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

In the Matters of	)	
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	
Petition for Reconsideration and Clarification of Paragraphs 60 & 61 of the FCC Report and Order on Ten-Digit Numbering; 47 C.F.R. § 64.611(c)(1) & (2)	)	

To: Secretary, FCC
For: The Commission

COMMENTS OF HAMILTON RELAY, INC. IN RESPONSE TO JOINT PETITION FOR RECONSIDERATION

Hamilton Relay, Inc. ("Hamilton"), by its counsel, hereby submits these comments regarding the August 15, 2008 Petition for Reconsideration and Clarification ("Petition") filed by CSDVRS, LLC, GoAmerica, Inc., Viable, Inc. and Snap Telecommunications, Inc. ("Petitioners") in the above-captioned proceedings.[1] Petitioners have requested clarification of Paragraphs 60 and 61 of the Commission's *Report and Order* adopting ten-digit numbering for IP-based relay services.[2] Those paragraphs set forth provider obligations when a relay user elects to change default providers.

---

[1] *See* 73 Fed. Reg. 50,972 (Aug. 29, 2008).
[2] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CG Docket No. 03-123, WC Docket No. 05-196, FCC 08-151, ¶¶ 60-61 (2008).

Petitioners accurately note that when a user changes default providers, the new provider does not have the ability to collect routing information from the user's relay device, because the device likely was issued by the former default provider. The new default provider therefore has no way to update the central database without the assistance of the former default provider. There is a tension in the new rules as a result, because on one hand the former default provider is prohibited from acquiring routing information from former users, and on the other hand the new default provider lacks the necessary routing information.

To resolve the Catch-22, Petitioners propose that the FCC should allow the former default provider to continue to update the central database with the appropriate routing information associated with any former users' equipment. Petitioners also recommend that users be given the option of: 1) continuing to use the former default providers' equipment once they have ported their numbers to a new provider, with the understanding that the former default provider will continue to update the central database ("Option #1"); or 2) acquire a new device from the new provider ("Option #2").

Hamilton does not oppose these proposals. However, Hamilton favors greater flexibility for users and providers in this area, and suggests that there may be other options available that should be accommodated in the rules, as described below.

With respect to Option #1, Hamilton does not oppose this option as long as providers are obligated to advise users of the fact that the former default provider may have access to the user's call information because the default provider would still be updating the central database.

Option #2 assumes that all IP-based relay providers provide their own equipment to users. Nothing in the TRS rules requires IP-based relay providers to provide end user equipment, and in fact the costs associated with such end user equipment may not be reimbursed

from the Interstate TRS Fund. Some providers have chosen not to distribute end user equipment, and there should be a solution for those situations as well.

Thus, as an addition to the proposal that the Petitioners have offered, Hamilton suggests that the Commission clarify that IP-based relay providers that do not distribute their own end user equipment may use software or commercially available third party router equipment to route and update IP address information to the central database provider or similar solutions that accomplish this goal. This proposal would allow all relay users to acquire "off-the-shelf" equipment from retail stores or other vendors and use that equipment with *any* provider, without having to use the equipment of any particular provider.

In short, the Commission should not adopt rules or policies that would prohibit users from acquiring commercially available off-the-shelf equipment to use with any provider they choose. When a user selects a default provider, the provider must have an effective method for updating the user's IP address information to the central database, but there should be nothing in the rules restricting the provider from selecting that method.

Hamilton recognizes there may be other solutions to updating the central database with user IP addresses besides the two options offered by the Petitioners and the one suggested here. Hamilton is simply making the point that other options need to be accommodated to allow greater use of commercial off-the-shelf equipment by end users.

Hamilton also believes that Go America has raised substantial questions concerning whose responsibility it will be to update the central database when an end user changes providers.[3] For example, what are the permissible means by which the new provider may update

[3] *See* Go America, Inc. Reply to Opposition to Petition for Clarification, CG Docket No. 03-123, WC Docket No. 05-196, at 4-7 (filed Sept. 5, 2008).

the central database using the former default provider's legacy equipment? If it is the equipment provider's continued obligation to update the central database, what is that provider's incentive for doing so, and what is the consequence for not doing so? These and other questions raised by Go America need to be resolved as part of the Commission's review of the issues raised in the Petition.

In doing so, the Commission should not disadvantage providers that are attempting to accommodate as many commercial off-the-shelf solutions as possible (so that consumers are afforded more and better choices for their relay needs), rather than building a network that is designed to work with only one or two proprietary pieces of end user equipment that the provider elects to distribute.

Respectfully submitted,

HAMILTON RELAY, INC.

David A. O'Connor
Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037
Tel: 202-383-3429
Fax: 202-783-5851
E-mail: doconnor@wbklaw.com
Counsel for Hamilton Relay, Inc.

September 15, 2008

Submitted via ECFS