

**Before the
Federal Communications Commission
Washington, DC 20554**

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

**PETITION FOR DECLARATORY RULING
OR, IN THE ALTERNATIVE, WAIVER WITH RESPECT TO 47 C.F.R. § 64.605(A),
AND FOR CLARIFICATION WITH RESPECT TO 47 C.F.R. § 64.605(A)**

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INTRODUCTION AND SUMMARY

Sorenson Communications, Inc. and its affiliate CaptionCall, LLC (together “CaptionCall”) hereby submit this request for a declaratory ruling regarding Internet-based Telecommunications Relay Services (“iTRS”) emergency calling requirements. CaptionCall has begun to deploy its CaptionCall Mobile service, which integrates Internet Protocol Captioned Telephone Service (“IP CTS”) with a third-party, over-the-top mobile interconnected Voice-over-Internet-Protocol (“VoIP”) service. For all its other IP CTS services, CaptionCall is not involved in call set-up and routing, and thus does not control delivery of an IP CTS call to the Public Safety Answering Point (“PSAP”). However, for CaptionCall Mobile—which integrates the underlying voice service with captions of the hearing party’s voice—CaptionCall, via its underlying wholesale VoIP provider, performs call set up and routing. As such, CaptionCall is subject to both the interconnected VoIP¹ and iTRS emergency call handling rules.² Under the interconnected VoIP rules, CaptionCall Mobile must (1) collect a customer’s Registered Location, (2) route emergency calls via the Wireline E911 Network to the PSAP associated with that Registered Location, and (3) provide that location and the customer’s callback number to the PSAP.³ The iTRS rules may appear less clear, as they require CaptionCall Mobile to determine the appropriate PSAP based only on the caller’s “location.”⁴ However, the iTRS emergency call handling rules allow CaptionCall to determine a caller’s location using Registered Location

¹ See generally 47 C.F.R. § 9.5.

² See generally *id.* § 64.605.

³ *Id.* §§ 9.5(b), (d).

⁴ *Id.* § 64.605(a)(2)(i).

data,⁵ and the Commission’s iTRS orders express a clear preference for the use of Registered Location to route emergency calls. Accordingly, CaptionCall seeks a declaratory ruling that compliance with the interconnected VoIP emergency call routing requirements also satisfies the iTRS emergency call routing rules.

It appears that some Commission staff may interpret the iTRS rules as requiring providers of IP CTS integrated with a nomadic or mobile VoIP service—such as an over-the-top VoIP service to a WiFi- or LTE-enabled tablet—to route emergency calls to the PSAP associated with the caller’s *actual* location, should that differ from the caller’s *registered* location. Such a reading, however, would ignore the provisions of 47 C.F.R. 64.605(a)(2)(iii), which give iTRS providers, other than for VRS and IP Relay, a choice of intercepting a call to ask the caller his or her location, or of implementing a registered location-based system. Moreover, such a reading would place such providers in an impossible compliance situation, as they cannot both route the call using Automatic Number Identification via the Wireline E911 Network and intercept the call to ask the caller’s actual location. The more consistent reading of §64.605(a) is that implementation of a registered-location system and routing a 911 call to the PSAP associated with the caller’s registered location satisfies the requirements of §64.604(a)(2)(i) to route iTRS 911 calls to the PSAP that “corresponds to the caller’s location.”

In the alternative, CaptionCall requests that the Commission grant a conditional waiver of the Commission’s iTRS emergency call handling requirements. Again, CaptionCall Mobile must comply with both the iTRS and VoIP rules. And CaptionCall Mobile cannot both

⁵ See *id.* § 64.605(a)(2)(iii) (requiring providers to “[r]equest, at the beginning of each emergency call, the caller’s name and location information, *unless the Internet-based TRS provider already has, or has access to, a Registered Location for the caller*”) (emphasis added).

automatically route emergency calls based on the caller's *Registered* Location and *interrupt* the call to ask the caller's *actual* location. Thus, if the Commission is unwilling to declare that compliance with the VoIP emergency call handling requirements also satisfies the iTRS requirements, then providers of integrated mobile IP CTS like CaptionCall Mobile need a waiver of the iTRS requirements. Otherwise, CaptionCall Mobile and other similarly situated services will effectively be precluded from integrating IP CTS with VoIP because they will be forced to violate either the VoIP requirements or the iTRS requirements.

CaptionCall recognizes that Registered Location-based 911 call routing will, in some instances, lead to misroutes and the provision of incorrect location information, especially for interconnected VoIP services that are truly mobile, not merely occasionally portable. The Commission has been considering whether to amend its interconnected VoIP 911 rules to address mobile services.⁶ Any changes to 911 call handling requirements for mobile interconnected VoIP, whether or not provided in conjunction with IP CTS, are best addressed in that docket. A provider's integration of IP CTS with a mobile over-the-top interconnected VoIP service presents no issues unique to disabilities access or the Americans with Disabilities Act's functional equivalence mandate.

In addition to issues related to the caller's location, CaptionCall requests clarification that two additional requirements do not apply to IP CTS. First, CaptionCall requests clarification that IP CTS providers are not required to deliver the IP CTS provider's name or the Communications

⁶ See, e.g., *IP-Enabled Servs., E911 Requirements for IP-Enabled Serv. Providers*, First Report and Order & Notice of Proposed Rulemaking, FCC 05-116, WC Docket Nos. 04-36 & 05-196, ¶ 57 (2005) ("*VoIP 911 Order*") ("What role should the Commission play to further the evolution of E911 service and E911 systems that do not depend on a customer providing his or her location information?").

Assistant's ("CA's") ID number to the PSAP.⁷ Second, CaptionCall requests clarification that IP CTS providers are not required, in the event a call is disconnected, to reestablish contact with the caller and/or PSAP.⁸ Even when IP CTS and iVoIP are integrated, the IP CTS CA sits outside of the call flow and cannot engage in interactive two-way communication with the caller or the PSAP. Thus, it is not possible for the CA to provide his or her ID number or identify CaptionCall as the IP CTS provider, nor can the CA do anything to reestablish contact with the caller or the PSAP in the event of a disconnect. Instead, as with a hearing voice call, contact between the PSAP and the IP CTS user will be reestablished when the PSAP calls the IP CTS user, or vice versa, and captioning is then initiated by the IP CTS provider.

⁷ 47 C.F.R. § 64.605(a)(2)(iv).

⁸ *Id.* § 64.605(a)(2)(v).

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I. Background

CaptionCall has offered IP CTS to hard-of-hearing consumers since 2011. Initially, CaptionCall offered only fixed, wireline IP CTS services. With CaptionCall’s existing wireline IP CTS, the hard-of-hearing consumer uses his or her existing telephone service. The CaptionCall telephone also can connect to the user’s broadband Internet access service, which it uses to transmit the hearing party’s voice to a call-center. At the call-center, a communications assistant (“CA”) revoices the hearing party’s words into voice-recognition software, which translates the words into text and returns them to the CaptionCall telephone. The CA cannot hear, and has no way to communicate interactively with, the hard-of-hearing caller—*i.e.*, the CA can send captions to the CaptionCall user, but cannot receive communications from the CaptionCall user. When a wireline IP CTS customer calls 911, the customer’s telephone carrier—and not CaptionCall—sets up and routes the call. CaptionCall’s role with respect to a wireline 911 call is limited to captioning what the PSAP operator says. CaptionCall does,

however, place 911 calls in the queue ahead of other calls in terms of getting a CA in place to provide the captions.⁹

In 2014, CaptionCall began a limited launch of its CaptionCall Mobile service, which allows hard-of-hearing consumers to place and receive captioned telephone calls on an iPad tablet. Instead of simply providing captions on top of a customer's existing telephone service, CaptionCall Mobile integrates IP CTS with a mobile over-the-top VoIP service provided by a third party. By integrating IP CTS with VoIP, CaptionCall gives its mobile customers significant advantages. For example, the integrated VoIP component allows CaptionCall Mobile to process calls quickly, utilize the larger screen of devices like iPads that do not have cellular voice capabilities, provide captions on mobile networks that do not support simultaneous data and voice, and ensure the availability of captions when an emergency call is placed and in the event of a 911 callback.

Because CaptionCall provides mobile customers with interconnected VoIP service, CaptionCall Mobile is subject to all of the Commission's interconnected VoIP rules—and the E911 rules in particular.¹⁰ Significantly, though CaptionCall Mobile does play a role in 911-call routing, the CA is still not a part of the call stream, cannot hear what the CaptionCall subscriber says, and has no way of communicating interactively with the hard-of-hearing consumer (*i.e.*, the emergency caller). Unlike VRS or IP Relay, in which the CA or VRS Interpreter is actually in the call stream, the IP CTS CA cannot simply ask the IP CTS caller for his or her location and hear the response. To request the customer's location in real time, an IP CTS provider would have to alter the underlying VoIP service's typical 911 call flow to insert a call center that would

⁹ See *id.* § 64.605(a)(2)(ii). “Speed of answer,” *i.e.*, time from the start of the call to a CA being on the call ready to caption, for CaptionCall is rapid in any event.

¹⁰ See 47 C.F.R. §§ 9.5, 9.7.

have two way, interactive communications capability. This process would not only be costly, but would also waste precious minutes during an emergency, present complications when the caller could not speak, and create the potential that a panicked caller could provide erroneous location information, leading to misroutes.

As a result, and as required by the Commission’s interconnected VoIP rules, CaptionCall collects Registered Location information from all CaptionCall Mobile customers before their service is activated.¹¹ CaptionCall goes to great lengths to ensure that each customer’s Registered Location is accurate. Though customers may download the CaptionCall Mobile application from the Apple App Store, only a CaptionCall trainer can activate the customer’s service after the customer completes the required registration, self-certification, and professional certification. When CaptionCall Customer Service creates a customer account, the customer service agent enters the customer’s E911 address into the underlying VoIP provider’s portal. The underlying VoIP provider’s system sends the phone number and E911 address to the Automatic Location Information (“ALI”) database for validation. If the ALI database cannot validate the address, the underlying VoIP provider’s third-party emergency call management partner will try to resolve it against the E911 Master Street Address Guide (“MSAG”). While the address is being resolved, or if it cannot be resolved, 911 calls are routed to a national call center, which verifies the caller’s address and routes the call. Once the underlying VoIP provider verifies the customer’s Registered Location, it notifies CaptionCall via an email to CaptionCall’s Technical Support Manager.¹²

¹¹ *See id.* § 9.5(d)(1).

¹² CaptionCall has not had any address fail to be validated. Nor has CaptionCall actually processed any 911 calls for customers. CaptionCall tests its process quarterly, and works collaboratively with PSAPs to ensure the effectiveness of its testing.

Moreover, CaptionCall provides ample warning to its Mobile service customers about the limitations of E911 in VoIP service, and CaptionCall requires Mobile customers to sign an acknowledgement of having received and understood the advisories.¹³ Specifically, CaptionCall warns customers, among other things, that (1) emergency calls from VoIP services may work differently from traditional 911 services; (2) VoIP calls to 911 will not work during a power outage or when the customer's broadband Internet service is unavailable or interrupted; and (3) CaptionCall cannot determine the customer's location automatically when he/she dials 911, and if a customer dials 911 using the CaptionCall Mobile application, CaptionCall will transmit the customer's registered emergency calling service address. Importantly, CaptionCall advises its Mobile customers that if they call 911 using the CaptionCall Mobile application from a location other than their registered emergency calling address, they will need to provide their current location to emergency personnel. Otherwise, any required emergency services will be delayed or unavailable. CaptionCall also provides stickers with these warnings for its customers to place on the device on which they use the CaptionCall Mobile application, and this sticker also provides a toll-free number they can call to verify or change their registered location.¹⁴

For 911 calls placed through the CaptionCall Mobile service, CaptionCall transmits the call, as well as Automatic Numbering Information ("ANI") as the callback number and the caller's Registered Location, to the PSAP, designated statewide default answering point, or Appropriate Local Emergency Authority that serves the caller's Registered Location.¹⁵

¹³ See 47 C.F.R. § 9.5(e)(1) & (2); CaptionCall Customer Communications, attached hereto as Exhibit A.

¹⁴ 47 C.F.R. § 9.5(e)(3).

¹⁵ See *id.* § 9.5(b)(2)-(4).

CaptionCall also places all 911 calls in the queue ahead of other calls.¹⁶ Whenever possible, CaptionCall Mobile 911 calls are routed through the use of ANI and, if necessary, pseudo-ANI, and the caller's Registered Location is available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate ALI database.¹⁷

II. The Interconnected VoIP 911 Rules Require All Interconnected VoIP Providers To Route Calls to the Appropriate PSAP Based on the Caller's Registered Location.

The Commission has recognized that “certain VoIP services pose significant E911 implementation challenges.¹⁸ In particular, “‘portable’ VoIP service providers often have no reliable way to discern from where their customers are accessing the VoIP service.”¹⁹ Indeed, this location issue is a generic problem for VoIP providers. Recognizing that “it currently is not always technologically feasible for providers of interconnected VoIP services to automatically determine the location of their end users,”²⁰ the Commission requires “interconnected VoIP providers to obtain location information, called ‘Registered Location,’ from their subscribers.”²¹

Specifically, the Commission's VoIP 911 rules require VoIP providers to collect Registered Location information from all users prior to the initiation of service.²² When a customer places a 911 call, the VoIP provider must automatically route the call to the PSAP “that

¹⁶ *Id.* § 64.605(a)(2)(ii).

¹⁷ *See id.* § 9.5(b)(2)-(4).

¹⁸ *VoIP 911 Order*, ¶ 25 & n.81.

¹⁹ *Id.*

²⁰ *Id.* ¶ 46.

²¹ *See Framework for Next Generation 911 Deployment*, Notice of Inquiry, FCC 10-200, 25 FCC Rcd. 17,869, 17,876 ¶ 16 (2010).

²² 47 C.F.R. § 9.5(d)(1).

serves the caller’s Registered Location”²³ through “the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network.”²⁴ In addition, the provider must transmit “ANI and the caller’s Registered Location” to the PSAP.²⁵ Importantly, VoIP providers must not “route[] 911 calls to 10-digit NPA-NXX numbers (so called ‘administrative numbers’) of PSAPs . . . where a Selective Router [*i.e.*, call center] is utilized.”²⁶ By choosing ANI-based routing over the call-center approach, the Commission has prioritized quick routing to a PSAP over routing 911 calls through an additional filter, which could cause significant response-time delays, as well as make it difficult to route a 911 call if the caller is unable to speak. Moreover, it is CaptionCall’s experience that PSAPs generally confirm a caller’s location and call-back information even when such information is available to them, which would render a call center redundant. Reliance on the customer’s Registered Location, which the customer provides in advance, knowing that it will be the “go-to” location in the event of a 911 call, is the Commission’s preferred solution for routing VoIP 911 calls to the appropriate PSAP.

As discussed above, CaptionCall also complies with Commission’s requirement that interconnected VoIP providers, during a 911 call, deliver the caller’s ANI as a callback number.²⁷ CaptionCall also provides all required customer notices and warnings.²⁸

²³ *Id.* § 9.5(b)(2).

²⁴ *Id.* § 9.5(b)(3).

²⁵ *Id.* § 9.5(b)(2).

²⁶ *VoIP 911 Order*, ¶ 42 n.142.

²⁷ *See* 47 C.F.R. § 9.5(b)(2).

²⁸ *See id.* § 9.5(e).

III. The iTRS Rules Also Contemplate and Prefer Implementation of a Registered Location System for Emergency Call Routing, and the Commission Should Issue a Declaratory Ruling that Mobile IP CTS Providers Can Comply with the iTRS Call Routing Rules by Complying with the VoIP Call Routing Rules.

In addition to being covered by the general VoIP 911 rules, CaptionCall Mobile, which integrates IP CTS with an over-the-top VoIP service, is also subject to the specific iTRS emergency call handling rules. The iTRS rules, in § 64.605(a)(2)(i), require providers to route emergency calls to the PSAP that “corresponds to the caller’s location,”²⁹ without specifying how the provider must determine “the caller’s location.” The iTRS requirements, however, also provide, in §64.605(a)(2)(iii), that all providers must “[r]equest, at the beginning of each emergency call, the caller's name and location information, *unless the Internet-based TRS provider already has, or has access to, a Registered Location for the caller.*”³⁰ Thus, §64.605(a)(2)(iii) clarifies that, to determine “the caller’s location” for purposes of §64.605(a)(2)(i), iTRS providers have two options: (1) request location information at the outset of an emergency call, or (2) route the emergency call based on the customer’s Registered Location, if available.

Option #1 is not feasible for CaptionCall, which cannot request location information without using a call center. Indeed, the CaptionCall Mobile user never interacts with the CA, who hears only what the other party to the call says and cannot hear the CaptionCall Mobile customer. Thus, to request the caller’s actual location, CaptionCall would have to route emergency calls through a call center. As discussed above, however, the Commission has considered and rejected VoIP providers’ use of call centers to determine a caller’s location, at least in part because of concerns that such practices can cause delay in the routing of emergency

²⁹ 47 C.F.R. § 64.605(a)(2)(i).

³⁰ *Id.* § 64.605(a)(2)(iii) (emphasis added).

calls. Thus, if an IP CTS provider routes emergency calls through a call center, it would violate the letter of the interconnected VoIP emergency call routing requirements.

Option #2, however, is consistent with both the VoIP rules and the iTRS rules. Under Option #2, the iTRS rules do not require the provider to request the caller's location if the provider already has access to the caller's Registered Location. And as a VoIP provider, CaptionCall Mobile will have access to each caller's Registered Location, as the VoIP rules require CaptionCall to collect the customer's Registered Location upon initiation of service and provide customers with a mechanism to update their Registered Location. Once the provider has access to the caller's Registered Location, the Commission should allow the provider to use that location for purposes of identifying the appropriate PSAP. Otherwise, it would make little sense for the Commission to allow iTRS providers to establish a Registered Location system in place of requesting the caller's actual location.

Moreover, the Commission's TRS orders have expressed a clear preference for the use of Registered Location for emergency-call routing. Since December 31, 2008, the Commission's rules have required VRS and IP Relay providers to route emergency calls to the appropriate PSAP based on the caller's Registered Location.³¹ Prior to December 31, 2008, VRS and IP Relay providers were required to request the caller's actual location at the outset of an emergency call—but only as an interim measure while the Commission considered a Registered Location requirement, which would “obviate the need for providers to request a caller's name and location information upon receiving an emergency call via an Internet-based relay service.”³²

³¹ *Id.* § 64.605(b)(2)(ii).

³² See *Telecommunc'ns Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities, E911 Requirements for IP-Enabled Serv. Providers*, Report and Order, FCC 08-78, 23 FCC Rcd. 5255, 5264 ¶ 13 (2008) (citations omitted).

By implementing a Registered Location approach *in place of* requiring providers to request actual location at the beginning of a call, the Commission expressed a clear preference for the use of Registered Location to route emergency calls in the iTRS context.

The Commission has never given any reason to believe that Registered Location is the method of choice for VRS and IP Relay, but not for integrated VoIP/IP CTS. The Commission first began considering iTRS emergency call handling requirements in 2005,³³ which was two years before the Commission recognized IP CTS as a form of TRS in 2007.³⁴ Subsequently, the Commission indicated an intent to address IP CTS emergency call handling requirements at the same time as it addressed such requirements for VRS and IP Relay.³⁵ Though the Commission did not subsequently address IP CTS 911 requirements, the Commission has also never indicated that IP CTS has any unique features that would warrant the imposition of a different set of 911 requirements than those that apply to VRS and IP Relay.

There is also no unique disabilities-related factor that would justify different call handling requirements for IP CTS integrated with iVoIP than for the underlying iVoIP service itself. With respect to 911 call routing, the service that the CaptionCall Mobile subscriber uses is functionally identical to the over-the-top iVoIP service that a fully hearing subscriber receives.

³³ See *Telecommunc'ns Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities*, Notice of Proposed RuleMaking, FCC 05-196, 20 FCC Rcd. 19,476, 19,484 ¶ 17 (2005).

³⁴ See *Telecommunc'ns Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities Internet-Based Captioned Tel. Serv.*, Declaratory Ruling, FCC 06-182, 22 FCC Rcd. 379 (2007).

³⁵ See *id.* at 391-393, ¶¶ 29-31 & n.100 (discussing Commission intent to address “access to 911 services for IP CTS when we address 911 access for the other Internet-based forms of TRS pursuant to the 2005 VRS/IP Relay 911 NPRM”).

Accordingly, the Commission should issue a declaratory ruling that, by complying with the interconnected VoIP emergency call routing rules, providers of integrated IP CTS and mobile VoIP service—such as CaptionCall Mobile—also comply with the iTRS emergency call routing rules.

IV. In the Alternative, the Commission Should Waive 47 C.F.R. § 64.605 For Mobile IP CTS Providers That Also Supply An Underlying Interconnected VoIP Service That Complies With 47 C.F.R. § 9.5.

If the Commission for some reason determines that that the iTRS rules do not allow IP CTS providers to rely on Registered Location data to route 911 calls, CaptionCall requests a waiver of the iTRS emergency call routing rules. The Commission may waive its rules if it has good cause to do so and “particular facts would make strict compliance inconsistent with the public interest.”³⁶ Good cause abounds here.

As an initial matter, it is clear that no mobile VoIP provider—including CaptionCall Mobile and its underlying VoIP provider—can automatically detect a caller's location.³⁷ Thus, if CaptionCall Mobile must route emergency calls based strictly on the caller's “location,” as opposed to Registered Location, it must rely on call centers. As discussed above, however, the Commission *requires* interconnected VoIP providers to route emergency calls based on Registered Location data and *prohibits* them from using call centers to route emergency calls. Thus, without a declaratory ruling or waiver, CaptionCall will be forced to drop its integrated VoIP component, as it will be forced to violate either the iTRS rules or the interconnected VoIP rules if it retains the VoIP component. Moreover, the Commission, as discussed above, has

³⁶ See 47 C.F.R. § 1.3; *Northeast. Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

³⁷ See *Framework for Next Generation 911 Deployment*, Notice of Inquiry, FCC 10-200, 25 FCC Rcd. 17,869, 17,876 ¶ 16 (2010).

expressed a preference for routing emergency calls using Registered Location data. It would make little sense to require IP CTS providers to implement what the Commission views as inferior emergency call routing methods.

Furthermore, a waiver would clearly serve the public interest. CaptionCall is one of the leading providers of IP CTS, a form of TRS that allows hard-of-hearing consumers to use a telephone while viewing captions of what the other party is saying. IP CTS is a life-changing technology for CaptionCall's customers, whose hearing impairment necessitates the use of captions. CaptionCall has provided service since 2011, and from the outset CaptionCall has been fully committed to complying with the Commission's rules and regulations, including, in particular, emergency call handling requirements.

As discussed above, the integration of VoIP and IP CTS allows CaptionCall Mobile to process calls quickly, utilize the larger screen of devices like iPads that do not have cellular voice capabilities, provide captions on mobile networks that do not support simultaneous data and voice, and ensure the availability of captions in the event of a 911 callback. If CaptionCall is forced to jettison the integrated mobile VoIP component, consumers will lose these benefits.

In addition, allowing CaptionCall Mobile to rely on Registered Location will not harm the public interest. As discussed above, CaptionCall complies with all of the Commission's requirements for collecting and maintaining Registered Location information, and CaptionCall has implemented rigorous processes to ensure that customers' Registered Location information is accurate. CaptionCall also complies with all of the Commission's requirements for providing notices and warnings regarding the limitations inherent in emergency calling with a VoIP service, as well the need for customers to update to their Registered Location as necessary.

Finally, CaptionCall routes 911 calls based on ANI or pseudo ANI, and CaptionCall transmits the caller's ANI as a callback number to the PSAP.

In short, CaptionCall goes to great lengths to ensure that it collects and maintains accurate Registered Location data, that its customers are aware of the inherent limitations in VoIP E911 functionality, and that emergency calls are properly routed to the extent technically feasible.

Accordingly, CaptionCall has shown good cause why the Commission, if it does not grant CaptionCall's request for declaratory ruling, should nevertheless waive the requirements of § 64.605(a) for its Mobile service, conditioned upon its continued compliance with § 9.5. Applying a different and inconsistent location requirement to an integrated IP CTS-VoIP service than to a standard VoIP service makes no sense and could deprive IP CTS users of functionally equivalent mobile communications.

V. The Commission Should Clarify Two Additional Emergency Calling Requirements in the IP CTS Context

In addition to issues related to the caller's location, CaptionCall requests clarification that two additional requirements do not apply to 911 calls in the IP CTS context. First, CaptionCall requests clarification that IP CTS providers are not required to deliver the IP CTS provider's name or the CA's ID number to the PSAP.³⁸ Second, CaptionCall requests clarification that IP CTS providers are not required, in the event a call is disconnected, to reestablish contact with the caller and/or PSAP.³⁹

Neither of these requirements makes any sense in the IP CTS context, whether for IP CTS alone or for IP CTS integrated with VoIP. During IP CTS 911 calls, the CA cannot hear

³⁸ 47 C.F.R. § 64.605(a)(2)(iv).

³⁹ *Id.* § 64.605(a)(2)(v).

what the hard-of-hearing caller says, nor can the CA deliver any information to the PSAP. In addition, the CA has no role in call setup—which is the case even when IP CTS is integrated with iVoIP, as the underlying iVoIP provider, and not the CA, is responsible for call setup and routing. As a result, the CA cannot deliver his or her ID number or identify CaptionCall as the provider to the PSAP, and the CA cannot reconnect a disconnected call. Instead, the call will be reestablished when the PSAP calls the IP CTS user, or when the IP CTS user redials 911, and captioning will then restart. Accordingly, CaptionCall requests clarification that neither of these requirements applies to IP CTS providers.

VI. Conclusion

The Commission should grant CaptionCall's requests for declaratory ruling and clarification. In the alternative, the Commission should conditionally waive the requirements of 47 C.F.R. § 64.605(a) for providers of an integrated IP CTS-VoIP service so long as such service complies with the requirements of 47 C.F.R. § 9.5.

Respectfully submitted,



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May 18, 2015

EXHIBIT A



Acknowledgement of E911 Limitations in VoIP Service

The Federal Communications Commission requires Voice over Internet Protocol, or VoIP, providers to advise customers of potential limitations in the delivery of basic and enhanced (E911) emergency services, and obtain an acknowledgement that the customer has received the advisory and understands the 911 limitations.

The CaptionCall iPad app is a VoIP service that uses an Internet connection to make and receive calls. Emergency calls from VoIP services may work differently from traditional 911 services:

- VoIP calls to 911 will not work during a power outage or when your broadband Internet service is unavailable or interrupted.
- CaptionCall cannot determine your location automatically when you dial 911.
 - Some 911 call centers do not accept automatic location information of any kind. If you reach a Public Safety Answering Point that offers only basic 911, you must be prepared to provide your location to the call taker.
 - Some 911 call centers provide enhanced 911 service, which allows them to obtain location and call-back information for 911 call takers automatically. Because CaptionCall cannot determine your actual location, it will provide your registered Emergency Calling Service address to these call centers. **If you call 911 using the CaptionCall iPad app and your actual location is different from your registered Emergency Calling Address, you will need to provide your current location to the emergency personnel. Otherwise, any required emergency services will be delayed or unavailable.**

CaptionCall has provided you with a warning label advising you of these limitations. Please place the label on your iOS device or near the area of your home where you typically use CaptionCall on your iOS device.

To verify or change your Emergency Calling Service address, please call 1-877-557-2227.

I acknowledge I am aware of and understand these limitations.

Printed Name

Signature

Date

Internal Use Only: Trainer Activity # _____

Welcome to CaptionCall Mobile!

CaptionCall Mobile enables you to make and receive captioned telephone calls from your iPad® – so you can understand every word of every call.

CaptionCall Mobile is ideal for anyone who:

- Wants a mobile solution for captioned telephone calls – for example, CaptionCall Mobile can be used during travel, work or when you are just on the go.
- Does not have a landline home phone but wants the ability to caption telephone calls.
- Wants to make captioned calls from multiple rooms in their home using one device.

We will help you set up the CaptionCall Mobile app on your iPad, but if you ever need to re-enter your information or need technical support, these credentials can help.

- Your CaptionCall account username is: _____
- Your CaptionCall account password is: _____
- Your phone account username is (case-sensitive): 20000.A0000 _____
- Your phone account password is: _____
- Your CaptionCall Mobile number is: _____

Accessing Your Voicemail



With CaptionCall Mobile, callers can leave messages if you aren't able to answer the call. When you have a voicemail waiting, you'll see an indicator on the voicemail icon.

1. Touch the icon to access your voicemail.
2. Use the code 1234 followed by the # sign the first time you access voicemail.
3. You'll be prompted to create a new code to access all future voicemail.

Your new voicemail code is: _____

Getting Started

You can access CaptionCall Mobile instructions through the app itself. Touch the Settings icon in the CaptionCall app, scroll to the bottom of the screen and click on CaptionCall Mobile Help.



Settings Tips

Ringer Volume

You can increase the volume for an incoming call ring by going to the iPad **Settings > Sound** and adjusting the volume as necessary. If your iPad's side switch is set to function as a mute switch, make sure it is not muting. You can check the setting of your side switch at the iPad **Settings > General**.

Incoming Call Notification

Your iPad has separate notification settings for each app you use. To ensure you see incoming call alerts from the CaptionCall app, we suggest using the Alert notification setting. To adjust notification settings, go to the iPad **Settings > Notification Center > CaptionCall** and touch Alerts. Also, make sure the Badge App Icon, Sounds, and Show on Lock Screen settings are all switched to On. If you have your iPad set to Do Not Disturb, you will not receive notifications for incoming calls. You can adjust your Do Not Disturb setting by going to the iPad **Settings > Do Not Disturb**.

Important Things to Remember

Contacts

The app can display both the contacts in your iPad and any CaptionCall contacts saved to your CaptionCall account. CaptionCall contacts will be noted with a "C" logo next to the contact name. You will be able to edit any contacts from your CaptionCall account within the CaptionCall app, but must edit any iPad contacts in the native iPad Contacts app.

Limitations of using 911 with CaptionCall Mobile

The CaptionCall Mobile iPad app is a VoIP phone service. E911 service may be limited or unavailable under certain circumstances, including, but not limited to, during an electrical outage or during an Internet service outage. As part of becoming a CaptionCall customer, you provided CaptionCall with your Emergency Calling Service address. This address will be transmitted to the E911 center in the event that you call 911. If your actual location is different from the registered Emergency Calling Service address that you gave CaptionCall, you will need to provide your current location to emergency personnel when you call 911 during an emergency. To verify or change your Emergency Calling Service address, please call 1-877-557-2227.

Changing Networks

If you change Internet connection networks during a call, your call will drop and you will need to call back to continue your conversation. For example, if you change from your home Wi-Fi network to your cellular network or vice versa.

App Availability and Cost

The app and phone service are being provided to you for free. CaptionCall cannot guarantee that the app and/or phone service will continue to be available in the future or will continue to be offered for free in the future. Any changes to pricing or availability of the application will be clearly communicated well in advance of effective dates.

Support

CaptionCall is available to help answer any questions about using CaptionCall Mobile. Our friendly support staff is trained on the application and service to provide troubleshooting or further training if necessary. Please don't hesitate to call us at 1-877-557-2227.

The CaptionCall Mobile Padlock is a VoIP phone service. E911 service may be limited to unavailable under certain circumstances, including but not limited to during an electrical outage or during an internet service outage. If your actual location is not available, CaptionCall will attempt to determine your location based on that you gave CaptionCall. You may need to provide your current location to emergency personnel. To verify or change your Emergency Calling Service address, please call 1-877-537-2277.

The CaptionCall Mobile Pad app is a VoIP phone service. E911 service may be limited or unavailable under certain circumstances, including but not limited to during an electrical outage or during an internet service outage. If your actual location is not available, you may be routed to a default location. To ensure that you, save CaptionCall, you will need to provide your current location to emergency personnel. To verify or change your Emergency Calling Service address, please call 1-877-537-2277.

CAPTIONCALL®

END USER LICENSE AGREEMENT

TERMS, CONDITIONS & ACCEPTABLE USE POLICIES

IMPORTANT - PLEASE CAREFULLY READ THE FOLLOWING LICENSE AGREEMENT.

BY USING THE CAPTIONCALL SERVICE THROUGH THE CAPTIONCALL PHONE OR THROUGH THE CAPTIONCALL MOBILE APPLICATION, YOU CERTIFY THAT YOU HAVE HEARING LOSS THAT NECESSITATES THE USE OF CAPTIONED TELEPHONE SERVICE. YOU FURTHER CERTIFY THAT YOU HAVE COMPLETED THE REGISTRATION AND SELF-CERTIFICATION REQUIREMENTS DESCRIBED IN THIS LICENSE AGREEMENT.

Important

- **The CaptionCall service is available only to individuals who have a medically recognized hearing disability necessitating their use of the service.**
- **CaptionCall is a service supported through the federal Interstate Telecommunications Relay Service Fund.**
- **The service employs a communications assistant (“CA”) who converts the other party’s spoken words into captioned text.**
- **All CaptionCall calls must include a hearing-impaired person who needs captions to fully utilize the telephone. If a non-hard-of-hearing person uses Your CaptionCall Phone or if the user does not need captions to fully utilize the telephone, captioning must be turned off. (See User Guide for directions.)**
- **A non-hard-of-hearing person may not use the CaptionCall Mobile Application.**
- **Only users who have completed the Registration Form and Self-Certification Form may use Your CaptionCall Phone or the CaptionCall Mobile Application.**
- **Failure to provide correct information when You register for CaptionCall or use the CaptionCall service can lead to termination of Your service and possible prosecution.**

BY OPENING THIS PACKAGE AND USING THE CAPTIONCALL PHONE, OR BY DOWNLOADING THE CAPTIONCALL MOBILE APPLICATION, YOU ARE CONSENTING TO BECOME A PARTY TO AND BE BOUND BY THIS LICENSE AGREEMENT. IF YOU DO NOT AGREE TO ALL THE TERMS OF THIS LICENSE AGREEMENT, IMMEDIATELY CALL THE CAPTIONCALL CUSTOMER SUPPORT DEPARTMENT TO RETURN THE PHONE WHICH HAS BEEN PROVIDED TO YOU,

- sell, sublicense, rent, lease or lend any portion of the CaptionCall Phone or CaptionCall Mobile Application;
- copy the Documentation;
- copy the Firmware or the Software, including to make archival or backup copies;
- modify or adapt the Firmware or Software or merge it into another program;
- reverse engineer, disassemble, decompile or make any attempt to discover the source code of the Firmware or Software;
- place the Firmware or Software onto a server so that it is accessible via a public network such as the Internet; or
- sublicense, rent, lease or lend any portion of the Firmware or Documentation.

6. **VOIP FOR MOBILE APPLICATION.** CaptionCall has partnered with a provider of interconnected Voice over Internet Protocol to provide residential VoIP service at no cost to You through use of the CaptionCall Mobile Application.

THIS SECTION APPLIES ONLY TO USERS WHO DOWNLOAD AND/OR USE THE CAPTIONCALL MOBILE APPLICATION. THIS SECTION IS IN ADDITION TO, AND DOES NOT DISPLACE, ANY AND ALL OTHER PROVISIONS IN THIS LICENSE AGREEMENT.

- a) CAPTIONCALL VOIP ONLY FOR USE WITH CAPTIONCALL SERVICES. YOU MAY ACCESS CAPTIONCALL VOIP ONLY WHEN USING CAPTIONCALL SERVICES IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT. YOU MAY NOT ATTEMPT TO USE CAPTIONCALL VOIP FOR ANY OTHER PURPOSE. IN THE EVENT THAT WE BELIEVE THAT YOU ARE USING CAPTIONCALL VOIP IN AN UNAUTHORIZED MANNER, WE MAY IMMEDIATELY CEASE PROVIDING VOIP SERVICE AND CAPTIONING, WITHOUT NOTICE AND WITHOUT LIABILITY.
- b) Porting. When You sign up to use CaptionCall’s Mobile Application, You will receive an associated 10-digit number. Under the FCC rules You will be able to transfer (or “port”) the CaptionCall 10-digit number assigned to You to a provider other than CaptionCall. If You already have a 10-digit number from a provider other than CaptionCall, but would like to use that number with the CaptionCall Mobile Application, You may port Your number to CaptionCall. To do so, please contact CaptionCall by calling 1-877-557-2227 or by sending an email to support@captioncall.com.
- c) USF Charges. We may be required to make contributions to the Universal Service Fund. We reserve the right to recover Our USF contributions directly from Our

customers by billing them this charge. You agree to pay any reasonable assessment of charges made by Us to recover Our Universal Service Fund costs.

d) E911 Emergency Calls.

- **Registered Location.** If You need to place an emergency call, You can dial the emergency 911 number through the CaptionCall Mobile Application. To ensure Your 911 call is routed to the proper emergency response center and to ensure that the emergency response personnel can send help to Your physical location, CaptionCall needs to obtain the address from which You are placing the emergency call. You are responsible for providing CaptionCall an up-to-date Registered Location. If You fail to do so, We may not be able to obtain Your location information and route Your call to the appropriate emergency center or provide Your physical location. If You change Your Registered Location (*e.g.*, move Your residence or take Your mobile device or tablet to another location) You must update CaptionCall with Your new location information. After You update CaptionCall with Your Registered Location, it will take some time (hours or more if there are issues reading or entering the address information provided) to activate 911 service at the provided address and, if a 911 emergency call is made prior to activation, then Your call and the Registered Location information may not be automatically routed to the appropriate emergency personnel. You can inform CaptionCall of Your initial or new Registered Location by calling 1-877-557-2227.

- **Limitations and Risks in Using VoIP to Place 911 Calls.** CaptionCall recommends that You maintain an alternative means of making an emergency call to 911 (for example, through a traditional text telephone or, if a TTY is not available, a standard telephone) in the event that You are unable to use the CaptionCall Mobile Application for any reason. Dialing 911 from a TTY or traditional phone remains the most reliable and fastest method of reaching emergency response personnel. If You use CaptionCall's Mobile Application to place a 911 call, You should be aware that any such use is subject to the following important limitations and risks.
 - **911 Available Only in the U.S.** 911/E911 is available only for calls placed from a location within the United States or one of its territories or possessions.
 - **Technical Trouble or Errors.** It is possible that, as a result of technical trouble or human errors, Your location and any telephone number associated with CaptionCall Mobile Application may not be automatically passed to the

emergency service center or personnel when You use it to place a 911 emergency call. Technical trouble and human errors may include:

- a Software or mobile device or tablet malfunction;
- a broadband network outage or power outage, or degradation of Internet service as a result of congestion, interruptions, or technical problems that may affect Your ability to access the Internet;
- cancellation, suspension, or termination of Your broadband or ISP service or wireless service for any reason (including for failure to pay); or
- termination, suspension, restriction, or cancellation of Your use of the CaptionCall Mobile Application and Services under this License Agreement.

In each case CaptionCall may not be able to obtain Your location or other relevant information and/or provide that information to the appropriate emergency personnel.

LIMITATION AND WAIVER OF LIABILITY FOR 911 CALLS

IN THE EVENT THAT YOU USE THE CAPTIONCALL MOBILE APPLICATION TO MAKE OR ATTEMPT TO MAKE A 911 CALL, CAPTIONCALL IS NOT LIABLE FOR ANY CLAIM, DAMAGE, OR LOSS ARISING FROM YOUR USE OF THE CAPTIONCALL MOBILE APPLICATION TO MAKE OR ATTEMPT TO MAKE THAT CALL. SPECIFICALLY, CAPTIONCALL IS NOT LIABLE IN TORT, CONTRACT, OR OTHERWISE FOR ANY DEATH, PERSONAL INJURY, PROPERTY DAMAGE, OR OTHER HARM ARISING OUT OF OR RELATED TO USE OF THE CAPTIONCALL MOBILE APPLICATION TO MAKE OR ATTEMPT TO MAKE A 911 CALL, INCLUDING BUT NOT LIMITED TO ANY ACT OR OMISSION INVOLVING (1) THE DEVELOPMENT, DESIGN, INSTALLATION, OPERATION, MAINTENANCE, PERFORMANCE, OR PROVISION OF THE SOFTWARE OR THE VOIP SERVICE OR ANY EQUIPMENT OR FACILITY THAT PERMITS YOU TO USE THE SOFTWARE AND THE VOIP SERVICE, OR ANY CAPTIONING SERVICES PROVIDED IN CONNECTION WITH A 911 CALL OR THE PROVISION OF EMERGENCY SERVICES; (2) MISINTERPRETATION, MISTAKES, INTERRUPTIONS, DELAYS, TRANSMISSION ERRORS, NETWORK OUTAGES, FAILURES, DEFECTS, TECHNICAL DIFFICULTIES, ACTS OF GOD, OR OTHER OCCURRENCES, REGARDLESS OF THE SOURCE OF THE OCCURRENCE, THAT MAY ARISE IN THE COURSE

OF TRANSMITTING OR HANDLING 911 CALLS OR PROVIDING EMERGENCY SERVICES; OR (3) RELEASE TO A PUBLIC SAFETY ANSWERING POINT, DESIGNATED STATEWIDE DEFAULT ANSWERING POINT, APPROPRIATE LOCAL EMERGENCY AUTHORITY, EMERGENCY MEDICAL SERVICE PROVIDER OR EMERGENCY DISPATCH PROVIDER, PUBLIC SAFETY, FIRE SERVICE OR LAW ENFORCEMENT OFFICIAL, OR HOSPITAL EMERGENCY OR TRAUMA CARE FACILITY OF USER INFORMATION RELATED TO 911 CALLS OR THE PROVISION OF EMERGENCY SERVICES. IN ADDITION, CAPTIONCALL IS NOT LIABLE FOR ANY DAMAGES ARISING FROM YOUR FAILURE TO PROVIDE CAPTIONCALL AN ACCURATE, UP-TO-DATE REGISTERED LOCATION. THIS LIMITATION AND WAIVER OF LIABILITY IS EFFECTIVE EVEN IN THE EVENT OF CAPTIONCALL'S NEGLIGENCE.

CaptionCall, in its role as an emergency communications service provider, shall have immunity or other protection from liability in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability accorded any local exchange carrier under Federal and applicable State law (whether through statute, judicial decision, tariffs filed by such local exchange carrier, or otherwise).

- e) Application Updates. The CaptionCall Mobile Application may be updated through the customary processes of the application store from which You obtained the CaptionCall Mobile Application. Alternatively, the CaptionCall Mobile Application may communicate with CaptionCall's servers to check for available updates to the Software. You agree not to interfere with the CaptionCall Mobile Application's ability to automatically request and receive updates from CaptionCall's servers.

- f) Providing Information to Authorities and Third Parties. If We believe that You have used the CaptionCall Mobile Application or related Services for an unlawful purpose, We may forward the relevant communication and other information, including Your identity, to the appropriate authorities for investigation and prosecution. You consent to Our forwarding of any such communications and information to these authorities. In addition, You hereby agree that We may disclose Your name, telephone number, credit card information, and other personal information, any communications sent or received by You, and any other information that We may have about Your account, including but not limited to, types of service, length of service, IP address, email