BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	))))	CC Docket No. 98-67

To: Disabilities Rights Office, Consumer & Governmental Affairs Bureau

FIRST ANNUAL REPORT ON CAPTIONED TELEPHONE SERVICE BY HAMILTON RELAY, INC.

Hamilton Relay, Inc. ("Hamilton") hereby submits its first annual report on its provision of captioned telephone service ("CapTel"), an enhanced voice carry over service which the Commission has determined is a telecommunications relay service ("TRS") eligible for funding from the interstate relay fund.[1] The submission of this annual report is mandated by the *Declaratory Ruling* in this proceeding.[2] Hamilton welcomes the opportunity to report on its progress in providing CapTel services.

I. Incorporation of the Ultratec Report by Reference

As an initial matter, Hamilton notes that Ultratec, Inc. ("Ultratec"), the proprietary owner of the CapTel technology, has filed a separate annual report in conjunction with Sprint, a copy of which is attached hereto as Exhibit 1 (the "Ultratec Report"). Hamilton concurs with the points made in the Ultratec Report,

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[1] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, *Declaratory Ruling*, CC Docket No. 98-67, FCC 03-190 (rel. Aug. 1, 2003) ("*Declaratory Ruling*").
[2] *Id.* para. 37.

and hereby incorporates that report by reference. For the reasons set forth in the Ultratec Report, Hamilton agrees that waivers continue to be necessary for the following:

1. Use of voice recognition technology to meet Communication Assistant ("CA") competency skill requirements (including CA competency in interpretation of typewritten ASL).
2. Use of oral-to-text testing to replace oral-to-type testing; and
3. Refusal of single or sequential calls for outbound calls.

In contrast, as noted below, Hamilton believes that an extension of the Commission's one-year waiver of 711 CapTel is unnecessary. Finally, Hamilton agrees with Ultratec that the "typewritten ASL competency" and "call refusal" standards have no application in CapTel, and therefore should be deemed inapplicable to CapTel services on a permanent basis.[3]

Despite Hamilton's agreement with the statements made in the Ultratec report, Hamilton takes this opportunity to address an additional issue not discussed in the Ultratec Report. Specifically, Hamilton wishes to address the costs related to the processing of CapTel calls through 711, as discussed in the next section.

II. <u>711 CapTel Calls</u>

As noted in the Ultratec Report, Hamilton will be prepared to handle 711 CapTel calls as of July 31, 2004.[4] In order to implement 711 access to CapTel, a Hamilton TRS relay center that receives 711 calls will quickly pass any 711 CapTel calls, along with the calling number, on to the CapTel center. For example, if a

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[3] Ultratec Report at 3-5.

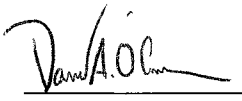
[4] *Id.* at 6. As a result, Hamilton concurs with Ultratec that an extension of the Commission's one-year waiver of this requirement is unnecessary.

voice person calls 711 and informs the Hamilton CA that he or she wishes to reach a CapTel user, the Hamilton CA will dial the CapTel 1-800 number for the caller. Once the CapTel 1-800 number has been reached, the Hamilton CA will release the call and allow the voice user to communicate directly with the CapTel center.

Even though the CapTel call is released by the 711 TRS provider at that point, the call remains in the TRS provider's switch because the 711 call originally was delivered to that switch. Even after call release, the 711 TRS provider will incur additional costs for handling 711 CapTel calls for as long as the originating voice party remains on the line. These costs include, at a minimum, CA setup time and costs related to the switching and network facilities of the underlying 711 TRS provider. The full extent of these costs will not be known until 711 access to CapTel has become widespread, but NECA should anticipate that these additional costs will be reflected in TRS providers' submitted costs.

Respectfully submitted,

HAMILTON RELAY, INC.



David A. O'Connor
Holland & Knight LLP
2099 Pennsylvania Ave., NW
Suite 100
Washington, DC 20006
Tel: 202-828-1889
E-mail: david.oconnor@hklaw.com
Its Counsel

July 30, 2004

EXHIBIT 1

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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CC Docket No. 98-67

FIRST ANNUAL REPORT ON CAPTIONED TELEPHONE SERVICE
BY ULTRATEC, INC. and SPRINT CORPORATION

I. Introduction

On August 1, 2003, the Federal Communications Commission (FCC or Commission) released a Declaratory Ruling approving captioned telephone service as an enhanced voice carry over telecommunications relay service.[1] At that time, the FCC waived certain minimum mandatory standards for captioned telephone service, conditioning such waivers upon the filing of annual reports with the Commission for a period of three years.[2] The purpose of these reports is to detail compliance with the Declaratory Ruling and to describe "any technological advances that may enable captioned telephone service providers to meet these waived standards."[3]

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[1] *In the Matter of Telecommunications Relay Services, and Speech-to-Speech for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CC Dkt 98-67, FCC 03-190 (rel. August 1, 2003) (Declaratory Ruling).

[2] The Commission permanently waived other mandatory minimum standards that "inherently do not apply" to captioned telephone service, but did not make these waivers contingent on the filing of reports. Permanent waivers were granted for the provision of speech-to-speech relay service, hearing carry over, outbound 711 calls, gender preference, call release, and the requirement to handle calls in ASCII and Baudot formats. Although the FCC also granted a waiver for interrupt functionality, it has since decided not to require this as a minimum relay standard. *In the Matter of 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, FCC Dkts 90-571, 98-67, 03-123, FCC 04-137 at ¶71 (rel. June 30, 2004).

[3] Declaratory Ruling at ¶27.

The FCC granted the following three waivers contingent on the filing of these annual reports. This first annual report establishes the continued need for each of these waivers.

- Use of voice recognition technology to meet CA competency skill requirements (including a waiver for CA competency in interpretation of typewritten ASL)
- Use of oral-to-text test to replace oral-to-type test
- Refusal of single or sequential calls for outbound calls

II. Waivers Contingent Upon Filing of Annual Reports

A. Use of voice recognition technology to meet communications assistant (CA) competency skill requirements

Over the past year, Ultratec's captioned telephone service has successfully used its voice recognition technology, Fastran, to achieve compliance with FCC minimum standards that require CA competency in grammar, spelling, and typing skills. Rather than rely on individual CA skills in each of these areas, Fastran software is designed to ensure accuracy in grammar and spelling as a captioned telephone CA repeats, word-for-word, what the voice user says. Trial testing with over 2,000 CapTel Trial participants from twelve different states, from October 1, 2001 through December 2003, verified the usefulness of this technology and level of user acceptance.[4] Beginning in January 2004, all but one of the state programs that had reached their contractual ending date selected to convert their trial service offering to full service because they were extremely satisfied with the results of those trials. The one state that chose not to continue did so for financial rather than technological or performance reasons.

[4] In addition to these twelve states, two additional trials were conducted, one for the Federal Relay Service, and one for a small group of individuals.

Since the beginning of 2004, eleven additional states have also begun full service without first offering a trial of this technology.[5] Volume in all of the states that now offer CapTel service continues to grow, and state administrators have consistently expressed satisfaction with the manner in which CapTel technology is meeting the needs of its residents. Moreover, as the volume of CapTel calls has steadily risen, the number of individuals who have filed complaints about this service has remained low. Ultratec has received only three complaints related to the accuracy of CapTel transmissions over the past seven months. Ultratec believes this confirms the ability of voice recognition technology to meet communication assistant (CA) competency skill requirements.

CA competency in interpretation of typewritten ASL

A subcomponent of the waiver for CA competency relates to the ability of CAs to interpret typewritten ASL. As the FCC acknowledges in its Declaratory Order, there is never a situation where parties to a captioned telephone call use typewritten ASL.[6] This is because both parties to the conversation use their own voices to speak, and the CA merely repeats, word for word, what the hearing end user says (which is then converted into text with the speech recognition technology). Accordingly, there is no typing by the captioned telephone user at any time during a CapTel call, nor does the CA ever have the opportunity to interpret or convert what anyone types into typewritten ASL because the CA remains transparent to the telephone call. Although the Declaratory Ruling states that this waiver is contingent on the filing of annual reports, in actuality this standard has no application to the captioned telephone service provided

[5] At present, the following states plus the Federal Relay Service offer CapTel: Alabama, Arkansas, Colorado, Florida, Hawaii, Illinois, Indiana, Maine, Maryland, Minnesota, Missouri, Montana, North Carolina, Oregon, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming. In addition, New Mexico begins service August 1, 2004, Mississippi begins service September 1, 2004, and Nebraska and Kentucky will begin full service October 1, 2004. California and Pennsylvania have trial programs in progress.
[6] Declaratory Ruling at ¶42.

by Ultratec, and should fall into the second category of "do not apply" waivers enumerated in footnote 2 above.

B. Use of oral-to-text test to replace oral-to-type test

With captioned telephone technology, text transcription of the conversation is primarily generated using the Fastran voice recognition technology. As a consequence, the speed and accuracy of the text does not depend on a CA's typing skills. One of the major benefits of captioned telephone is that it allows faster and more accurate relay conversations precisely because it replaces human typing with high-speed computer voice recognition. Only when words or proper names are used that the computer does not recognize must the CA type in the correct words, after which the CA goes back to re-voicing what is being said. It is for this reason that Ultratec requested, and was granted, a waiver of oral-to-type testing.[7] Ultratec was permitted to substitute oral-to-*text* testing instead oral-to-*type* testing to ensure conversational accuracy. Since the onset of trials in October 2001, Ultratec has used the oral-to-text testing method to determine the performance level of CapTel CAs. Periodic testing conducted to ensure CA performance and proficiency using voice recognition technologies continues to be at a level that well exceeds the FCC's minimum transmission speed requirement of 60 words per minute. In fact, CapTel is able to consistently achieve the transmission of conversations at speeds well over 100 words per minute.

C. Refusal of single or sequential calls for outbound calls

In its Declaratory Ruling, the FCC acknowledged that individuals making outbound captioned telephone calls and inbound calls via the captioned telephone access number dial the number for those calls directly, and that a CapTel CA does not have any role in accepting or

[7] Declaratory Ruling at ¶44.

rejecting those calls.[8] Because call set-up is automatic, and the CA's role is merely limited to re-voicing what the voice party says, there is no way that a CA can refuse single or sequential calls made by users of the captioned telephone service. Ultratec hereby confirms that captioned telephone callers – both inbound and outbound – continue to dial directly to their destinations, and that there is no danger that their calls could or would ever be rejected by a captioned telephone CA. Although this waiver is contingent on the filing of annual reports, this standard has no application to the captioned telephone service provided by Ultratec, and should fall into the second category of "do not apply" waivers enumerated in footnote 2 above.

III. 711 Waiver for Inbound Calls

The FCC's Declaratory Ruling on captioned telephone service granted a one year waiver for inbound 711 calls. We agree with the FCC that inbound access to captioned telephone service via 711 can facilitate calls from voice telephone users.[9] Initial testing indicates that 711 service for inbound calls is now technically feasible.

Currently, inbound CapTel callers use a toll-free 800 number to access the CapTel service. Implementing 711 access to CapTel requires the TRS CA to quickly direct 711 CapTel calls to this 800 number so that the CapTel calls are sent to a captioned telephone communications assistant for processing and are released from the traditional TRS CA. We acknowledge that implementation of 711 captioned telephone access could have educational and procedural issues for traditional CAs who receive 711 CapTel calls. Specifically, CAs will need to learn about the availability of this service and the procedures necessary for the successful transfer of CapTel calls to a captioned telephone CA. Also, at present, not all states or TRS providers offer CapTel service.

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[8] Declaratory Ruling at ¶46.
[9] Declaratory. Ruling ¶35.

Currently, Ultratec has arrangements to offer captioned telephone service through Sprint and Hamilton, both of which are prepared to handle 711 CapTel calls as of July 31, 2004. Both carriers have already initiated training of CAs to ensure that these employees are able to properly transfer 711 CapTel calls to captioned telephone CAs in the states where these TRS providers serve as the relay vendor. Ultratec's CapTel services presently stand ready to receive 711 CapTel calls in those states served by Sprint and Hamilton. To the extent that other state programs properly direct 711 calls to CapTel CAs, CapTel CAs will handle those calls as well.

IV. Compliance with Other Mandatory Minimum Standards

As captioned telephone service providers, we hereby attest to compliance with the remaining mandatory minimum standards applicable to telecommunications relay services as contained in the FCC's rules, 47 CFR 64.604 *et seq.* The increasing number of states that are adopting CapTel service for their residents coupled with the steady increase in call volume, low incidence of complaints, and positive comments received via email and letters from CapTel users and their family members demonstrates the effective manner in which this captioned telephone service is meeting the FCC's standards.

Respectfully submitted,
/s/
Pamela Y. Holmes
Director, Consumer & Regulatory Affairs
Ultratec, Inc.
450 Science Drive
Madison, WI 53711
(608) 238-5400

By: Karen Peltz Strauss

Karen Peltz Strauss
2120 L Street, N.W.
Washington, D.C. 20037
(202) 478-6148
Attorney for Ultratec

/s/
Michael B. Fingerhut
401 9th Street NW, Suite 400
Washington, D.C. 20004
(202) 585-1909
Attorney for Sprint Corporation

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