

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

In the Matter of	)	
	)	
	)	
Misuse of Internet Protocol (IP) Captioned	)	CG Docket No. 13-24
Telephone Service	)	
	)	
Telecommunications Relay Services and Speech-	)	CG Docket No. 03-123
to-Speech Services for Individuals with Hearing	)	
and Speech Disabilities	)	
	)	

**REPLY COMMENTS OF CAPTIONCALL, LLC**

Rebekah P. Goodheart  
Alex S. Trepp  
JENNER & BLOCK LLP  
1099 New York Avenue, NW  
Suite 900  
Washington, DC 20001  
(202) 639-6000

*Counsel for CaptionCall, LLC*

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**REPLY COMMENTS OF CAPTIONCALL, LLC**

CaptionCall, LLC hereby submits these reply comments on the Federal Communications Commission’s (“Commission”) *Notice of Inquiry* in the above captioned dockets.<sup>1</sup>

**INTRODUCTION AND EXECUTIVE SUMMARY**

CaptionCall supports the Commission’s adoption of performance metrics, testing methodologies, and standards (collectively, “service quality measures”) for providers offering Internet-Protocol Captioned Telephone Service (“IP CTS”). As set forth in our opening comments, CaptionCall believes the Commission should be guided by three overarching principles in adopting such measures: (1) objectivity; (2) consistency; and, (3) technology-neutrality. With these principles in mind, CaptionCall reiterates support for the Commission’s effort to effectuate the statutory right of access to IP CTS and welcomes the opportunity to provide further comment on proposed goals for IP CTS, as well as measures that can help the

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<sup>1</sup> *In re Misuse of Internet Protocol (IP) Captioned Telephone Service*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, CG Docket Nos. 13-24 and 03-123, FCC 18-79 (rel. June 8, 2018) (“*Declaratory Ruling*” or “*Notice of Inquiry*” as appropriate).

Commission achieve those goals. As elaborated below, the record reflects general agreement on the following critical points:

*First*, commenters overwhelmingly agree that, under the ADA,<sup>2</sup> the Commission’s primary goal for the IP CTS program must be delivering access to functionally equivalent telephone communications.<sup>3</sup> Commenters likewise stress that other programmatic goals—such as promoting technological advancement or efficiency—must be pursued in a manner consistent with the goal of advancing the availability of functionally equivalent communications.<sup>4</sup>

*Second*, the Commission should adopt performance metrics, testing methodologies, and standards that facilitate oversight of service quality. Unanimity surrounding the need for service quality measures, in some form or another,<sup>5</sup> reflects years of dialogue between relevant stakeholders, including through participation in, and submissions to, the Commission’s Disability Advisory Committee (“DAC”). In light of this consensus—and the pressing need for performance metrics, testing methodologies, and standards—the Commission should move to adopt service quality measures that are consistent, objective, and technology neutral, and that build upon the framework submitted by ClearCaptions, Hamilton, InnoCaption, Sprint, and CaptionCall on an expedited basis.<sup>6</sup>

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<sup>2</sup> The Americans with Disabilities Act of 1990, Pub. L. No. 101-336, § 401, 104 Stat. 327, 366-69 (codified at 47 U.S.C. § 225).

<sup>3</sup> See *Notice of Inquiry* ¶ 158 (proposing that Commission adopt programmatic goal to ensure that eligible individuals have access to communications that are “comparable to communications services used by the general public”).

<sup>4</sup> Cf. *id.* at ¶¶ 159-160.

<sup>5</sup> See *infra* Part II (noting that commenters express a wide range of views on the specific service quality measures that are needed).

<sup>6</sup> See IPCTS Quality Metrics: Provider Recommendations (Aug. 21, 2018) attachment to letter from CaptionCall, InnoCaption, ClearCaptions, Hamilton Relay, and Sprint, to Marlene Dortch, Secretary, FCC, CG Docket Nos. 13-24, 03-123 (Aug. 21, 2018) (“*Industry Proposal*”). The Commission must also conduct a cost-benefit analysis to ensure the benefits of any such service quality measures outweigh the costs.

*Third*, service quality measures should apply to all providers on a technology neutral basis. A technology agnostic approach will help ensure the Commission can effectively evaluate the performance of different IP CTS providers, while at the same time giving providers the freedom to pursue a wide range of approaches to delivering functionally equivalent telephone communications. Implementing service quality measures in a technology neutral manner will help safeguard performance evaluations from being skewed towards a particular method of delivering IP CTS, which could undermine competition. A technology neutral approach also empowers consumers with the information they need to select an IP CTS provider that is the best fit for them.

*Finally*, service quality measures should be calibrated to require that providers using new methods to deliver IP CTS are able to supply service quality that is at least as good as existing offerings. In addition to effectuating the legislative purpose that animates Section 225—namely, to maximize the availability of functionally equivalent service—this approach also will protect consumers, who have come to rely on IP CTS to facilitate their communications with, among others, family, friends, doctors, financial advisers, and emergency services. Adopting this approach is particularly important in a time of substantial technological change.

By prioritizing the goal of providing functionally equivalent service—and moving quickly to adopt service quality standards that are objective, consistent, and technology neutral—the Commission can not only preserve the existing level of service, but augment the availability of high-quality IP CTS, and thereby deliver on the ADA’s promise to provide hearing-impaired individuals with access to voice communications comparable to those enjoyed by the general public.

**I. The Commission’s Primary Objective for IP CTS Must Be Achieving Functional Equivalence.**

Virtually all commenters agree with CaptionCall<sup>7</sup> that the Commission must prioritize functional equivalence over any other programmatic goals that it may adopt. Although the Commission considers several factors in overseeing IP CTS, Section 225 requires that the Commission’s decisions be driven—first and foremost—by the mandate to provide hearing impaired Americans with access to voice communications that are functionally equivalent to the communications experienced by hearing individuals.

To that end, CaptionCall agrees with the Consumer Groups that “functional equivalency is . . . mandated by Section 225”<sup>8</sup> and that “it is self-evident that no other goal can be placed above functional equivalence.”<sup>9</sup> Hamilton and Ultratec also agree.<sup>10</sup> As Hamilton states, “[t]he statutory requirement to ensure ‘functionally equivalent’ voice service ‘to the extent possible and

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<sup>7</sup> See CaptionCall, LLC Comments on Notice of Inquiry, CG Docket Nos. 13-24, 03-123 at Part III (Oct. 16, 2018) (explaining that functional equivalence must be the Commission’s primary objective) (“*CaptionCall NOI Comments*”).

<sup>8</sup> Hearing Loss Association of America (HLAA) et al. Comments on Notice of Inquiry, Docket Nos. 13-24, 03-123, at 3 (Oct. 16, 2018) (“*Consumer Groups’ NOI Comments*”). The *Consumer Groups’ NOI Comments* were jointly submitted on behalf of the Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing (TDI), the National Association of the Deaf (NAD), the Association of Late-Deafened Adults (ALDA), the Cerebral Palsy and Deaf Organization (CPADO), the American Association of the Deaf-Blind (AADB), Deaf Seniors of America (DSA), the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), and the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), as well as the Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center (DHH-RERC) and the Rehabilitation Engineering Research Center on Universal Interface & Information Technology Access (IT-RERC).

<sup>9</sup> *Consumer Groups’ NOI Comments* at 7 (“[T]he Commission cannot deem a more expensive service wasteful solely because of its cost” and “must not let the goal of efficiency outweigh the primary goal of functional equivalence.”). CaptionCall agrees with the Consumer Groups, Hamilton, Ultratec, and MachineGenius that the Commission should adopt the definition of functional equivalence proposed by the Consumer Groups in 2011. See *Consumer Groups’ NOI Comments* at 3; Hamilton Relay, Inc. Comments on Notice of Inquiry, CG Docket Nos. 13-24, 03-123, at 9 (Oct. 16, 2018) (“*Hamilton NOI Comments*”); Ultratec, Inc. Comments on Notice of Inquiry, CG Docket Nos. 13-24, 03-123, at 2 (Oct. 16, 2018) (“*Ultratec NOI Comments*”); MachineGenius, Inc. Comments on Notice of Inquiry, Docket Nos. 13-24, 03-123 at 4 (Oct. 16, 2018) (“*MachineGenius NOI Comments*”); see also *Notice of Inquiry* ¶ 158.

<sup>10</sup> *Hamilton NOI Comments* at 8-9; *Ultratec NOI Comments* at 2, 6.

in the most efficient manner’ must be the Commission’s lodestar.”<sup>11</sup> Like the Consumer Groups, Hamilton emphasizes that “[u]nder no circumstances should the Commission attempt to settle for a lesser standard than functional equivalence by prioritizing other goals.”<sup>12</sup>

Significantly, each of these comments is consistent with the D.C. Circuit’s interpretation of Section 225, which held that Section 225 “chiefly” tasks the Commission “with ensuring the provision of communications services for people who are deaf or speech-impaired in a manner that is ‘functionally equivalent’ to services available for hearing people.”<sup>13</sup> The D.C. Circuit explained that, when implementing IP CTS, the Commission “balance[s] several different factors.”<sup>14</sup> But it stressed that the Commission’s “primary objective” is “ensuring the provision of communications services for people who are deaf or speech-impaired in a manner that is ‘functionally equivalent’ to services available for hearing people.”<sup>15</sup>

CaptionCall also agrees with several commenters who emphasize that ensuring the provision of functionally equivalent service cannot, consistent with the statute, be subordinated to cost concerns.<sup>16</sup> And while CaptionCall, like other commenters,<sup>17</sup> supports the Commission’s

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<sup>11</sup> *Hamilton NOI Comments* at 8 (quoting 47 U.S.C. § 225(a)(3), (b)(1)).

<sup>12</sup> *Id.* at 9.

<sup>13</sup> *Sorenson Commc’ns, LLC v. FCC*, 897 F.3d 214, 227 (D.C. Cir. 2018).

<sup>14</sup> *Id.*, 897 F.3d at 227.

<sup>15</sup> *Id.*

<sup>16</sup> *Consumer Groups’ NOI Comments* at 7 (“The Commission must not let the goal of efficiency outweigh the primary goal of functional equivalence or deter legitimate IP-CTS use.”); *Ultratec NOI Comments* at 6 (“Improving efficiency and reducing fraud, waste, and abuse are appropriate Commission objectives, but these factors should drive regulatory decision-making *only* when they do not undermine functional equivalence.” (emphasis in original)); *accord CaptionCall NOI Comments* at Part III (“[U]nder the ADA, the Commission cannot treat ‘program efficiency’ as an objective commensurate with the Commission’s obligation to make functionally equivalent TRS ‘available’ to the maximum extent possible.”); *Sorenson Commc’ns, LLC*, 897 F.3d at 227.

<sup>17</sup> *See, e.g., Consumer Groups’ NOI Comments* at 7; *Ultratec NOI Comments* at 6.

goal of promoting efficiency,<sup>18</sup> the Commission cannot, consistent with the statute, discourage or prohibit use of a more functionally equivalent service just because it is more costly than another method of delivering IP CTS. Indeed, as the Consumer Groups explain, “if a particular technology is the highest quality way to provide functional equivalency for IP CTS users but is more expensive than another technology, the Commission must not give weight to efficiency by tailoring its metrics to the less expensive [technology], which would result in a cheaper but less functionally equivalent service.”<sup>19</sup> In short, commenters overwhelmingly agree that the ADA does not permit the Commission to prioritize cost savings at the expense of functional equivalence.

## **II. The Commission Should Adopt Service Quality Measures and Do So Expeditiously.**

The Commission must address the urgent need for service quality measures by adopting performance metrics, testing methodologies, and standards that are consistent, objective and technology neutral, and that build upon the Industry Proposal, on an expedited basis. Regarding the urgent need for service quality measures,<sup>20</sup> there is unanimity in the record. Although commenters express a range of views on the specific metrics, procedures, and standards required

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<sup>18</sup> *CaptionCall NOI Comments* at Part III; *see also* CaptionCall, LLC Comments on Further Notice of Proposed Rulemaking, CG Docket Nos. 03-123, 13-24, Parts IV.A and VI.A (Sept. 17, 2018).

<sup>19</sup> *Consumer Groups’ NOI Comments* at 7.

<sup>20</sup> Performance *standards* must be predicated on rigorous testing of a representative sample. *See Industry Proposal* at 6-10; *accord CaptionCall NOI Comments* at Part I.D. For reasons discussed below, and elaborated in previous comments, the testing that MITRE has performed to date does not provide an adequate basis for setting performance standards. *See infra* n.39.



to effectively evaluate service quality,<sup>21</sup> all support the Commission’s interest in evaluating, monitoring, and assuring the quality of IP CTS.<sup>22</sup>

For example, the Consumer Groups “strongly support” the Commission’s goal to establish “performance goals and standards.”<sup>23</sup> Similarly, Hamilton indicates that the need for IP CTS service quality standards is “pressing” and adds that “both consumer groups and the IP CTS industry support workable quality metrics and performance standards.”<sup>24</sup> MachineGenius agrees that adopting performance measures can help the Commission to achieve the goal of making functionally equivalent telephone communications available to consumers with hearing loss.<sup>25</sup> And the DAC—after reviewing reports and submissions from MITRE, from Consumer

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<sup>21</sup> For example, the Industry Proposal only proposes performance metrics for accuracy and delay because there is no evidence that additional service metrics are needed. *See Industry Proposal* at 3-6. A metric for transcription speed would be superfluous and the Commission should rely on existing rules to monitor provider performance with respect to service outages. *See Hamilton NOI Comments* at 10 (observing that the Commission’s existing rules have been sufficient with respect to monitoring service outages); *CaptionCall NOI Comments* at 12-13 (arguing same and that a metric for transcription speed would be superfluous). And, as Hamilton explained, it is unnecessary to adopt metrics for speed of answer or dropped or disconnected calls because the Commission’s existing rules already address the speed of answer issue and dropped or disconnected calls do not present a concern for IP CTS providers. *See Hamilton NOI Comments* at 9-10.

<sup>22</sup> *Hamilton NOI Comments* at 2; *Ultratec NOI Comments* at 7; *MachineGenius NOI Comments* at 6; *Consumer Groups’ NOI Comments* at iv, 4; *CaptionCall NOI Comments* at Part I; *Industry Proposal* at 3; *accord* Recommendation of the FCC Disability Advisory Committee Relay and Equipment Distribution Subcommittee Internet Protocol Captioned Telephone Relay Service Metrics Adopted October 3, 2018 at 1, 3-4 (“DAC Recommendation”).

<sup>23</sup> *Consumer Groups’ NOI Comments* at iv; *see also id.* at 5 (arguing that the Commission should adopt “broad principles for the metrics used to measure accuracy” because doing so “is the best way to ensure a service that is truly functionally equivalent” while the Commission studies specific performance metrics); Letter from Blake E. Reid, Counsel for Telecommunications for the Deaf and Hard of Hearing, Inc., to Marlene Dortch, Secretary, FCC, CG Docket Nos. 13-24, 03-123 at 3 (July 26, 2018) (“*Consumer Groups’ 7-26-18 Letter*”) (Commission’s inability to evaluate whether new services satisfy the functional equivalence mandate lends urgency to the development of performance measures); *accord* DAC Recommendation at 1.

<sup>24</sup> *Hamilton NOI Comments* at 2-3; *see also id.* at 4-5 (arguing that “[t]o ensure all providers of IP CTS services reach a level of performance that can provide a functionally equivalent experience to users, the Commission should adopt formal standards and measurements”).

<sup>25</sup> *MachineGenius NOI Comments* at 6 (performance measures “should be adopted for assessing progress towards IP CTS program goals[,]” including functional equivalence). *CaptionCall* urges the Commission to adopt objective performance metrics that can be applied in a consistent and unbiased manner to help the Commission and consumers conduct a rigorous, dependable, and impartial assessment of service quality.

Groups, and from IP CTS providers—concludes that “quality metrics and measurements are needed to ensure all IP CTS providers . . . reach a level of performance that can provide, to the extent possible, a functionally equivalent experience for users.”<sup>26</sup> Thus, commenters support the Commission’s effort to address service quality and agree that the Commission should adopt performance metrics, testing methodologies, and standards, in some form.

Several commenters urge the Commission to adopt service quality measures quickly.<sup>27</sup> Hamilton encourages the Commission to “move swiftly to adopt a related Notice of Proposed Rulemaking that would enable the Commission to address rules stemming from the *Notice of Inquiry* in connection with those raised in the *Further Notice*.”<sup>28</sup> Similarly, the DAC recommends adopting service quality measures “before a full shift in IP CTS technology takes place.”<sup>29</sup> More specifically, the DAC recommends that the Commission require stakeholders to file proposals to define performance metrics and to define measurement and testing methodologies by January 31, 2019.<sup>30</sup> The DAC further recommends that metrics and measurement methodologies, as well as performance standards, be established no later than December 2019.<sup>31</sup>

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<sup>26</sup> *DAC Recommendation* at 1; *accord Industry Proposal* at 3 (“Ultimately, the establishment of quality metrics and minimum performance standards for all IP CTS providers, regardless of the technology used to create captions, will help improve the quality of captions delivered to IP CTS users.”).

<sup>27</sup> See, e.g., *Hamilton NOI Comments* at 2-3 (noting “service quality metrics [have] been sufficiently vetted through the Disability Advisory Committee”); see also *id.* at 3 (noting that “need for IP CTS quality metrics has not lessened in the three and a half years since the GAO released its report” on the Telecommunications Relay Service program); *Industry Proposal* at 3 (noting that it is important to establish performance metrics and standards “because, in some calls, safety and personal security are at stake”).

<sup>28</sup> *Hamilton NOI Comments* at 2-3.

<sup>29</sup> *DAC Recommendation* at 2.

<sup>30</sup> *Id.* at 3.

<sup>31</sup> *DAC Recommendation* at 3-4. The DAC also calls for a number of additional studies concerning accuracy and latency. *Id.* at 4-5. Such studies could be helpful if, for example, the Commission expands the scope of MITRE’s work to include the relevant research.

CaptionCall, ClearCaptions, Hamilton, InnoCaption, and Sprint are continuing their work to refine the Industry's proposed service quality framework. The IP CTS providers stand ready to work with the Commission to finalize service quality measures expeditiously. CaptionCall therefore agrees with Hamilton and with the DAC,<sup>32</sup> and urges the Commission to finalize performance measures that are consistent with the Industry Proposal, as soon as practicable.

### **III. Performance Measures Should Apply to All Providers on a Technology Neutral Basis.**

To ensure functionally equivalent voice communications, there is broad agreement in the record that the Commission must adopt a technology neutral approach,<sup>33</sup> including by constructing performance measures and testing methodologies that do not discriminate between or among different methods for delivering IP CTS. Doing so will help the Commission perform like-to-like comparison of service quality across different IP CTS providers, while ensuring that all providers providing service today and in the future have the freedom to pursue a wide variety of approaches to delivering functionally equivalent telephone communications. An approach that is agnostic with respect to the method of delivering IP CTS will also ensure that service quality assessments are not skewed towards a particular method of delivering IP CTS, which will promote transparency and ensure that consumers have the information they need in order to select an IP CTS provider.

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<sup>32</sup> *CaptionCall NOI Comments* at 21 (“[T]he Commission should aim to move to an NPRM and adopt rules in an expedited manner. Doing so will help the Commission apply mandatory minimum requirements in an objective and consistent fashion, whether IP CTS providers rely on human intervention, ASR, some combination of the two, or an altogether different methodology.”).

<sup>33</sup> Nearly all commenters agree that the Commission may not prioritize programmatic goals related to new technology over the Commission's mandate to provide functionally equivalent telephone communications. *See, e.g., Hamilton NOI Comments* at 9; *Ultratec NOI Comments* at 5-6; *Consumer Groups' NOI Comments* at 6-7; *CaptionCall NOI Comments* at 20-21.

The DAC similarly recognizes the importance of a technology neutral approach. Indeed, the DAC’s recommendation emphasizes that performance measures “are needed to ensure all IP CTS providers, *regardless of method or platform*, reach a level of performance that can provide, to the extent possible, a functionally equivalent experience for users.”<sup>34</sup> The Consumer Groups expressed a similar sentiment and urged the Commission to evaluate IP CTS providers “based on uniform guidance from the Commission that can be applied in the same way to all platforms[,] so that consumers can meaningfully conduct apples-to-apples comparisons of quality.”<sup>35</sup> And the Industry Proposal similarly emphasizes that “the establishment of quality metrics and minimum performance standards for all IP CTS providers regardless of the technology used to create captions, will help improve the quality of captions delivered to IP CTS users.”<sup>36</sup>

In short, a technology neutral service quality framework will facilitate objective and consistent evaluation of provider performance, enabling the Commission and consumers to engage in clear and informative comparisons of relative service quality, and enabling providers to compete on equal footing.

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<sup>34</sup> *DAC Recommendation* at 1 (emphasis added).

<sup>35</sup> *Consumer Groups’ 7-26-18 Letter* at 3; *see also id.* at 2 (emphasizing importance of “developing standards and metrics for the provision of IP CTS to ensure consumers receive robust service from all providers, regardless of the underlying technologies used to provide the service”).

<sup>36</sup> *Industry Proposal* at 3; *accord, e.g., Hamilton NOI Comments* at 8 (arguing that test methodologies must “facilitate the consistent evaluation of the industry and new entrants”); *CaptionCall NOI Comments* at 6 (arguing that Commission “should adopt a common set of performance metrics and standards that are technology neutral and require providers to deliver the requisite level of service whether they rely on CAs, ASR, some combination of the two, or altogether different technology”); *cf. MachineGenius NOI Comments* at 12 (recognizing that certain performance metrics “should apply equally to captions generated by ASR, CAs, or by any other method or combination of methods”).

#### **IV. The Record Confirms That Service Quality Measures Can Help the Commission Ensure That New Platforms for Providing IP CTS Can Consistently Deliver Service Quality on Par or Better Than Current Service.**

There is widespread support in the record for the IP CTS providers' proposal that "[a] guiding principle in establishing performance standards must be to ensure that any prospective provider or technology . . . meet or exceed the quality delivered by currently authorized IP CTS providers."<sup>37</sup> Moreover, the Commission has recognized that it may be valuable for providers seeking certification to use new methods of delivering IP CTS to support claims about performance by providing "trials and quantitative test results demonstrating that the applicant's service will *afford a level of quality that is at least comparable to currently available CA-assisted IP CTS*" on several different measures of service quality.<sup>38</sup> Adopting this approach will help preserve the quality of service available to consumers who rely on IP CTS to communicate with loved ones, to manage their personal affairs, and to access life-saving services.

The Consumer Groups, for example, urged the Commission to require prospective providers of IP CTS "to demonstrate with substantial evidence that their offerings meet or exceed the usability of existing market offerings."<sup>39</sup> Similarly, Ultratec emphasizes that it is only appropriate for the Commission to encourage the use of a specific technology if it "enables at least the same level as, or is an improvement over[,] the level of functional equivalence then

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<sup>37</sup> *Industry Proposal* at 10.

<sup>38</sup> *Declaratory Ruling* ¶ 63 (emphasis added).

<sup>39</sup> *Consumer Groups' 7-26-18 Letter* at 3; *see also id.* at 7 (explaining that technological advances "may well hinder the provision of functional equivalence" and arguing, consequently, that the Commission must only encourage technological advances "if there are metrics in place to evaluate [them] for functional equivalency"); *see also id.* at 6 ("Implementing technology for IP CTS use without metrics to evaluate its functional equivalency will undoubtedly work against the primary goal of functional equivalence.").

offered by providers[,] as reflected by all applicable performance measures adopted by the Commission.”<sup>40</sup>

The DAC’s recommendation is also consistent with this approach. In particular, the DAC recommended that, “in order to establish performance standards on an expedited basis, the Commission peg the standards to current performance by communications assistant-based IP CTS providers.”<sup>41</sup> The DAC reasoned that doing so would “help, among other things, to ensure that the introduction of ASR results in service to consumers that is at least comparable to that offered by current providers.”<sup>42</sup>

In short, nearly all commenters agree that service quality measures should ensure that providers using new methods to deliver IP CTS can offer service quality that is at least on par with services currently available to consumers.<sup>43</sup> The Commission should adopt this approach to establishing performance metrics, testing procedures, and standards.<sup>44</sup>

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<sup>40</sup> *Ultratec NOI Comments* at 5 (internal quotation marks omitted).

<sup>41</sup> *DAC Recommendation* at 3. The DAC also recommends relying, in part, on MITRE testing data to set performance standards for accuracy. *Id.* at 3. As CaptionCall has previously explained, however, the MITRE data are “by [MITRE’s] own descriptions preliminary and may be unreliable or, at the very least, unrepresentative.” *See, e.g.,* CaptionCall Comments on Sprint Corporation’s Petitions for Clarification and Reconsideration, CG Docket Nos. 13-24, 03-123 at 3 (Sept. 7, 2018) (citing Letter from David A. O’Connor, Counsel for Hamilton Relay, Inc., to Marlene Dortch, Secretary, FCC, CG Docket Nos. 13-24, 03-123 at 2 (May 24, 2018); Letter from John T. Nakahata, counsel to CaptionCall, LLC, to David Schmidt, TRS Fund Program Coordinator, Office of Managing Director, FCC, CG Docket Nos. 03-123, 13-24 Attach. 1 (Dec. 21, 2017)). CaptionCall thus does not support relying on the current MITRE results for this purpose.

<sup>42</sup> *DAC Recommendation* at 3.

<sup>43</sup> It is also critical that service quality measures ensure providers using new methods to deliver IP CTS can offer comparable service *at scale*. Assuring that providers using new methods of IP CTS can offer service at scale, without any backsliding as to quality, will help to ensure functionally equivalent service for all types of calls and protect consumers.

<sup>44</sup> Any approach to ensuring that prospective providers can offer service at least commensurate with existing offerings must require that the providers demonstrate the capacity to meet applicable standards across all types of speakers, all types of content, and all types of connections and connection qualities. *See, e.g., CaptionCall NOI Comments* at 14-15; *see also Declaratory Ruling* at ¶¶ 60, 63, 64 n.219.

## CONCLUSION

The Commission should move expeditiously to adopt performance metrics, testing methodologies, and standards that build upon the Industry Proposal. These performance measures should be technology neutral, facilitate an objective and consistent review of service quality, and ensure that prospective providers can offer service quality commensurate with or better than what is currently available to consumers.

Respectfully submitted,

/s/ Rebekah P. Goodheart

Rebekah P. Goodheart

Alex S. Trepp

JENNER & BLOCK LLP

1099 New York Avenue, NW

Suite 900

Washington, DC 20001

(202) 639-6000

*Counsel for CaptionCall, LLC*

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