

**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	)	CG Docket No. 03-123
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	
Petition for Partial Reconsideration and Limited Waiver of Go America, Inc. Regarding PSAP Callback Requirements	)	
	)	
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 January 29, 2009 Petition for Partial Reconsideration and Limited Waiver (“Petition”) filed by Go America, Inc. (“Petitioner”) in the above-captioned proceedings.<sup>1</sup> Hamilton’s comments are restricted solely to the Petition’s request for reconsideration or a limited waiver of the requirement that certain Internet-based Telecommunications Relay Service (“iTRS”) providers be capable of prioritizing emergency callbacks from public safety answering points (“PSAPs”).

---

<sup>1</sup> See *Pleading Cycle Established for Filing of Oppositions to Petition for Partial Reconsideration and Limited Waiver, and Petition for Partials Reconsideration, Concerning the Assignment of Ten-Digit Telephone Numbers and E911 Requirements for Internet-based Telecommunications Relay Service (TRS)*, Public Notice, DA 09-870 (rel. Apr. 20, 2009); 74 Fed. Reg. 23715 (May 20, 2009). Petitioner has since changed its name to Purple Communications, Inc. but for ease of reference shall be referred to herein as Petitioner.

As an initial matter, Hamilton notes that it filed a Request for Clarification (“Request”) on this issue on December 30, 2008.<sup>2</sup> In the Request, which remains pending, Hamilton asked that the Commission clarify that only Video Relay Service (“VRS”) providers, as opposed to providers of other forms of iTRS, must prioritize callbacks from emergency personnel. A copy of the Request is attached hereto and is incorporated by reference. Hamilton urges the Commission as part of its consideration of the Petition to confirm that the PSAP callback requirement applies only to VRS providers and not to providers of other forms of iTRS.

To the extent that the Commission nonetheless clarifies that all iTRS providers must prioritize PSAP emergency callbacks, Hamilton supports the Petitioner’s request for partial reconsideration or a limited waiver. The Petition notes that “there are current technological issues that make this requirement currently problematic.”<sup>3</sup> This is because PSAPs do not use a standard ANI, and thus the relay provider is unable to distinguish PSAP callbacks from any other call.<sup>4</sup> Hamilton agrees that this technological limitation prevents iTRS providers from complying with the requirement and that a clarification or waiver is justified.

Several workarounds have been informally suggested by various parties, including a proposal to prioritize all calls back to the phone number placing the 911 call (whether by a PSAP or some other party) for a certain period of time after the emergency call is made, or a database solution that would list all PSAP telephone numbers.<sup>5</sup> However, Hamilton agrees with Petitioner that any solution is likely to take time to implement, and therefore Hamilton supports a waiver for at least six months after the Commission issues a clarification of this matter. Nonetheless,

---

<sup>2</sup> Hamilton Relay, Inc. Request for Clarification, CG Docket No. 03-123, WC Docket No. 05-196, at 3-5 (filed Dec. 30, 2008).

<sup>3</sup> Petition at 4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 4-5.

Hamilton reiterates that, as noted in the Request, the Commission should clarify that non-VRS providers are not subject to the PSAP callback requirement in any event.

Respectfully submitted,

HAMILTON RELAY, INC.

/s/ David A. O'Connor

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.*

June 4, 2009

*Submitted via ECFS*

**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
	)	
To: Secretary, FCC		
For: The Commission		

**REQUEST FOR CLARIFICATION**

Hamilton Relay, Inc. (“Hamilton”), by its counsel, hereby requests clarification of certain requirements adopted in the *Second Report and Order and Order on Reconsideration* (“*Order*”) in the above-captioned proceedings.<sup>1</sup> The *Order*, which was released on December 19, 2008, requires providers of Internet-based Telecommunications Relay Services (“iTRS”) to implement various new requirements by December 31, 2008, in connection with the implementation of 10-digit numbering for iTRS users.

As a provider of all forms of iTRS other than Video Relay Services (“VRS”), Hamilton reasonably believes that it will be in compliance with the new requirements set

---

<sup>1</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Second Report and Order and Order on Reconsideration, CG Docket No. 03-123, WC Docket No. 05-196, FCC 08-275 (rel. Dec. 19, 2008) (“*Order*”).

forth in the *Order* by December 31, 2008.<sup>2</sup> However, Hamilton seeks Commission clarification concerning the following:

First, Hamilton seeks clarification that only VRS providers are required to provide priority queuing to emergency personnel *callbacks* by giving such personnel the relay user's 10-digit number. To the extent that the Commission clarifies that all iTRS providers are required to provide priority queuing to emergency personnel callbacks, Hamilton respectfully requests a waiver of this requirement due to the stringent speed of answer requirements currently in place for non-VRS providers.

Second, Hamilton requests clarification that iTRS providers are not required to input Communications Assistant ("CA") identification numbers into the Automatic Location Information ("ALI") database, but must only include a user's Automatic Numbering Information ("ANI"), Registration Location and provider identification number in the ALI, and may verbally provide the CA identification upon connection to the Public Safety Answering Point ("PSAP").

Finally, with respect to the obligation to provide geographically appropriate telephone numbers in all instances, Hamilton will work in good faith with the Wireline Competition Bureau in an effort to resolve any instances in which Hamilton has determined that it may be unable to provide such numbers. However, Hamilton urges the Commission to review this process in the event that it becomes burdensome for users, the Bureau's staff and providers.

---

<sup>2</sup> As noted in the *Order*, certain requirements in the *Order* must be approved by OMB. *See id.* n.156. Hamilton anticipates that it will comply with those requirements following OMB approval.

**I. Hamilton Requests Clarification that PSAP Callback Prioritization Is Mandatory for VRS Providers Only**

Hamilton requests that the Commission clarify that only VRS providers, as opposed to providers of other forms of iTRS, must prioritize callbacks from emergency personnel. This interpretation is supported by the record in this proceeding and the nature of VRS as compared to other forms of iTRS.

First, the *Order* notes: “As we stated in the recent *VRS Numbering Waiver Order*, the requirement that *VRS providers* implement a system to ensure that all incoming emergency calls are prioritized and do not have to wait in a queue also applies to callbacks from emergency personnel.”<sup>3</sup> This specific reference to VRS providers is consistent with the language in the *VRS Numbering Order*, which states: “We reiterate, however, our requirement that *VRS providers* implement a system to ensure that all incoming emergency calls (including callbacks from emergency personnel) are answered by the provider before non-emergency calls).”<sup>4</sup>

Second, callback prioritization is generally only a concern with respect to VRS providers. Other forms of iTRS, such as Internet Relay, have stricter speed of answer requirements which obligate all calls to be answered in a functionally equivalent manner to voice users (i.e., 85% of all calls must be answered within 10 seconds).<sup>5</sup> In contrast,

---

<sup>3</sup> *Order* ¶ 15 (emphasis added, footnotes omitted) (citing *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Order, CG Docket No. 03-123, WC Docket No. 05-196, 23 FCC Rcd 13747, ¶ 9 (rel. Sept. 19, 2008) (“*VRS Numbering Waiver Order*”).

<sup>4</sup> *VRS Numbering Waiver Order*, ¶ 9 (emphasis added); see also 73 Fed. Reg. 79683, 79685 ¶ 16 (rel. Dec. 30, 2008).

<sup>5</sup> 47 C.F.R. § 64.604(b)(2)(i)-(ii).

VRS providers must answer 80% of their calls within two minutes.<sup>6</sup> For these reasons, it would appear that callback prioritization only applies to VRS providers.

On the other hand, the *Order* is also more general in reminding “providers” that emergency callbacks must be prioritized.<sup>7</sup> Additionally, Hamilton recognizes that the emergency call handling procedures adopted in Section 64.605 are applicable to iTRS providers generally and not just VRS providers; however, the emergency callback prioritization requirement is not specifically set forth in those rules. For all of these reasons, Hamilton believes that there is sufficient discrepancy in the record to merit clarification of this issue.

Hamilton nonetheless takes its obligation seriously to respond as rapidly as possible in emergency situations, and submits that the current speed of answer requirements applicable to non-VRS providers ensure prompt handling of emergency callbacks.

To the extent that the Commission nonetheless clarifies that all iTRS providers must prioritize callbacks from emergency personnel as of December 31, 2008, Hamilton respectfully requests a waiver of the requirement until the Commission clarifies this matter and affords Hamilton a reasonable opportunity to implement the requirement. To the extent that such a waiver is necessary, Hamilton submits that good cause exists for a waiver in this situation, because current speed of answer requirements for non-VRS providers ensure rapid response times to emergency callbacks.<sup>8</sup> In addition, unlike

---

<sup>6</sup> *Id.* § 64.604(b)(2)(iii).

<sup>7</sup> *Order*, ¶ 15.

<sup>8</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). It is important to note that the scope of this (continued...)

emergency calls from iTRS users, which Hamilton can recognize immediately because the number dialed is 911, a callback from emergency personnel typically is made without any network signaling which would identify the call as an emergency call and thus trigger Hamilton to treat it as a priority call.

**II. Communications Assistant (CA) Identification Number Information Is Not Currently Capable of Being Included in the Automatic Location Information (ALI) Database**

Hamilton's practice for nearly twenty years has been to provide verbally a CA's identification number to PSAPs during emergency situations. It is unclear from the record whether such verbal notifications will continue to be permitted after December 31, 2008, or that instead CA identification numbers must be included in the ALI database beginning on December 31, 2008. Specifically, Section 64.605 provides that, as of December 31, 2008:

The Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number must be available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.<sup>9</sup>

This rule could be interpreted as requiring the CA's identification number to be available from the ALI database, along with the provider's name and the user's Registered Location. However, in other parts of the record, it appears that only the user's Registered Location must be available through the ALI database.<sup>10</sup> Hamilton requests

---

waiver request is limited to the prioritization of emergency *callbacks*; Hamilton is prioritizing emergency calls from relay users as required of all iTRS providers.

<sup>9</sup> 47 C.F.R. § 64.605(b)(2)(iv).

<sup>10</sup> See Order ¶ 7 & n.32 (citing *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled* (continued...))

that the Commission clarify that Section 64.605 does not require iTRS providers to include CA identification numbers in the ALI database, and that Hamilton's long-standing practice of verbally conveying CA identification number information to PSAPs is appropriate. Because the ALI database cannot be updated in real time, it would be impossible for Hamilton to provide this information as of December 31, 2008. To the extent that a waiver of this requirement is necessary, Hamilton respectfully requests such a waiver until the ALI database is capable of accepting such information, and is capable of doing so in real time. Hamilton believes that good cause exists for such a waiver because of the technological impossibility of compliance at this time.

### **III. New Procedures for Distributing Geographically Appropriate Numbers Should Be Monitored Carefully by the Commission**

In June 2008, the Commission required iTRS providers to begin assigning "geographically appropriate NANP numbers" as of December 31, 2008.<sup>11</sup> In doing so, the Commission noted that "there may be unusual and limited circumstances in which an Internet-based TRS provider may not be able to obtain a geographically appropriate number for a particular end user."<sup>12</sup> In such situations, the Commission contemplated that "suitable workarounds" could be employed by providers, such as the assignment of "reasonably close" numbers.<sup>13</sup> On this basis, where geographically appropriate numbers were not available from Hamilton's vendor, Hamilton had been planning to assign (and has been assigning) numbers that are geographically approximate.

---

*Service Providers*, Report and Order and Notice of Proposed Rulemaking, CG Docket No. 03-123, WC Docket No. 05-196, FCC 08-151, ¶ 82 (rel. June 24, 2008) ("*First Report and Order*").

<sup>11</sup> *First Report and Order*, ¶ 41.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

In the December 19 *Order*, the Commission, on its own motion, reconsidered this approach and adopted an altered procedure. Under the new procedure, if a provider is unable to provide a “truly local geographically appropriate” number, the provider must bring the situation to the attention of the Wireline Competition Bureau to resolve the situation.<sup>14</sup>

Hamilton already has encountered situations in which it may be unable to assign a truly local number to a user. Hamilton has developed workarounds based on the old procedure, but will work in good faith with the Wireline Competition Bureau in an effort to resolve any instances in which Hamilton may be unable to provide a truly local number to a user. However, Hamilton urges the Commission to review this process in the event that it becomes burdensome for users, the Bureau’s staff and providers.

Respectfully submitted,

HAMILTON RELAY, INC.

/s/ David A. O’Connor  
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.*

December 30, 2008

*Submitted via ECFS*

---

<sup>14</sup> *Order*, ¶ 28.