Before the
**FEDERAL COMMUNICATIONS COMMISSION**
Washington, DC 20554

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| In the Matter of | ) | |
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| Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities | ) | CG Docket No. 03-123 |
| | ) | |
| Waivers of iTRS Mandatory Minimum Standards | ) | |

To: The Commission

**COMMENTS OF HAMILTON RELAY, INC.**

Hamilton Relay, Inc. ("Hamilton"), by its counsel, hereby submits these comments in response to the August 22, 2014 *Further Notice of Proposed Rulemaking* ("*Further Notice*") in the above-captioned proceeding.[1] Hamilton welcomes the opportunity to comment on the Commission's proposed amendment to the definition of Telecommunications Relay Services ("TRS") contained in the Commission's rules, and the proposal to eliminate the mandatory minimum standard requiring TRS providers to handle certain Hearing Carryover ("HCO") and Voice Carryover ("VCO") calls.

## I. Hamilton Supports the Commission's Proposed Definition of TRS but Believes that Additional "Multiple CA Call Types" Should Be Deemed Reimbursable

In the *Further Notice*, the Commission noted that the Twenty-First Century Communications and Video Accessibility Act of 2010 ("CVAA")[2] updated the definition of TRS. Prior to the CVAA, TRS was defined as follows:

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[1] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Waivers of iTRS Mandatory Minimum Standards*, Report and Order, Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, CG Docket No. 03-123, 29 FCC Rcd 10,697 (2014) ("*Further Notice*").
[2] Pub. L. No. 111-260, § 103(a), 124 Stat. 2751 (Oct. 8, 2010).

> The term "telecommunications relay services" means telephone transmission services that provide the ability of an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a [Telecommunications Device for the Deaf ("TDD")] or other nonvoice terminal device and an individual who does not use such a device.[3]

As revised by the CVAA, TRS is now defined as follows:

> The term "telecommunications relay services" means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.[4]

Thus, the definition has been changed in two key ways – the categories of eligible users have been expanded, and the requirement that the other participant to a TRS call be a hearing individual has been eliminated. As the *Further Notice* notes, the expanded definition would cover situations "when two or more individuals to a call each have disabilities, but use different types of relay services, depending on their communications needs."[5]

The Commission has proposed amending its rules to conform to the CVAA definition of TRS.[6] Hamilton supports this proposal. Additionally, the Commission tentatively concludes that the proposed new rule will allow compensation from the TRS Fund for relay calls involving two or more persons using different forms of relay services, including calls whose handling may require more than one Communications Assistant ("CA").[7] The Commission emphasizes that the proposed changes will *not* permit compensation from the TRS Fund for relay calls involving

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[3] 47 U.S.C. § 225(a)(3) (2009); *see also* 47 C.F.R. § 64.601(a)(32).
[4] 47 U.S.C. § 225(a)(3) (2014).
[5] *Further Notice* ¶ 64.
[6] *Id.* ¶ 65; *see also id.* App. B (proposed rule Section 64.601(a)(32)).
[7] *Id.*

two or more persons using the *same* type of relay service, "which in effect would be a form of point-to-point communications" because a CA is not needed to relay messages between the parties.[8] However, the Commission notes that exceptions have been made for calls between two Captioned Telephone Service ("CTS") users or two IP CTS users, or a CTS user to an IP CTS user, because multiple CAs are needed for such calls.[9] Hamilton agrees with these exceptions, and agrees that calls between users that do not need a CA[10] should not be compensable.

Hamilton applauds the Commission's decision in the *Order* accompanying the *Further Notice* to allow additional "Multiple CA call types."[11] In addition to the call types authorized in the order, Hamilton encourages the Commission to confirm that the call types listed below are also reimbursable from the TRS Fund under the new definition of TRS:

- Calls between a CTS or IP CTS user and a Speech-to-Speech ("STS") user
- Calls between a TTY user and a VRS user
- Calls between an STS user and a TTY user
- Calls between an STS user and a VRS user
- Calls between an STS user and an STS user
- Calls for individuals requiring more than one type of relay to achieve functional equivalence for individuals with both hearing loss and speech disabilities
    - To achieve functional equivalence, these individuals may require the support of both CTS or IP CTS and STS, for example.
    - If such a user is communicating with *another* relay user, additional CAs may be required in order to achieve functional equivalence. For example, if a user requiring CTS and STS calls a VRS user, three CAs may be required on the call: a CTS CA and a STS CA for the first user, and a VRS CA for the other user.[12]

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[8] *Id.*
[9] *Id.*
[10] I.e., VRS-to-VRS calls and IP Relay-to-IP Relay calls.
[11] *Further Notice* ¶ 49; see also 47 C.F.R. § 64.604(c)(14).
[12] *See also* Ex Parte filing of Hamilton Relay, Inc., CG Docket No. 03-123, at 4-6 (filed July 27, 2010).

Hamilton believes that all such calls should be specifically included in Section 64.604(c)(14) as compensable calls requiring the use of multiple CAs.

## II. VCO-to-VCO and HCO-to-HCO Should Continue to Be Compensable Forms of TRS for TTY Users, and Users of VCO and HCO Phones

The Commission's rules currently require all TRS providers to provide VCO-to-VCO and HCO-to-HCO.[13] The *Further Notice* proposes eliminating the mandatory minimum standard requiring TRS providers to provide VCO-to-VCO and HCO-to-HCO.[14]

In the *Order* accompanying the *Further Notice*, the Commission eliminated the VCO-to-VCO and HCO-to-HCO requirements for VRS providers and IP Relay providers.[15] In addition, the Commission clarified that when a CTS or IP CTS user calls another CTS or IP CTS user, it is essentially an enhanced VCO-to-VCO call using multiple CAs, and such calls are specifically deemed compensable from the TRS Fund.[16] Thus, the Commission has addressed the VCO-to-VCO and HCO-to-HCO requirements for VRS, IP Relay, CTS, and IP CTS. Hamilton does not object to eliminating VCO-to-VCO and HCO-to-HCO from the list of mandatory minimum standards for these types of relay.

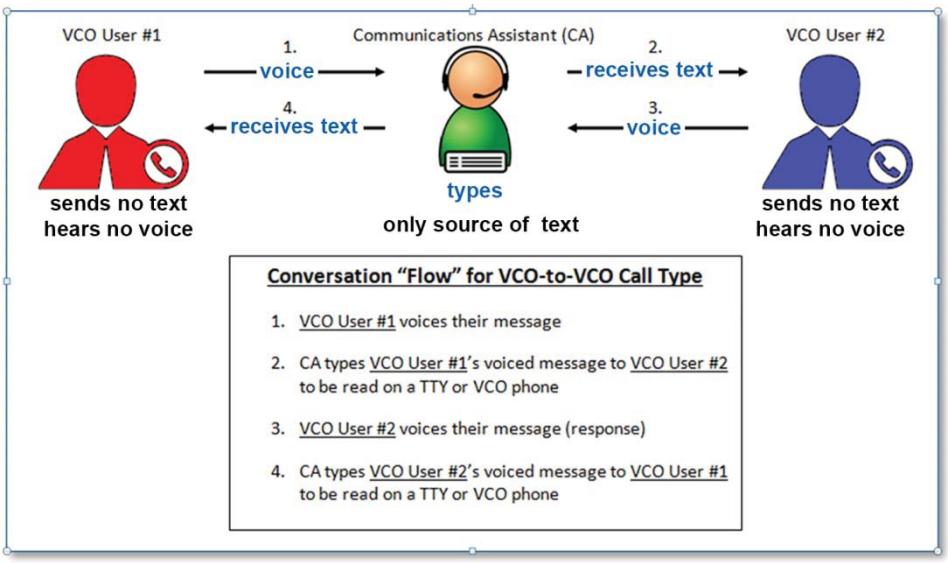
However, the Commission did not address the continued applicability of VCO-to-VCO and HCO-to-HCO for users of other forms of relay. As explained below, the Commission should confirm that these types of calls, which require one CA to be on the call, continue to be a compensable form of TRS even if they are not mandatory. Although a small number of users rely upon these services, they continue to be an important method of communicating in a

[13] 47 C.F.R. § 64.604(a)(3)(v)(2), (3).
[14] *Further Notice* ¶¶ 61, 67.
[15] *Further Notice* ¶ 46.
[16] *Further Notice* ¶¶ 49, 67.

functionally equivalent manner for those users who find VCO-to-VCO or HCO-to-HCO to be a superior form of communicating.

A. VCO-to-VCO

On a VCO-to-VCO call, both parties to the call are able to speak directly to the other user but both parties have hearing difficulties. On such calls, one CA relays each leg of the conversation to the other user by typing each party's speech, and each party receives the other party's conversation as typed by the CA. There is no voice recognition software used with such calls. VCO-to-VCO call participants typically each have a TTY, or a VCO device attached to a traditional handset or a dedicated VCO phone. The VCO phone has a screen similar to a TTY, and text is received in Baudot. The following figure demonstrates a typical VCO-to-VCO call:




As noted, Hamilton handles VCO-to-VCO calls using only one CA. Without a CA on this call, the VCO users would be able to verbally express themselves but would not receive the typed responses upon which they rely to understand the other party's conversation.

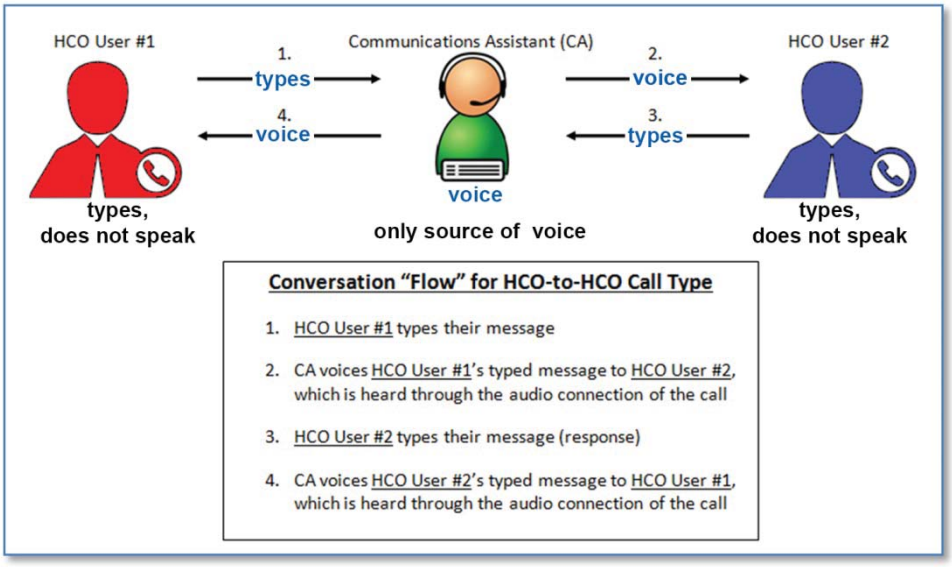
Most state TRS programs require providers to offer VCO-to-VCO to residents within their state. If the Commission were to deem this call type no longer compensable, the states and their residents will likely be impacted in one of the following ways:

- TRS users within the state will be able to place *intrastate* VCO-to-VCO calls reimbursed by their state TRS program, but may not be able to place *interstate* VCO-to-VCO calls as they would no longer be compensable from the TRS Fund.
- TRS users within the state will be able to place *intrastate* VCO-to-VCO calls reimbursed by their state TRS program, and will only be able to place *interstate* VCO-to-VCO calls if their state TRS program agrees to provide compensation for these *interstate* TRS calls, as they would no longer be compensable from the TRS Fund.

In order to ensure functionally equivalent service to such users at the interstate level, the Commission should confirm that VCO-to-VCO is a compensable form of TRS when one CA is required in order for the call to be appropriately relayed between the two VCO users.

B. <u>HCO-to-HCO</u>

On an HCO-to-HCO call, both parties to the call are able to hear but are not able to speak. HCO-to-HCO call participants typically each have a TTY. On such calls, the CA relays the conversation by voicing both sides of the call (i.e., by voicing each party's text communications), and each party receives the other party's portion of the conversation through the CA voicing that typed conversation, as demonstrated in the figure below:




Hamilton handles HCO-to-HCO calls using only one CA. Without a CA on this call, HCO users would be unable to verbally express themselves to initiate the conversation. It is conceivable that the text from each HCO user's TTY could be sent directly to the other HCO user. However, if the consumers' preferred method of receiving communication is auditory (using their hearing), then the other person's messages will need to be voiced which requires a CA.

Most state TRS programs require providers to offer HCO-to-HCO to residents within their state. If the Commission were to deem this call type no longer compensable, the states and their residents will likely be impacted in one of the following ways:

- TRS users within the state will be able to place *intrastate* HCO-to-HCO calls reimbursed by their state TRS program, but will not be able to place *interstate* HCO-to-HCO calls, as they would no longer be compensable from the TRS Fund.
- TRS users within the state will be able to place *intrastate* HCO-to-HCO calls reimbursed by their state TRS program, and will only be able to place *interstate*

HCO-to-HCO calls if their state program agrees to provider compensation for these *interstate* TRS calls, as they would no longer be compensable from the TRS Fund.

In order to ensure functionally equivalent service to such users at the interstate level, the Commission should confirm that HCO-to-HCO is a compensable form of TRS when one CA is required in order for the call to be appropriately relayed between the two HCO users.[17]

Respectfully submitted,

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[17] The Commission should also clarify that VCO-to-VCO and HCO-to-HCO calls are not "point-to-point calls" in the manner of IP Relay-to-IP Relay or VRS-to-VRS calls, given that a CA continues to be necessary in order for VCO-to-VCO and HCO-to-HCO users to participate in the call in a functionally equivalent manner.