Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matters of	)	
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Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services	)	CG Docket No. 08-15

To: Secretary, FCC
For: The Commission

COMMENTS OF HAMILTON RELAY, INC.

Hamilton Relay, Inc. ("Hamilton"), by its counsel, hereby submits these comments in response to the Commission's June 24, 2008 *Notice of Proposed Rulemaking* ("*Notice*") in the above-captioned proceedings.[1] In the *Notice*, the Commission seeks comment on various ways to improve the provision of Speech-to-Speech ("STS"), a form of telecommunications relay services ("TRS") that is particularly helpful for persons who have difficultly speaking or being understood on the telephone.

As a provider of STS in numerous states, Hamilton welcomes the Commission's inquiry into methods for improving STS pursuant to the mandates of the Americans with Disabilities

[1] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services*, CG Docket Nos. 03-123, 08-15, Notice of Proposed Rulemaking, FCC 08-149 (rel. June 24, 2008) ("*Notice*"); *see also* 73 Fed. Reg. 47,120 (Aug. 13, 2008) (setting the comment and reply comment deadlines as September 12, 2008 and September 29, 2008, respectively).

Act. Hamilton is generally supportive of the proposals contained in the *Notice*, and makes the following specific comments:

I. CAs Should Remain with Calls for a Minimum of 20 Minutes

Hamilton supports the proposal to require STS Communications Assistants ("CAs") to remain on the line for a minimum of 20 minutes during a STS call, instead of the current 15 minute requirement. The 20 minute time period should commence when the CA reasonably perceives that "effective communication" between the STS CA and the STS user has commenced. Although necessarily a subjective standard, Hamilton believes that its STS CAs are thoroughly trained and are capable, in their professional role, of reasonably determining when a call has commenced to be an "effective communication." STS CAs are trained to recognize when a STS user demonstrates signs that he or she is being sufficiently understood, so that the STS user can commit to staying with the call to its conclusion.

II. STS Users Should Have a Muting Option

The Commission also has proposed that STS users be afforded the option of having their voices muted if desired. In this way, the other party to the call would only hear the STS CA re-voicing the call, which may make it easier for the called party to understand the conversation. Hamilton agrees with the proposal, and has this feature in place today.

III. STS Outreach Efforts

The Commission is seeking comment on specific outreach efforts for STS and Internet Protocol STS ("IP STS"). Hamilton fully supports the Commission's decision to add an

additional $1.131 to the STS per-minute rate to be used for outreach.[2] Hamilton has used this additional money for STS outreach, and in fact Hamilton believes so strongly in STS outreach that it is devoting its own money and other resources (which are not being compensated from the Interstate TRS Fund) to improve its STS outreach efforts. Hamilton assumes that other providers also are implementing various STS outreach methods. However, at this point Hamilton believes that no outreach effort has been completely successful, and that there is no general consensus as to the most effective methods for STS outreach. As a result, Hamilton believes that it would be premature to adopt specific mandates for STS outreach, and that the better course for the time being would be for the industry and consumers to continue experimenting together to determine the best methods for STS outreach. To aid in these outreach improvements, the Commission should continue to fund STS at or above the current rate, using the MARS rate and an additional per-minute amount for outreach.

IV. Interactive Menus Are Unnecessary

Hamilton disagrees with the Commission's proposal to require STS providers to utilize an interactive menu that provides an option for reaching a STS CA. Hamilton thoroughly trains its employees to discern the specific needs of STS users. Thus, when an STS user calls 711, Hamilton employees are trained to recognize the caller as a STS caller and transfer the call to a STS CA. This system works and does not need any FCC mandates in Hamilton's opinion.

V. IP STS Should Be Deemed an Eligible Form of TRS

The Commission has tentatively concluded that IP STS should be deemed a form of TRS because it is an extension of traditional STS which employs an Internet connection between the

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[2] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Declaratory Ruling, CG Docket No. 03-123, FCC 07-186, para. 57 (rel. Nov. 19, 2007).

STS user and the STS CA. As a result of the Internet component, the Commission has tentatively concluded that IP STS should be compensable from the Interstate TRS Fund. If the FCC determines the service should be compensable from the Interstate TS Fund, the IP STS per-minute rate should be tied to the traditional STS rate, which is calculated using the MARS Plan. Hamilton believes that the costs involved in providing traditional STS and IP STS are substantially similar, and therefore the traditional STS rate is a good proxy for the IP STS rate. Moreover, because MARS rates are based on the average of intrastate TRS rates, which are in turn based on competitively submitted bids, Hamilton believes that the IP STS rate will be a reasonable compensation rate.

If the FCC determines that IP STS is as service that should funded by the Interstate TRS Fund, Hamilton agrees with the Commission's tentative conclusion to waive certain mandatory minimum TRS requirements that are not applicable to IP STS.

Finally, IP STS users should be required to register with a default provider and obtain a 10-digit number. The emergency call handling requirements for IP STS providers should be the same as those applicable to providers of other forms of IP-based relay services, given that all such providers face the same challenges in completing emergency calls in an Internet environment.

VI. Hamilton Opposes the Concept of One Nationwide STS Provider

SCAT has proposed that the Commission designate one nationwide provider for STS. Hamilton opposes this proposal for three reasons. First, it is not clear that the Commission is authorized to appoint one nationwide provider, given that Section 225 of the Communications Act authorizes common carriers to elect one of three methods for complying with relay

requirements, one of which is to choose a "competitively selected vendor."[3] The Commission should not impede any common carrier's statutory right to elect a competitively selected vendor by forcing them to use an STS provider not of their choosing. Second, it is clear that competition in relay, as with competition in most industries, results in improved services to end users. Finally, the Communications Act specifically requires jurisdictional separation of costs,[4] and it is difficult to square this requirement with the suggestion of a nationwide STS provider that would compensate intrastate STS calls from the Interstate TRS Fund. For these reasons, Hamilton opposes SCAT's proposal.

Respectfully submitted,

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[3] 47 U.S.C. § 225(c).
[4] *Id.* § 225(d)(3).