Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
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
	)	
Sprint Communications Company L.P., Request for Review of Withholding of TRS Fund Compensation Payment	)	

ORDER

Adopted: August 14, 2015 **Released: August 14, 2015**

I. INTRODUCTION AND BACKGROUND

1. The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) directs that payment be made from the Interstate Telecommunications Relay Services Fund (TRS Fund) to Sprint Communications Company L.P. (Sprint), as described herein, for the provision of Web CapTel service, a form of Internet Protocol captioned telephone service (IP CTS), for the period from January 1, 2014, through the date of this Order.[1] The compensation at issue was withheld by the TRS Fund administrator, Rolka Loube, pending a determination as to whether the service was provided in compliance with the Commission's emergency call handling requirements, as described below. By this letter, we find that there is no valid basis for a finding of noncompliance, and thus, direct Rolka Loube to release all compensation withheld and otherwise owed for the period specified.

A. Sprint IP CTS

2. IP CTS is a form of telecommunications relay service (TRS)[2] that is designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an Internet Protocol (IP) enabled device.[3] Sprint offers various types of IP CTS, including Wireless CapTel service, which is accessed by mobile devices, and Web CapTel service, which is provided entirely over the Internet and can be accessed from an Internet device, such as a personal computer, tablet, or smartphone. To make a call using Sprint's Web CapTel service, a consumer must download a Sprint application from the Internet. The TRS

[1] This order addresses the withholding of monies for Sprint's Web CapTel service only. The Bureau will address withholding of monies for Sprint's Wireless CapTel service at a later date.

[2] The Communications Act of 1934, as amended, defines TRS as: ". . . 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." 47 U.S.C. § 225(a)(3).

[3] 47 C.F.R. § 64.601(a)(16).

Fund compensates Sprint and other eligible providers of IP CTS – along with other types of IP-based TRS – for their reasonable costs of providing these services.[4]

B. The Commission's 911 Call Handling Requirements

3. Congress has made emergency services a national priority, and the Commission repeatedly has emphasized the critical importance of access to 911 emergency services,[5] including in the specific context of TRS.[6] Under the Commission's rules, all TRS providers must be capable of handling any type of call normally provided by telecommunications carriers, including 911 calls, unless the Commission determines that it is not technologically feasible to do so.[7] Further, the Commission's TRS rules establish specific call handling requirements for the processing and routing of 911 calls by providers of certain Internet-based forms of TRS,[8] including forms of IP CTS that allow users to initiate calls by contacting the TRS provider over the Internet.[9]

4. In accordance with the above rules, providers of web or wireless based forms of IP CTS must accept and handle 911 calls, give them priority over other calls, route them to an appropriate public safety answering point (PSAP) or other appropriate answering point or local emergency authority corresponding to the caller's location, and deliver specified name, location, and callback information to the PSAP.[10] When an IP CTS provider handles a 911 call from an Internet-based TRS user, the provider

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[4] *Id*. § 64.604(c)(5)(iii).

[5] *See, e.g.*, *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, RM-8143, 11 FCC Rcd 18676, 18679 ¶ 5 (1996); *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements*, CC Docket No. 94-102, IB Docket No. 99-67, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340, 25340 ¶ 1 (2003); *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36, 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10267 ¶ 37 (2005), *aff'd Nuvio Corp. v. FCC*, 473 F.3d 302 (2007).

[6] *See, e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5183-84 ¶¶ 100-01 (2000); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket No. 98-67, CG Docket No. 03-123, 18 FCC Rcd 12379, 12406-09 ¶¶ 40-46 (2003); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, CC Docket Nos. 90-571, 98-67, CG Docket No. 03-123, 19 FCC Rcd 12475, 12502 ¶ 54 (2004); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5442, 5456 ¶¶ 35-36 (2006); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order, 23 FCC Rcd 5255, 5271 ¶ 29 (2008) (*Emergency Call Handling Order*).

[7] 47 C.F.R. § 64.604(a)(3)(ii).

[8] *Id*. § 64.605(a); *see also Emergency Call Handling Order*, 23 FCC Rcd 5255 (adopting 47 C.F.R. § 64.605, later recodified as 47 C.F.R. § 64.605(a)).

[9] *Id.* at 5263 ¶ 30 n.59; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; *Purple Communications, Inc., Request for Review of Withholding of TRS Payments*, CG Docket No. 03-123, Order, 29 FCC Rcd 13716, 13718-21 ¶¶ 8-12 (CGB 2014), *application for review pending*. These rules do not apply to IP CTS calls utilizing the public switched telephone network for the voice portion of the call, because the telephone carrier or voice-over-Internet-Protocol (VoIP) service provider completes the call to the PSAP. *See Emergency Call Handling Order,* 23 FCC Rcd at 5263 ¶ 30 n.59.

[10] 47 C.F.R. § 64.605(a). Section 64.605(b) sets forth additional and alternative requirements applicable to providers of VRS and IP Relay when handling 911 calls placed by registered users. *Id*. § 64.605(b).

must, among other things: (1) access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, statewide default answering point, or appropriate local emergency authority, and to relay the call to that entity; (2) request, at the beginning of the call, the user's name and the location of the emergency; and (3) deliver to the PSAP or other appropriate entity such name and location information, as well as the provider's name, the communications assistant's (CA) callback number, and the CA's identification number, at the outset of the outbound leg of an emergency call.[11]

C. Sprint's Handling of IP CTS Web 911 Calls

5. In September 2014, as part of its oversight of IP CTS provider operations, the Bureau conducted test 911 calls on certain forms of IP CTS offered by a number of providers. On September 25, 2014, the Bureau notified Sprint that 911 test calls using Sprint's Wireless CapTel service were not completed by Sprint and requested that Sprint provide a detailed explanation of its arrangements for handling 911 calls placed by Wireless CapTel users and of all corrective actions that had been and would be taken to ensure such calls are handled.[12] On October 8, 2014, and October 28, 2014, Rolke Loube notified Sprint that compensation payment would be withheld for *both* wireless *and web-based* IP CTS because of 911 compliance issues identified during Bureau testing. Rolka Loube also explained that, because web and wireless IP CTS calls were not identified as such in the call detail records submitted by Sprint, compensation for all IP CTS would be withheld until Sprint provided information to enable Rolka Loube to identify the calls placed using these services.[13]

6. In response, Sprint contended that the 911 issue identified by Rolka Loube did not affect Sprint's Web CapTel service.[14] Sprint acknowledged that it had determined that there was a problem with its Wireless CapTel service but denied that any problems had occurred with its Web CapTel service.[15] Nevertheless, Rolka Loube continued withholding payment for Sprint's web and wireless IP CTS. In addition, Rolka Loube withheld payments for other types of IP CTS provided by Sprint to the extent necessary to offset amounts paid for Web CapTel service going back to January 1, 2014.[16] On December 24, 2014, and February 10, 2015, Sprint renewed its request that the Commission release payment for all withheld Web CapTel minutes, contending that there was no proof that Web CapTel service did not comply with the Commission's 911 rule.[17]

7. On March 16, 2015, the Bureau conducted additional tests to determine whether Sprint's IP CTS web service then complied with the Commission's emergency call handling rules. Test 911 calls were placed by individuals who are hard of hearing, with Bureau staff overseeing the tests.

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[11] *Id.* §§ 64.605(a)(2)(i), (iii), (iv).

[12] Letter from Gregory Hlibok, Chief, Disability Rights Office (DRO), CGB, FCC, to Scott R. Freiermuth, Counsel, Governmental Affairs, Sprint (Sept. 25, 2014) (DRO Sept. 25, 2014 Letter).

[13] Letter from David Rolka, President, Rolka Loube, to Sprint at 1 (Oct. 8, 2014); Letter from David Rolka, Rolka Loube, to Sprint at 1 (Oct. 28, 2014).

[14] Email from Scott R. Freiermuth, Sprint, to David Rolka, President, Rolka Loube (Oct. 16, 2014). *See also* Letter from Steven A. Augustino, Kelley Drye & Warren LLP, Counsel for Sprint, to David Rolka, Rolka Loube (Nov. 4, 2014).

[15] *Id.*

[16] Letter from Steven A. Augustino, Counsel for Sprint, to Andrew Mulitz, Office of the Managing Director (OMD), FCC (Feb. 10, 2015) (Sprint February 10, 2015 Letter).

[17] Email from Steven A. Augustino, Counsel for Sprint, to Andrew Mulitz, OMD (Dec. 24, 2014) (reiterating Sprint's understanding that Rolka Loube had not shown that the web service was at issue); Letter from Steven A. Augustino, Counsel for Sprint, to Andrew Mulitz, OMD (Dec. 24, 2014) (attaching 911 test call documentation and testing procedure); Sprint February 10, 2015 Letter at 1 (requesting release of all withheld web and wireless IP CTS compensation from January 1, 2014, to the present).

Representatives of Sprint were also present at these tests. When the testers dialed 911 via the web service, the call was answered and the person answering requested the caller's name and the location of the emergency.[18] After receiving this information from the caller, the caller was placed on hold and then was connected to the appropriate local PSAP.[19] While the caller was on hold, the Sprint agent verbally relayed to the 911 operator the details of the emergency. When connected to the 911 operator, the testers verified that the Sprint agent had given the 911 operator the caller's name, the location of the emergency, the IP CTS provider's name, a callback number, and the CA's identification number.[20]

II. DISCUSSION

8. Based on the evidence, we find no basis to conclude that Sprint's Web CapTel service was out of compliance with the TRS emergency call handling rule at any time from January 1, 2014, to the present. As stated in the Bureau's September 25th letter, the tests conducted in September 2014 assessed compliance for only Sprint's Wireless CapTel service, not its Web CapTel service.[21] Further, in the Bureau's March 16, 2015 tests, 911 calls placed through Sprint's Web CapTel service were handled in apparent compliance with section 64.605 of the Commission's rules.[22]

9. For these reasons, we direct Rolka Loube to release to Sprint all compensation withheld and otherwise due for Sprint's Web CapTel service from January 1, 2014, through the date of this Order. We further direct Sprint, to the extent it has not already done so, to provide Rolka Loube with information that clearly identifies the calls completed during the time period specified that are attributable to its Web Captel service, to allow for proper payments to be made.

III. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 225, and sections 0.141 and 0.361 of the Commission's rules, 47 C.F.R. §§ 0.141, 0.361, this Order IS ADOPTED and is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alison Kutler
Acting Chief
Consumer and Governmental Affairs Bureau
Federal Communications Commission

[18] *See* 47 C.F.R. § 64.605(a)(2)(iii) (generally requiring that name and location information be requested of the caller).

[19] *See id*. § 64.605(a)(2)(i) (requiring that providers access a database that enables such routing of 911 calls).

[20] *See id*. § 64.605(a)(2)(iv). In one test, the 911 operator appeared to not understand the tester's question regarding the provider's identity.

[21] DRO Sept. 25, 2014 Letter. As noted above, Sprint's Wireless CapTel service will be addressed in a separate order.

[22] 47 C.F.R. § 64.605.