

November 21, 2019

VIA ELECTRONIC FILING (ECFS)

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

RE: **EX PARTE PRESENTATION**
Misuse of Internet Protocol (IP) Captioned Telephone Service;
Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities
CG Docket Nos. 13-24, 03-123

Dear Ms. Dortch:

On November 13, 2019,¹ representatives of Hamilton Relay, Inc. (“Hamilton”) and CapTel Inc./Ultratec Inc. (“Ultratec”) met with Commission staff from the Consumer & Governmental Affairs Bureau (“CGB”), Office of Economics and Analytics (“OEA”), and the Office of the Managing Director (“OMD”). Participating on behalf of Hamilton were Dixie Ziegler, Beth Slough, and Jeff Knighton as well as Rachel Wolkowitz (outside counsel) and the undersigned counsel. Participating on behalf of Ultratec was Christopher Engelke. Commission staff present at the meeting were Diane Burstein, Robert Aldrich, Eliot Greenwald, Michael Scott of CGB; Virginia Metallo (by telephone) and Susan Lee (by telephone) of OEA; and David Schmidt (by telephone) of OMD.

During the meeting, Hamilton requested that the Commission resolve quality of service issues expeditiously, including by issuing a Notice of Proposed Rulemaking to adopt objective,

¹ Although the substance of this filing, with a November 15, 2019 date, was served on meeting attendees, due to a filing problem discovered on November 21, 2019, Hamilton had not filed this notice in the relevant dockets. Hamilton now refiles to provide notice of this oral *ex parte* presentation and, to the extent necessary, requests a waiver of Section 1.206(b)(2)(iii) of the Commission’s rules, 47 C.F.R. § 1.1206(b)(2)(iii), which sets forth the filing dates for permissible *ex parte* presentations outside the Sunshine period.

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verifiable performance metrics.² In particular, Hamilton representatives discussed that word error rate (“WER”) is an inappropriate measure of accuracy for Internet Protocol Captioned Telephone Service (“IP CTS”).

Hamilton representatives observed that adopting quality of service metrics is particularly important as the Commission and other stakeholders incorporate Automatic Speech Recognition (“ASR”) and, potentially, ASR-only IP CTS offerings into the Commission’s successful IP CTS program. Hamilton also thanked the staff for issuing public notices to gather stakeholder feedback on three applications to provide ASR-only IP CTS.³ The record developed in response to the public notices does not indicate that the ASR-only IP CTS proposals will be able to reliably support all calls placed through IP CTS today or meet the Commission’s mandatory minimum standards. The Commission should only permit fully vetted ASR-only service, which has not occurred, into the IP CTS market once functionally equivalent service is ensured for all consumers of IP CTS.⁴ Hamilton also requested that the Commission address the long-pending Petition for Reconsideration filed by Sprint regarding the June 2018 IP CTS decision.⁵

In addition, the parties discussed proposed rules regarding IP CTS marketing and prohibited incentives, and the importance of resolving some of the open questions around parallel rules in the Video Relay Services context before imposing similar rules on IP CTS providers.⁶ Hamilton reiterated its commitment to working with the Commission to address any concerns around marketing practices and incentives, while still permitting providers to engage in lawful

² See, e.g., Comments of Hamilton Relay, Inc., CG Docket Nos. 13-24, 03-123, at 8-9 (Sept. 25, 2019).

³ *Comment Sought on Application of VTCSecure, LLC, for Certification to Provide Internet Protocol Captioned Telephone Service*, Public Notice, 34 FCC Rcd 7689 (CGB 2019); *Comment Sought on Application of MachineGenius, Inc., for Certification to Provide Internet Protocol Captioned Telephone Service*, Public Notice, 34 FCC Rcd 7691 (CGB 2019); *Comment Sought on Application of Clarity Products, LLC, for Certification to Provide Internet Protocol Captioned Telephone Service*, Public Notice, 34 FCC Rcd 7693 (CGB 2019).

⁴ See, e.g., Comments on Applications for Certification as Providers of ASR-Based IP CTS of the Hearing Loss Association of America, et al., CG Docket Nos. 13-24, 03-123, at 6-7 (filed Sept. 25, 2019) (identifying nearly 30 questions related to business model, quality, privacy, and 911 connectivity that remain unanswered by the ASR-only Applicants that relate to whether the ASR-only Applicants will be able to deliver a functionally equivalent service).

⁵ See Sprint Corporation, Petition for Clarification or, in the Alternative, Reconsideration, CG Docket Nos. 13-24, 03-123 (July 9, 2018); Comments of Hamilton Relay, Inc., CG Docket Nos. 13-24, 03-123 (Sept. 7, 2018).

⁶ See generally *Misuse of Internet Protocol (IP) Captioned Telephone Service, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800 (2018).

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advertising and outreach. Hamilton continues to require IP CTS users to obtain a third-party certification or provide a self-certification if the user has paid for the IP CTS equipment, as part of its efforts to ensure only individuals that require IP CTS use the service. Given the absence of eligibility rules, the Commission takes on additional risk if it were to certify providers without a track record or clear commitment to ensuring that only individuals that require IP CTS may use the service.

Finally, Hamilton urged the Commission to resolve Hamilton's pending Petition for Reconsideration regarding reimbursement costs for implementing the Commission-mandated Telecommunications Relay Service User Registration Database ("Database").⁷ The Commission recently began the Paperwork Reduction Act ("PRA") approval process with respect to the information collections associated with the Database, and Hamilton noted that it filed initial comments in response to the PRA public notice.⁸

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

Counsel for Hamilton Relay, Inc.

Enclosure

cc (via email):

Diane Burstein
Robert Aldrich
Eliot Greenwald
Michael Scott

Virginia Metallo
Susan Lee
David Schmidt

⁷ Hamilton Relay, Inc., Petition for Reconsideration, CG Docket No. 13-24, 03-123 (Apr. 8, 2019).

⁸ Comments of Hamilton Relay, Inc., OMB 3060-1053 (Nov. 6, 2019) (responding to *Information Collection Being Reviewed by the Federal Communications Commission*, Notice and Request for Comments, 84 Fed. Reg. 47291 (Sept. 9, 2019)).