

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

In the Matter of)	
)	
Telecommunications Relay Services)	
and Speech-to-Speech Services for)	CG Docket No. 03-123
Individuals with Hearing and Speech)	CC Docket No. 98-67
Disabilities)	
)	
Americans With Disabilities Act of 1990)	

To: The Commission

COMMENTS OF HAMILTON RELAY, INC.

Hamilton Relay, Inc. (“Hamilton”) hereby submits its comments in response to the Commission’s *Notice of Proposed Rule Making (“NPRM”)* in CG Docket No. 03-123.¹ As a provider of traditional telecommunications relay services (“TRS”) in six states, Hamilton is an active participant in the Commission’s efforts to ensure that TRS providers offer “functionally equivalent” services as required pursuant to Section 225(a)(3) of the Communications Act of 1934, as amended (“Communications Act”). Hamilton also provides nationwide Internet Protocol (“IP”) Relay services and video relay services (“VRS”) and appreciates the Commission’s continuing efforts to encourage these alternative forms of TRS.

Hamilton welcomes this opportunity to update the Commission on the state of TRS development and to comment on the Commission’s proposals in the *NPRM*.

Hamilton specifically comments on the following issues:

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Americans With Disabilities Act of 1990, Second Report and Order, Order on Reconsideration and Notice of Proposed Rule Making, CG Docket No. 03-123, CC Docket No. 98-67, FCC 03-112 (rel. June 17, 2003) (“NPRM”). Pursuant to paragraph 145 of the NPRM, Hamilton is submitting an electronic copy of these Comments to each docket number referenced in the caption.*

I. National Security and Emergency Preparedness

In 1988, the Commission established policies and procedures for the National Security Emergency Preparedness (“NSEP”) Telecommunications Service Priority (“TSP”) System. In the event of an emergency, the TSP System targets certain telecommunications services for “priority restoration” and identifies those services as National Security and Emergency Preparedness (“NS/EP”) recovery priorities. Currently, TRS is not an NS/EP priority service in the TSP System.

In the *NPRM*, the Commission tentatively proposed that TRS and TRS providers receive an NS/EP priority status “commensurate with that given to LEC [local exchange carrier] facilities.”² Hamilton believes that this proposal is consistent with the goal of functional equivalency and should be adopted as necessary in the interests of consumer safety and national security. Furthermore, giving TRS providers priority status is consistent with current rules.³ Users of TRS are particularly reliant on the telecommunications network in the event of an emergency because television and radio may not be viable alternatives for TRS users; rather, these users will look to their TTYs for information and assistance. TRS centers need to be able to provide users with dialtone access early in the restoration process so that important numbers can be accessed during emergencies.

Hamilton believes that the Commission can accomplish the goal of ensuring the rapid restoration of the TRS system without unduly burdening TRS providers and state TRS programs with additional costs or reporting requirements, such as an

² *NPRM* para. 105.

³ See 47 C.F.R. Part 64, app. A, § 12.c(3) (setting forth priority level assignments for, *inter alia*, telecommunications services “necessary for giving civil alert to the U.S. population and maintaining . . . the health and safety of the U.S. population in times of national, regional or serious local emergency.”).

operational plan. Rather, the Commission can ensure priority TRS restoration in a responsible manner by requiring all telecommunications carriers serving TRS centers to provision and restore the telecommunications services to TRS centers in accordance with Appendix A to Part 64 of the Commission's rules.⁴

II. Emergency Call Handling for Wireless TRS Calls

The Commission has recognized the technological difficulties confronted when emergency wireless calls are made via a TRS facility and must be routed from the TRS facility to the appropriate Public Safety Answering Point ("PSAP").⁵ TRS facilities are not equipped to locate the appropriate PSAP because, as the Commission recognizes, "there is no correlation between a wireless telephone number and location of a person making a call with wireless equipment."⁶ Accordingly, Hamilton must inquire manually with the emergency wireless caller in order to determine the caller's location. Hamilton routes the emergency wireless call based on the information provided by the caller.

Recognizing the importance of this issue to TRS users, Hamilton supports the Commission's inquiry into improving wireless emergency call handling by TRS facilities. However, in order to handle such calls automatically as if the same caller dialed 911 directly on a wireless telephone, TRS facilities need wireless carriers to provide them with required Phase I/Phase II location information that is not currently being supplied. Hamilton views the receipt of such information as a condition precedent to any requirement that TRS centers be capable of handling wireless emergency calls in a functionally equivalent manner.

⁴ *Id.* § 6.f.

⁵ *NPRM* para. 37.

⁶ *Id.* para. 44.

Assuming that wireless carriers are capable of transmitting the required information to TRS centers, TRS providers may, depending on the technology used by wireless providers, need to devote significant time and effort into updating their centers with equipment and software that can interpret the location information routed from wireless carriers. In addition, TRS centers will need to be capable of routing that information through the rest of the telecommunications network to the appropriate PSAP.

TRS centers should be given the flexibility to implement any such requirements in a reasonable timeframe. The amount of time required to implement automatic emergency call handling for wireless calls will be contingent on when wireless carriers are capable of providing TRS centers with necessary Phase I and Phase II information.

III. Increasing TRS Call Speeds

The Commission is also seeking comment on the ways in which the speed of TRS calls can be increased. Hamilton agrees that there are a variety of methods that could increase TRS call speeds, but suggests that the Commission should remain technologically neutral on this issue. For example, Communications Access Real-time Translation (“CART”) may be a method of speeding TRS conversations through the use of a stenographer.⁷ The use of CART may be appropriate and useful in some situations but not others. In other situations, an alternative method of increasing TRS call speeds may be available and more appropriate. Technologies such as voice-to-text (“VTT”) are becoming more widely available, and the

⁷ *NPRM* para. 118.

Commission should encourage further experimentation rather than choosing to require one particular technology.

In addition, while CART has many advantages it also has disadvantages. Labor costs associated with this technology are particularly high, and a specially trained staff is required. Other technologies, such as those that rely on voice recognition software to speed TRS conversations rather than specially trained staff, may be more attractive alternatives to TRS providers in the long term. In short, Hamilton believes that it is premature for the Commission to adopt specific rules to increase TRS call speeds or to embrace one or two technologies over others. The better course, Hamilton submits, is to allow the marketplace to determine the most cost-effective and technologically appropriate methods for increasing TRS call speeds.

IV. TRS Consumers' LEC Offerings

LECs offer their voice users various features such as anonymous call rejection, call screening, and preferred call-forwarding. The Commission has sought comment on whether such features are applicable in TRS.⁸ Hamilton believes that they are applicable, and moreover Hamilton's relay technology allows relay users to make use of these types of features. Hamilton's system is fully integrated with SS7 which allows its TRS users to use any SS7-signaling driven features, to the extent that TRS users subscribe to those features through their LEC. Therefore, Hamilton fully supports the Commission's effort to integrate these features into TRS.

⁸ *Id.* para. 122.

V. Talking Return Call

Automatic call-back, or talking return call, is a widely popular feature among voice users who are familiar with the *69 code. The Commission is seeking comment on the feasibility of TRS providers offering an automatic call-back feature and whether talking return call functionality should be a mandatory minimum standard.

Hamilton believes that TRS providers have the capability to allow relay users to make use of such a feature, as today Hamilton delivers the actual number of the person who called through relay to the terminating LEC for delivery to the called party. However, such a feature will work only if the LECs make the voice announcements associated with *69 accessible via TTY. Hamilton therefore submits that any mandatory minimum standard adopted by the Commission for talking return call should be contingent on the LECs being required to make voice announcements during a *69 call TTY accessible.

The talking return call feature also permits a user to enter another code such as “1” to request that the carrier call back the original caller. Hamilton believes that TRS users could make a similar request by calling the relay center and providing the telephone number received when dialing *69, at which point the relay center could then place the call. If the call is either a voice to voice or TTY-to-TTY call, the relay center may simply release the call. Otherwise, relay may be used.

Finally, the Commission requested information as to the feasibility of TRS providers arranging to monitor a busy called line to see if it becomes idle and

available to receive a call.⁹ Hamilton believes that TRS providers are unable to monitor a busy called line in a manner acceptable to TRS users. The capability for doing so is only available in a “station to station” environment, and not when an operator (or in the case of TRS, a CA) is involved in the call.

VI. National Outreach Efforts

The Commission is also seeking comment on whether to mandate additional TRS outreach efforts by TRS providers, and what the role of federal funding in connection with those efforts should be. Hamilton fully supports the concept of a national outreach campaign.

The FCC recently coordinated a highly successful rollout of the national “Do Not Call” registry.¹⁰ Hamilton believes that the success of the registry so far has been due, in large part, to the nationwide scope of the campaign and the media attention that a nationwide campaign garners. The campaign for national awareness of relay services should be an equally, if not more, important campaign that should be fully supported by the Commission. A national outreach effort would be far more effective than the current patchwork of state TRS outreach efforts that, while important and useful, fail to provide a consistent message that TRS is available nationwide through a uniform N11 number, 711.¹¹

⁹ *NPRM* para. 124.

¹⁰ On September 24, 2003, a federal court in Oklahoma invalidated the Federal Trade Commission’s rules implementing a national “Do Not Call” registry. *U.S. Security v. Federal Trade Commission*, No. CIV-03-122-W (W.D. Okla. Sept. 24, 2003). However, the court’s Order applies only to the FTC’s rule, not to the FCC’s Order and rule establishing a national “Do Not Call” registry. Indeed, the court specifically recognized the FCC’s authority to establish and operate such a registry. *Id.* at 11.

¹¹ See *Use of the N11 Codes and Other Abbreviated Dialing Arrangements*, Second Report and Order, CC Docket No. 92-105, FCC 00-257, 15 FCC Red 15188 (2000).

VII. Certification Requirements and Payments from the Interstate Fund

Currently each state must have its state TRS program certified by the Commission, and the certification is valid for five years.¹² States are authorized to approve a TRS provider to participate in a state TRS program, which allows the provider to be reimbursed from the Intrastate TRS fund as well as the Interstate TRS fund. States risk suspension or revocation of their FCC certification if their TRS programs are non-compliant with Commission rules.

The Commission is seeking comments on whether a federal certification for all TRS providers is also necessary. Hamilton believes that the state certification process has worked well for over ten years and that no changes in this certification program are needed or warranted at this time. State TRS programs have sufficient oversight of their approved TRS providers. Indeed, many states have a monthly reporting process whereby TRS providers must provide detailed information regarding the status of their operations. Hamilton believes that the ongoing, detailed state reporting requirements justify the current five year certification period for state programs. In light of the constant interaction between the states and their approved TRS providers, Hamilton submits that a federal certification requirement for all TRS providers would be overly broad, unduly burdensome and, furthermore, would serve no additional purpose.

Nonetheless, there are certain relay services that are funded, on an interim basis, solely through the Interstate TRS fund. Currently these relay services include IP Relay and VRS, but potentially there could be more such services in the

¹² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Americans With Disabilities Act of 1990*, Report and Order and Request for Comments, CC Docket No. 90-571, FCC 91-213, 6 FCC Rcd 4657, para. 37 (1991).

future. At present, there is no certification requirement directly related to the provision of IP Relay or VRS, nor is there any direct oversight because the state TRS programs do not have any funding jurisdiction to oversee IP Relay and VRS.

Hamilton therefore supports a federal certification requirement for any provider that provides IP Relay, VRS or any other services that are funded solely through the Interstate TRS fund. To this end, Hamilton suggests that such TRS providers should be required to: 1) obtain an annual federal certification; 2) provide evidence that they are in compliance with the minimum mandatory TRS standards; and 3) maintain logs of any complaints received and the disposition of those complaints.¹³ To the extent that a provider cannot make such a certification, the provider's certification should be revoked and the provider should not be eligible for compensation from the Interstate TRS fund.

An annual FCC certification requirement for providers of TRS services that are solely funded through the Interstate TRS fund will allow the Commission and consumers to ascertain whether each IP Relay and VRS provider is complying with Commission rules and is authorized to receive Interstate TRS funding. A federal certification program in this manner will ensure that TRS users receive high quality service without unduly burdening IP Relay and VRS providers. Indeed, Hamilton notes that these providers are already required to file a report with the Commission every April 16. The Commission could easily add a certification section to the annual report. A federal certification requirement for IP Relay and VRS

¹³ *NPRM* para. 137; *see also NPRM* Appendix E. As noted above, Hamilton does not support a federal certification requirement for providers that do not provide IP Relay, VRS or any other service that is funded exclusively through the Interstate TRS fund.

providers is fully in keeping with the Commission's mandate to ensure functional equivalency.

Respectfully submitted,

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