petition, and therefore requests that the Commission include a proposed exemption for STS in any rulemaking in response to the Petition.

Section 64.604(a)(3)(ii) provides that relay services must be capable of handling any type of call normally provided by telecommunications carriers, with the same billing options (e.g., sent-paid long distance, operator-assisted, collect, and third party billing) traditionally offered to wireline voice users (the “billing option” requirement). Internet-based TRS providers are exempt from the billing option requirement if they offer free long distance service to users, but this exemption does not apply to providers of PSTN-based traditional TRS, CTS, and STS.

Section 64.604(b)(3) of the rules, in turn, provides that TRS users must 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 (the “equal access” requirement). Internet-based TRS providers are exempt from the equal access requirement if they offer free long distance service to users, but again this exemption does not apply to providers of PSTN-based traditional TRS, CTS, and STS.

The equal access and billing option requirements apply to traditional TRS providers, CTS providers, and STS providers alike. The rationale for waiving these requirements applies equally to all of these forms of relay. Equal access would be unnecessary as long as Hamilton does not charge any of these users – traditional TRS users, CTS users, or STS users – for long-distance services. This would obviate the need for access to interexchange carriers of choice and operator-assisted services. In addition, the various billing options that were once popular for users are now in many cases unnecessary, and some carriers are no longer offering long distance and/or operator-assisted services. A waiver under these circumstances for all three forms of relay would simply be an acknowledgment that the policy rationale underpinning the rule requirements is no longer relevant to modern telecommunications usage.

For these reasons, Hamilton requests an interim waiver of the equal access and billing option requirements, and requests that such waiver remain in effect until the effective date of any permanent exemption from these rules, with respect to Hamilton's traditional TRS, CTS, and STS offerings.

Respectfully submitted,

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