

December 2, 2014

**REDACTED - FOR PUBLIC INSPECTION**

VIA ECFS

Marlene H. Dortch, Esq., Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554  
*Attn: Chief, Consumer & Governmental Affairs Bureau*

Re: Hamilton Relay, Inc.  
CG Docket Nos. 10-51, 03-123  
*Fourth Amendment to Internet-based TRS Certification Application*

Dear Ms. Dortch:

Transmitted herewith, on behalf of Hamilton Relay, Inc. ("Hamilton"), is a fourth amendment to Hamilton's December 5, 2011 application for certification as a provider of Internet Protocol Captioned Telephone services. Certain confidential information has been redacted from the filing as well as the exhibits. Hamilton is concurrently filing a confidential version of this filing with the Commission.

Pursuant to Section 0.459 of the Commission's rules, 47 C.F.R. § 0.459, Hamilton hereby requests confidential treatment of the enclosed information. Hamilton has enclosed a separate exhibit justifying the need for confidential treatment.

Should there be any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP



David A. O'Connor  
Counsel for Hamilton Relay, Inc.

Enclosure

HAMILTON RELAY, INC.  
December 2014

**REQUEST FOR CONFIDENTIAL TREATMENT**

Pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, Hamilton Relay, Inc. ("Hamilton") hereby requests that the redacted contents of the fourth amendment (the "Amendment") to its pending application for certification as a provider of Internet Protocol Captioned Telephone services (the "Application") be treated as confidential and withheld from public inspection.

In accordance with the requirements of Section 0.459(b), 47 C.F.R. § 0.459(b), Hamilton submits the following:

1. 0.459(b)(1): Identification of the specific information for which confidential treatment is sought: Hamilton requests that the redacted portions of the public version of the Amendment, including all exhibits (collectively, the "Redacted Materials"), be treated as confidential and withheld from public inspection. The Redacted Materials contain highly sensitive commercial information, trade secrets, and proprietary technical information pertaining to the services offered by Hamilton. Pursuant to the Freedom of Information Act ("FOIA"), public disclosure is not required for documents that are "trade secrets, commercial or financial information obtained from a person and privileged and confidential." For this reason, the Redacted Materials are covered by the FOIA exceptions.
2. 0.459(b)(2): Identification of the Commission Proceeding in which the Information Was Submitted or a Description of the Circumstances Giving Rise to the Submission: The Amendment is being submitted to the Commission in CG Docket Nos. 10-51 and 03-123 pursuant to 47 C.F.R. §§ 1.65 and 64.606(a)(2).
3. 0.459(b)(3): Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged: The Redacted Information contains sensitive information about Hamilton's internal operations, as well as commercial, financial and other trade secrets. Such information "would customarily be guarded from competitors." 47 C.F.R. § 0.457(d)(2).
4. 0.459(b)(4): Explanation of the degree to which the information concerns a service that is subject to competition: IP CTS is a competitive service with at least four competitors to Hamilton.
5. 0.459(b)(5): Explanation of how disclosure of the information could result in substantial competitive harm: Substantial competitive injury would result from the disclosure of the Redacted Materials, by providing Hamilton's competitors with ready access to confidential information about Hamilton's internal processes and strategic

efforts. Hamilton has expended considerable funds and resources for the development of its IP CTS offering, which would be compromised through public disclosure.

6. 0.459(b)(6): Identification of any measures taken by the submitting party to prevent unauthorized disclosure: Hamilton requires that its employees treat the Redacted Materials as confidential and privileged. In keeping with this practice, Hamilton has requested confidential treatment of the Redacted Materials by the Commission.
7. 0.459(b)(7): Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties: The Redacted Materials are proprietary and not routinely available to the public. Certain portions of the Redacted Materials are submitted to various state TRS programs as part of a Request For Proposal bid process or for a state certification, and portions of that information are submitted in redacted form.
8. 0.459(b)(8): Justification of the period during which the submitting party asserts that material should not be available for public disclosure: Hamilton requests that the Commission withhold the Redacted Materials indefinitely. As long as the Internet-based relay industry remains competitive, the public interest will be served if the Commission maintains the confidentiality of the Redacted Materials, in order to foster an environment in which regulated entities may submit sensitive materials for agency review without risking public disclosure and thus competitive harm.

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

In the Matter of	)	
	)	
Structure and Practice of the Video Relay Service Program	)	CG Docket No. 10-51
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
Internet-based TRS Certification Application of Hamilton Relay, Inc.	)	
	)	

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

**FOURTH AMENDMENT TO APPLICATION OF  
HAMILTON RELAY, INC. FOR CERTIFICATION AS A  
PROVIDER OF INTERNET PROTOCOL CAPTIONED  
TELEPHONE SERVICES**

Hamilton Relay, Inc. ("Hamilton"), by its counsel and pursuant to Sections 1.65(a) and 64.606(a)(2) of the Commission's rules, hereby submits this fourth amendment to its December 5, 2011 application (the "Application") for federal certification as a provider of Internet Protocol Captioned Telephone Services ("IP CTS").<sup>1</sup> By this amendment, Hamilton is providing updated information as follows.

**I. Compliance with Section 64.606(a)(2)(ii)(F)**

Section 64.606(a)(2)(ii)(F) provides:

In the case of applicants to provide IP CTS or IP CTS providers, a description of measures taken by such applicants or providers to ensure that they do not and will not request or collect payment from the TRS Fund for service to consumers who do not

<sup>1</sup> Previous amendments to the Application were filed on May 8, 2012, January 16, 2013, and July 11, 2013.

satisfy the registration and certification requirements in § 64.604(c)(9), and an explanation of how these measures provide such assurance.<sup>2</sup>

Hamilton is in compliance with this requirement for each category of IP CTS user, as described below.<sup>3</sup>

A. Interim Users

Beginning on March 7, 2013, when the interim IP CTS rules became effective, and continuing until August 27, 2014 (i.e., the last day that the interim IP CTS registration rules were in effect),<sup>4</sup> Hamilton implemented procedures to ensure that any new user needed to register for the service and complete the required certification prior to using the captioning service. Such users could not use an IP CTS device (or web or wireless IP CTS application)<sup>5</sup> without successfully completing the registration and certification process. Registration included the collection of the user's name, address, and telephone number, and a self-certification in

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<sup>2</sup> 79 Fed. Reg. 40,003 (July 11, 2014). Section 64.606(a)(2)(ii)(F) became effective upon publication in the *Federal Register*. To the extent necessary, Hamilton submits that good cause exists for submitting this amendment outside of the 30-day period typically required under Section 1.65(a). Many of the requirements discussed in this amendment, including the registration and certification requirements, have been implemented over time and were subject to court challenge. In addition, certain requirements, such as the obligation to register certain IP CTS users that previously were not required to be registered, are subject to a registration period that will not conclude until February 24, 2015. Moreover, Commission staff recently gave another provider 30 days in which to provide information showing compliance with Section 64.606(a)(2)(ii)(F), and the instant amendment is being filed within the 30-day period afforded to the other provider. *See Notice of Grant of Conditional Certification for Purple Communications, Inc., to Provide Internet Protocol Captioned Telephone Service*, Public Notice, DA 14-1627 ¶ 17 (rel. Nov. 7, 2014).

<sup>3</sup> Attached hereto as Exhibit 1 are flowcharts showing the validation and registration process applicable to all registered users.

<sup>4</sup> *See* 79 Fed. Reg. 51,446 (Aug. 28, 2014) (announcing August 28, 2014 as the effective date of the final rule amending Section 64.604(c)(9)). Although there was a brief period between the issuance of the court's mandate on August 20, 2014 and the effective date of the August 28 new registration rule, Hamilton voluntarily continued to comply with the interim registration and certification requirements through and including August 27, 2014.

<sup>5</sup> Hamilton required all of its web and wireless IP CTS users to register and self-certify under the interim rules.

accordance with Section 64.604(c)(9)(ii) and (iv). In this way, Hamilton ensured that it did not request or collect payment from the TRS Fund for service to consumers who failed to satisfy the interim registration and certification requirements set forth in Section 64.604(c)(9). Additional documentation of the procedures used by Hamilton to ensure that the interim requirements were met is provided in Exhibit 2 hereto.

B. Pre-March 7 Users

As permitted under the rules, Hamilton continues to allow pre-March 7, 2013 users (“Pre-March 7 Users”) to use its IP CTS captioning platforms without registering or certifying.<sup>6</sup> Hamilton’s database distinguishes Pre-March 7 Users from post-March 7 users, and thus requires the latter group to register before using the service. Pursuant to Section 64.604(c)(9)(xi), Hamilton is in the process of registering and certifying Pre-March 7 Users prior to the registration deadline on February 24, 2015. When registering, such users must provide their full name, date of birth, last four digits of their social security number, address, and telephone number, and an independent third party certification in accordance with Sections 64.604(c)(9)(vii) and 64.604(c)(9)(viii) unless Hamilton can confirm that the consumer purchased the IP CTS equipment for \$75 or more or obtained it from a governmental program.<sup>7</sup>

To the extent that any Pre-March 7 User has not completed the registration and certification process prior to the February 24, 2015 deadline, any minutes of use from those unregistered users will not be submitted for compensation beginning February 25, 2015. This approach will ensure that Hamilton does not request or collect payment from the TRS Fund administrator for unregistered users as of February 25, 2015. Additional information about

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<sup>6</sup> 47 C.F.R. § 64.604(c)(9)(xi).

<sup>7</sup> Hamilton does not have any web or wireless Pre-March 7 Users who are unregistered, because as noted above, Hamilton required all such users to re-register under the interim rules.

Hamilton's registration and certification procedures for Pre-March 7 Users is attached hereto as Exhibit 3.

C. Post-August 27 Users

As of August 28, 2014, the Commission implemented new registration and certification requirements for users who register on and after August 28 ("Post-August 27 Users").<sup>8</sup> Under these procedures, a Post-August 27 User must register and submit a self-certification but is not currently required to provide a third party certification, even if the user did not pay \$75 or more for the IP CTS equipment. Hamilton requires that all such users provide a self-certification under penalty of perjury during the registration process, and to provide their date of birth and the last four digits of their social security number, along with the other required information in Section 64.604(c)(9)(iii) and (iv). In addition, although not obligated to do so, Hamilton requires such users to obtain and provide Hamilton with a third party certification, if the user obtained IP CTS equipment free of charge or at a price below \$75 from any source other than a governmental program. Where Hamilton can confirm that the user paid \$75 or more for the IP CTS equipment, Hamilton requires the user to submit a self-certification only, and does not require a third party certification in such cases.<sup>9</sup> Additional details about Hamilton's registration and certification procedures for Post-August 27 Users are provided in Exhibit 4 hereto.

For the reasons set forth above, Hamilton submits that it has demonstrated its compliance with Section 64.606(a)(2)(ii)(F).

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<sup>8</sup> See 79 Fed. Reg. 51,446 (Aug. 28, 2014) (announcing August 28, 2014 as the effective date of the final rule amending Section 64.604(c)(9)).

<sup>9</sup> Hamilton continues to require web and wireless IP CTS users to register (and provide the last four digits of the user's social security number and date of birth, among other information) and to self-certify.

## II. Compliance with the Revised IP CTS Rules

On January 25, 2013, the Commission adopted new interim IP CTS rules requiring, among other things, that the captions feature on IP CTS phones be defaulted to off.<sup>10</sup> In its July 11, 2013 amendment to the Application, Hamilton confirmed that it was in compliance with the interim IP CTS rules, subject to the limited waiver that the Consumer & Governmental Affairs Bureau issued to Hamilton on May 9, 2013.<sup>11</sup> The Commission subsequently adopted additional IP CTS rules in August 2013, including a captions-off requirement which was vacated by the DC Circuit Court of Appeals.<sup>12</sup> In light of the court's decision to vacate that requirement, IP CTS providers are not obligated to default users' captions to off as of August 20, 2014 when the court issued its mandate.

Hamilton is in compliance with the non-vacated IP CTS rules that were adopted by the Commission in August 2013, many of which became effective on August 28, 2014.<sup>13</sup>

Specifically:

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<sup>10</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703 (rel. Jan. 25, 2013), *aff'd in part and rev'd in part* sub nom. *Sorenson Comm'ns Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. Sept. 2, 2014).

<sup>11</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 28 FCC Rcd 6454 (CGB rel. May 9, 2013). Hamilton came into compliance with the requirements prior to the expiration of the waiver.

<sup>12</sup> *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 and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13,420 (rel. Aug. 26, 2013), *aff'd in part and rev'd in part* sub nom. *Sorenson Comm'ns Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. Sept. 2, 2014).

<sup>13</sup> 79 Fed. Reg. 51,446 (Aug. 28, 2014); *id.* at 51,450 (Aug. 28, 2014).

Section 64.604(c)(8)

Hamilton complies with the requirements of this section as follows:

- Hamilton does not offer or provide to any person or entity that registers to use IP CTS any form of direct or indirect incentives, financial or otherwise, to register for or use IP CTS.
- Hamilton does not offer or provide to hearing health professionals<sup>14</sup> any direct or indirect incentives, financial or otherwise, that are tied to a consumer's decision to register for or use IP CTS. Nor does Hamilton offer or provide IP CTS equipment, directly or indirectly, to hearing health professionals where such professional makes or has the opportunity to make a profit on the sale of the IP CTS equipment to consumers.
- Hamilton does not have any joint marketing arrangements with hearing health professionals.

Section 64.604(c)(9)

Please see Section I above for further information about Hamilton's registration and certification procedures which demonstrate its compliance with Section 64.604(c)(9). As noted above, Hamilton is currently working on registering all Pre-March 7 Users prior to the registration deadline on February 24, 2015.<sup>15</sup>

Section 64.604(c)(10)

Hamilton complies with this rule because each IP CTS telephone distributed, directly or indirectly, by Hamilton includes a button that is easily operable and requires only one step for the consumer to turn on captioning. Attached in Exhibit 5 is an image of sample IP CTS equipment distributed by Hamilton and its vendors, which clearly shows the large and easily operable one-step "Captions" button on the face of the equipment.

Section 64.604(c)(11)

Section 64.604(c)(11)(i) is currently reserved.

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<sup>14</sup> Hearing health professionals are defined as "any medical or non-medical professional who advises consumers with regard to hearing disabilities." 47 C.F.R. § 64.604(c)(8)(iv).

<sup>15</sup> See 47 C.F.R. § 64.604(c)(9)(xi).

Section 64.604(c)(11)(ii) prohibits any person from using IP CTS equipment or software with the captioning on unless the person has registered pursuant to Section 64.604(c)(9) or the person is a Pre-March 7 User and the use occurs prior to February 24, 2015. Hamilton is in compliance with this provision for the reasons set forth in Section I of this amendment.

Section 64.604(c)(11)(iii) requires IP CTS providers to ensure that any newly distributed IP CTS equipment has an appropriate label on the face of the equipment. Hamilton complies with this requirement as shown in Exhibit 5 hereto. Hamilton notes that it received a limited waiver of certain labeling requirements.<sup>16</sup> The waiver expired on October 9, 2014 and Hamilton confirms that it is in compliance with all labeling requirements as of that date. Hamilton's web and wireless applications display the required label in a conspicuous location each time a user logs in to his/her account.

Finally, Section 64.604(c)(11)(iv) requires IP CTS providers to maintain, with each consumer's registration records, records describing any IP CTS equipment provided, directly or indirectly, to such consumer, stating the amount paid for such equipment, and stating whether the label required by Section 64.604(c)(11)(iii) was affixed to such equipment prior to its provision to the consumer. For equipment distributed prior to July 11, 2014,<sup>17</sup> such records must state whether and when the required label was distributed to such consumer. These records must be maintained by the provider for five years after the consumer ceases to obtain service from the provider. Hamilton complies with each of these requirements.

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<sup>16</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities*, Order, CG Docket Nos. 13-24, 03-123, 29 FCC Rcd 7948 (rel. June 27, 2014).

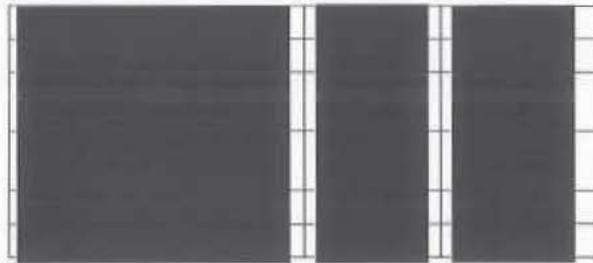
<sup>17</sup> Section 64.604(c)(11)(iv) became effective on July 11, 2014. 79 Fed. Reg. at 40,003.

**III. Updates to Section III.B of the Application**

In the Application filed on December 5, 2011, Hamilton noted that it is processing IP CTS calls from its [REDACTED] center. Hamilton updates this information to note that in addition to the [REDACTED] center, Hamilton now processes IP CTS calls from its centers in [REDACTED], [REDACTED]. Additionally, Hamilton introduced new IP CTS equipment – the CapTel 2400i captioned telephone – for its users in June 2014. Hamilton’s subcontractor, CTI, has added a new center at [REDACTED].

**A. Employees**

The employee data graphic on page 4 of the Application is deleted in its entirety. The current number of employees involved in Hamilton’s TRS operations are as follows:

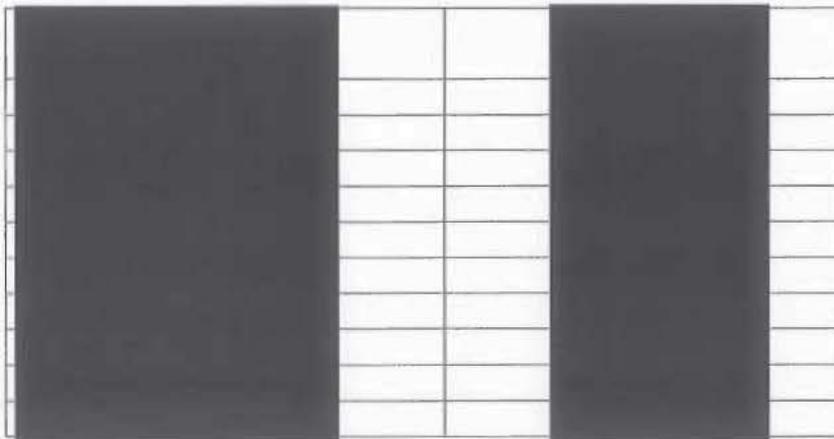


[REDACTED]	[REDACTED]	[REDACTED]

An updated organizational chart is attached hereto as Exhibit 6.

**B. Sponsorship Arrangements**

Hamilton hereby updates its sponsorship arrangements for IP CTS as follows:



[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]


C. Compliance with Mandatory Minimum Standards

In its Application, Hamilton described its compliance with various non-waived mandatory minimum standards for IP CTS.<sup>18</sup> On August 22, 2014, the Commission adopted a *Report and Order* which permanently exempted IP CTS providers from various mandatory minimum standards and terminated certain existing waivers.<sup>19</sup> In this amendment, Hamilton updates the Application information to demonstrate compliance with IP CTS mandatory minimum standards, as follows.

1. Types of Calls

Commission rules require TRS providers to “be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so.”<sup>20</sup> In the *Report and Order*, the Commission has exempted all IP CTS providers from this requirement, so long as they allow for long distance calls to be placed using calling cards or credit cards or do not charge for long distance service.<sup>21</sup> Hamilton complies with this requirement because it does not charge for long distance service.<sup>22</sup>

<sup>18</sup> See Application at 25-32.

<sup>19</sup> *Telecommunications Relay Services And Speech-to-Speech for Individuals with Hearing and Speech Disabilities; Waivers of ITRS Mandatory Minimum Standards*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 10,697 (rel. Aug. 22, 2014) (“*Report and Order*”). *Id.* at para. 9. The revised rules were published in the *Federal Register* on October 21, 2014 and will become effective on December 22, 2014, except for the termination of the speed dialing and three-way calling waivers, which expired on October 21, 2014. See 79 Fed. Reg. 62,875 (Oct. 21, 2014).

<sup>20</sup> 47 C.F.R. § 64.604(a)(3)(ii).

<sup>21</sup> *Report and Order* ¶¶ 11-14; see also 47 C.F.R. § 64.604(a)(3)(ii) (effective Dec. 22, 2014).

<sup>22</sup> The user may be separately subject to fees from its underlying voice carrier.

2. Equal Access to Interexchange Carriers

The Commission's rules require TRS providers to offer consumers access to their interexchange carrier of choice to the same extent that such access is provided to voice users.<sup>23</sup> In the *Report and Order*, the Commission has exempted all IP CTS providers from this requirement, so long as they do not assess specific charges for long distance calling.<sup>24</sup> Hamilton complies with this requirement because it does not assess specific charges for long distance calling.

3. Pay-Per-Call (900) Calls.

The Commission's rules generally require TRS providers to be capable of handling pay-per-call calls,<sup>25</sup> but the Commission has previously waived this requirement indefinitely for IP CTS providers.<sup>26</sup> In the *Report and Order*, the Commission exempted IP CTS providers from handling pay-per-call calls.<sup>27</sup> Accordingly, Hamilton is exempt from complying with this mandatory minimum requirement.

Even though IP CTS providers are exempt from handling pay-per-call services, Hamilton's IP CTS platform can process 900 and other pay-per-call services under certain circumstances, as explained in the Third Amendment to this Application.<sup>28</sup> Specifically, except for IP CTS calls originating from or terminating to web or wireless IP CTS users, pay-per-call IP CTS calls can be processed by Hamilton because any charges that apply will be billed to the IP CTS user (or the calling party, as applicable) by the calling party's local or interexchange carrier.

<sup>23</sup> 47 C.F.R. § 64.604(b)(3).

<sup>24</sup> *Report and Order* ¶ 16; *see also* 47 C.F.R. § 64.604(b)(3) (effective Dec. 22, 2014).

<sup>25</sup> 47 C.F.R. § 64.604(a)(3)(iv).

<sup>26</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Red 379, ¶ 30 (2007).

<sup>27</sup> *Report and Order* ¶ 19; *see also* 47 C.F.R. § 64.604(a)(3)(iv) (effective Dec. 22, 2014).

<sup>28</sup> Third Amendment to Application, at 2.

#### 4. Three-Way Calling

The *Report and Order* terminated the indefinite waiver for IP CTS providers of the Commission's three-way calling requirement, effective October 21, 2014.<sup>29</sup> Hamilton offers this functionality and therefore is in compliance with this requirement.<sup>30</sup>

#### 5. Speed Dialing

The *Report and Order* terminated the indefinite waiver for IP CTS providers of the Commission's speed dialing requirement, effective October 21, 2014.<sup>31</sup> Hamilton offers speed dialing functionality and therefore is in compliance with this requirement. Additional information about Hamilton's speed dial procedures is attached hereto as Exhibit 7.

#### 6. Hearing Carryover (HCO)

The *Report and Order* exempted IP CTS providers from all of the mandatory minimum standards for one-line HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO, and text-to-voice functionality, because the Commission concluded that these TRS features are not applicable to captioned telephone-based service.<sup>32</sup> Accordingly, Hamilton is exempt from these requirements.

#### 7. Voice Carryover (VCO)

In the *Report and Order*, the Commission concluded that IP CTS is a form of VCO and therefore the previously issued waivers for the requirements to provide two-line VCO, VCO-to-TTY, and VCO-to-VCO are unnecessary. In addition, the Commission exempted IP CTS

<sup>29</sup> *Report and Order* ¶ 20. The termination of this waiver became effective on October 21, 2014. See 79 Fed. Reg. 62,875 (Oct. 21, 2014).

<sup>30</sup> Hamilton notes that there is no requirement that an IP CTS provider be able to set up a three-way call, or that the user be able to initiate a three-way call, so long as the provider provides for three-way calling in some manner. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, CG Docket No. 03-123, 20 FCC Rcd 3689, ¶ 8 (2005).

<sup>31</sup> *Report and Order* ¶ 20. The termination of this waiver became effective on October 21, 2014. See 79 Fed. Reg. 62,875 (Oct. 21, 2014).

<sup>32</sup> *Report and Order* ¶¶ 47, 50; see also 47 C.F.R. § 64.604(a)(3)(v) (effective Dec. 22, 2014).

providers from the requirement to offer one-line VCO.<sup>33</sup> Accordingly, Hamilton is exempt from these requirements.

8. Speech-to-Speech (STS), ASCII/Baudot, and Call Release

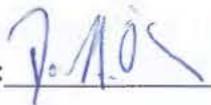
The *Report and Order* exempted IP CTS providers from STS, ASCII/Baudot, and call release requirements.<sup>34</sup> Accordingly, Hamilton is exempt from these requirements.

**IV. Conclusion**

For the reasons set forth above and in the Application, as amended, Hamilton submits that it has satisfactorily demonstrated compliance with all requirements for federal certification of its IP CTS offering, and that the public interest would be served by a grant of the Application.

Respectfully submitted,

HAMILTON RELAY, INC.

By:  \_\_\_\_\_

David A. O'Connor  
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Washington, DC 20037  
Tel: 202.783.4141  
E-mail: doconnor@wbklaw.com  
Its Counsel

December 2, 2014

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<sup>33</sup> *Report and Order* ¶¶ 48-49; see also 47 C.F.R. § 64.604(a)(3)(v) (effective Dec. 22, 2014).

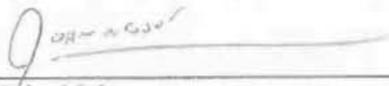
<sup>34</sup> *Report and Order* ¶¶ 51, 54-55; see also 47 C.F.R. §§ 64.603, 64.604(a)(3)(vi)(1), and 64.604(b)(1) (effective Dec. 22, 2014). The *Report and Order* did not address the indefinite waivers previously issued to IP CTS providers, such as for gender preference, sequential calls, outbound 711 calling, and certain requirements applicable to CAs. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CG Docket No. 03-123, 22 FCC Rcd 379 ¶ 30 (2007).

DECLARATION OF JOHN NELSON, PRESIDENT  
OF HAMILTON RELAY, INC.

In compliance with 47 C.F.R. § 64.606(a)(2)(v), I declare under penalty of perjury that I am John Nelson, President, an officer of the above-named applicant, and that I have examined the foregoing Fourth Amendment to the applicant's pending December 5, 2011 application, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

I hereby certify that neither Hamilton Relay, Inc. nor any affiliated party or person to the application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862; 47 C.F.R. § 1.2001.

Signed and dated this 2<sup>nd</sup> day of December, 2014.

  
\_\_\_\_\_  
John Nelson  
President  
Hamilton Relay, Inc.