

**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.
IN RESPONSE TO PETITIONS FOR RECONSIDERATION**

Hamilton Relay, Inc. (“Hamilton”) hereby submits its comments in response to the Petitions for Reconsideration (“Petitions”) filed by AT&T Corp. (“AT&T”) and Verizon in CG Docket No. 03-123. AT&T and Verizon seek reconsideration of various aspects of the Commission’s *Second Report and Order*,¹ including emergency call handling, three-way calling, and call release services provided by telecommunications relay service (“TRS”) providers. As set forth below, Hamilton supports some, but not all, of the Petitioner’s requests.

I. Wireline Emergency TRS Call Handling

In the *Second Report and Order*, the Commission mandated that, commencing August 24, 2004, all TRS providers must automatically and immediately route wireline emergency TRS calls to the “appropriate” Public Safety

¹ *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, FCC 03-112 (rel. June 17, 2003) (“*Second Report and Order*”). Pursuant to the Commission’s *Public Notice* released October 8, 2003 (DA 03-3109), Hamilton is submitting an electronic copy of these Comments to each docket number referenced in the caption.

Answering Point (“PSAP”).² The “appropriate” PSAP is the “designated PSAP to which a direct call from the particular number would be delivered.”³ In addition, commencing August 24, 2004, a TRS provider’s emergency PSAP database must be updated on the same schedule as wireline 911 routing databases.⁴

AT&T has requested that if the August 2004 deadline is retained, then all local exchange carriers (“LECs”) that serve wireline 911 callers should be required “to concurrently make [updated PSAP database information] available to TRS providers.”⁵ However, recognizing that “even mandating that LECs provide such PSAP data promptly to TRS services will not alleviate the significant economic burden on any single relay provider of servicing the extremely small volume of emergency calls through separate PSAP databases,” AT&T supports a mandatory single emergency PSAP database, to be developed and deployed jointly by all TRS providers.⁶

Separately, Verizon has asked the Commission to require that TRS providers route wireline emergency calls to *an* appropriate PSAP as opposed to *the* appropriate PSAP, and has suggested that the Commission define *an* appropriate PSAP as either a PSAP the wireline TRS user would have reached if he or she had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the [wireline TRS] caller in an expeditious manner.”⁷

² *Second Report and Order*, para. 41; see 47 C.F.R. § 64.604(a)(4). The effective date of this requirement is twelve months after publication of the new rule in the *Federal Register*. The new rule was published in the *Federal Register* on August 25, 2003 (see 68 Fed. Reg. 50,973), and thus the rule will become effective on August 24, 2004.

³ 47 C.F.R. § 64.604(a)(4).

⁴ *Second Report and Order*, para. 42

⁵ AT&T Petition at 5.

⁶ *Id.* at 6.

⁷ Verizon Petition at 1-2.

To the extent that the information provided by AT&T and Verizon regarding emergency call handling is accurate, Hamilton supports the Petitions. Specifically, Hamilton recognizes the critical importance of functional equivalency in emergency situations, and therefore Hamilton strongly supports AT&T's proposal for a single, nationwide PSAP database, to be developed, deployed and maintained by TRS providers jointly. Hamilton believes that it would be far more efficient, less costly, less administratively burdensome, and most importantly, more beneficial to TRS users if a single national PSAP database is developed jointly by all TRS providers. Hamilton agrees with AT&T that the database should be developed in conjunction with NECA, state relay administrators and the TRS Fund Advisory Committee. In addition, the Commission should allow TRS providers to recover, through the interstate relay fund, all reasonable costs associated with developing, deploying and maintaining such a database.

Additionally, Hamilton concurs with Verizon that there may be more than one appropriate PSAP in certain situations, and believes that the rule should be changed to reflect the reality that PSAPs occasionally overlap. Hamilton agrees that this could be accomplished by requiring that TRS providers route wireline emergency calls to *an* appropriate PSAP as opposed to *the* appropriate PSAP. Such an amendment to the rule would be virtually transparent to the end-user.

Hamilton also supports AT&T's two-tiered, redundant approach to wireline emergency TRS call handling. In a footnote to its Petition, AT&T requests Commission clarification that TRS providers may "continue to direct relay customers placing emergency calls to hang up and directly dial 911, thereby routing

the call via their wireline local carrier to the appropriate PSAP which is already required under the [Americans with Disabilities Act of 1990] to be [text telephone (“TTY”)] compatible. Simultaneously, the TRS center may place a second call to the caller’s PSAP reflected in the relay provider’s database to assure that the caller’s [automatic number identification] is correctly passed to the emergency services provider. Such a two-tiered, redundant approach will assure that the TRS customer’s emergency call and related information will be routed expeditiously to the appropriate PSAP.”⁸

Hamilton fully supports this two-tiered approach and urges the Commission to clarify that TRS providers may handle emergency wireline TRS calls in this manner. This approach provides TRS users with service that, as Verizon notes,⁹ is functionally equivalent to a wireline voice user who calls the operator by dialing “0”. Indeed, AT&T’s approach goes further by requiring the TRS center to follow up with the PSAP to ensure that the wireline emergency TRS caller completed his or her call to the PSAP by dialing 911. In this regard, Hamilton also fully supports Verizon’s proposal for a national outreach campaign by the Commission instructing TTY users to dial 911 directly in the case of emergency. A 911 outreach effort should be combined with an overall nationwide TRS outreach program, as suggested by Hamilton and the vast majority of other commenters.¹⁰

II. Three-way Call Handling and Call Release

While Hamilton supports AT&T’s proposals concerning emergency call handling, it does not support another aspect of AT&T’s Petition. Specifically, AT&T

⁸ AT&T Petition at 6 n.14.

⁹ Verizon Petition at 3.

¹⁰ See, e.g., Hamilton Comments at 7 (Sept. 24, 2003).

objects to the new Commission requirement that all TRS providers provide three-way calling capability.¹¹ AT&T argues that this capability is “technically infeasible” under current requirements.¹²

Hamilton disagrees with AT&T on this issue. Hamilton interprets the Commission’s *Second Report and Order* to require the provision of three-way calling capability *only* to the extent that the TRS end-user has purchased a three-way calling feature from his or her LEC. If this interpretation is correct, then there are no technical difficulties in establishing a three-way call via TRS, and indeed Hamilton handles such calls routinely, in situations where the end-user has purchased the necessary feature for such calls. Accordingly, Hamilton disagrees with AT&T that a waiver of the three-way calling requirement is necessary or justified.

With regard to “call release” functionality, the Commission has mandated intrastate and interstate TRS call release as of the effective date of the *Second Report and Order*. In a footnote to its opinion, the Commission indicated that “[o]nly the actual minutes that a [Communications Assistant (“CA”)] spends on the line with the TRS user prior to the transfer to the intended TTY party is reimbursable.”¹³ AT&T requests that the Commission reconsider the Commission’s reimbursement conclusion and asks the Commission to “clarify the appropriate basis for billing the end users that are parties to a TTY-to-TTY call following call release by the CA.”¹⁴ Hamilton agrees with AT&T that it would be unfair to impose

¹¹ AT&T Petition at 8; see *Second Report and Order*, para. 73.

¹² AT&T Petition at 8.

¹³ *Second Report and Order*, para. 69 & n.230.

¹⁴ AT&T Petition at 8 n.16.

uncompensated costs on TRS providers for providing call release functionality. TRS providers incur CA labor costs and other costs associated with determining whether a call is a TTY-to-TTY call or another type of call. Moreover, Hamilton's experience is that TTY-to-TTY calls, while cumbersome to establish, are usually very brief. In order to make up the costs involved in setting up TTY-to-TTY calls, TRS providers should be compensated for the entire conversation time of the call. Therefore, Hamilton believes that the Commission should clarify that TRS providers may receive compensation for all conversation minutes of use (as that term is defined by the Commission) associated with a TTY-to-TTY call.

III. Conclusion

Hamilton supports AT&T's proposal for a mandatory single, nationwide emergency PSAP database, to be developed, deployed and maintained by TRS providers jointly, in conjunction with NECA, state relay administrators and the TRS Fund Advisory Committee. Interstate TRS funding should be available to TRS providers in order to recoup their reasonable costs for developing, deploying and maintaining such a database. Hamilton also supports Verizon's proposal that TRS providers be required to route wireline emergency calls to *an* appropriate PSAP as opposed to *the* appropriate PSAP. If this approach is adopted, Hamilton supports Verizon's proposed definition of "an appropriate PSAP."

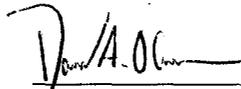
Additionally, Hamilton believes that AT&T's request for waiver of the three-way TRS calling requirement is unnecessary, because such calls are technically feasible now, to the extent that the end-user has purchased the necessary features from his or her LEC. Hamilton requests Commission clarification that TRS

providers must provide three-way calling capabilities only to the extent that the end-user has purchased a three-way calling feature from the LEC.

Finally, Hamilton supports AT&T's request that the Commission reconsider its compensation scheme in call release situations. To this end, the Commission should clarify that TRS providers may receive compensation for all conversation minutes of use associated with a TTY-to-TTY call.

Respectfully submitted,

HAMILTON RELAY, INC.



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October 20, 2003

CERTIFICATE OF SERVICE

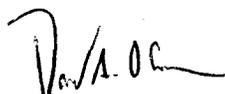
I, David A. O'Connor, an attorney with Holland & Knight LLP, hereby certify that on October 20, 2003, a copy of the foregoing "Comments of Hamilton Relay, Inc. in Response to Petitions for Reconsideration" was served, via first-class mail unless otherwise noted, to the following individuals:

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