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December 5, 2011

VIA ECFS

Marlene H. Dortch, Esq., Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554  
*Attn: Chief, Consumer & Governmental Affairs Bureau*

**REDACTED FOR PUBLIC INSPECTION**

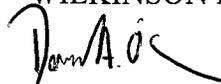
Re: *Hamilton Relay, Inc.*  
*CG Docket Nos. 10-51, 03-123*  
*Internet-based TRS Certification Application*

Dear Ms. Dortch:

Enclosed, on behalf of Hamilton Relay, Inc. ("Hamilton"), is a redacted version of Hamilton's application for certification as a provider of Internet Relay services and Internet Protocol Captioned Telephone services. A confidential version of the application is being concurrently filed with the Commission via hand delivery.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP



David A. O'Connor  
Counsel for Hamilton Relay, Inc.

Enclosure

**REDACTED FOR PUBLIC INSPECTION**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
Structure and Practice of the Video Relay Service ) CG Docket No. 10-51  
Program )  
Telecommunications Relay Services and ) CG Docket No. 03-123  
Speech-to-Speech Services for )  
Individuals with Hearing and Speech Disabilities )  
Internet-based TRS Certification Application of )  
Hamilton Relay, Inc. )

To: Secretary, FCC  
For: Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program

**APPLICATION OF HAMILTON RELAY, INC. FOR  
CERTIFICATION AS A PROVIDER OF INTERNET  
RELAY SERVICES AND INTERNET PROTOCOL  
CAPTIONED TELEPHONE SERVICES**

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December 5, 2011

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CERTIFICATION AS A PROVIDER OF INTERNET  
RELAY SERVICES AND INTERNET PROTOCOL  
CAPTIONED TELEPHONE SERVICES**

Hamilton Relay, Inc. (“Hamilton”), by its counsel and pursuant to Section 64.606(a)(2) of the Commission’s rules,<sup>1</sup> as revised by the Commission’s July 28, 2011 *Second Report and Order*,<sup>2</sup> hereby submits its application for federal certification as a provider of Internet Relay services (“Internet Relay”) and Internet Protocol Captioned Telephone Services (“IP CTS”).

<sup>1</sup> 47 C.F.R. § 64.606(a)(2).

<sup>2</sup> *Structure and Practices of the Video Relay Service Program*, Second Report and Order and Order, CG Docket No. 10-51, 26 FCC Rcd 10898 (2011) (“*Second R&O*”). Pursuant to the *Second R&O*, currently eligible relay providers such as Hamilton must apply for certification within 30 days of Office of Management and Budget (“OMB”) approval of the information collection requirements contained in the new certification rules. *Id.* ¶ 59. OMB approved the certification requirements on October 20, 2011, and publication of such approval appeared in the *Federal Register* on November 4, 2011, *see* 76 FR 68328 (Nov. 4, 2011), thus establishing December 5, 2011 as the deadline for submitting this application. *See* 47 C.F.R. § 1.4(j). Accordingly, this application is timely filed.

## I. INTRODUCTION

Hamilton has been a leader in providing Telecommunications Relay Services (“TRS”), on both an intrastate and interstate basis, since the inception of the Interstate TRS program in 1993. Hamilton currently provides intrastate TRS and/or Captioned Telephone Service in 19 states and U.S. territories, and has a wealth of experience providing various relay services to users in states throughout the nation.<sup>3</sup> Hamilton also provides nationwide traditional TRS and Internet Relay on an interstate common carrier basis. In 2008, Hamilton began offering IP CTS on a nationwide basis under an arrangement with the Nebraska Public Service Commission.<sup>4</sup>

By this application, Hamilton is applying for federal certification of its Internet Relay and IP CTS offerings, as provided for in the *Second R&O* and in order to ensure Hamilton’s continued eligibility to receive compensation from the interstate TRS Fund. Hamilton is not seeking Video Relay Service (“VRS”) certification at this time.

## II. CERTIFICATION INFORMATION REQUIRED BY THE *SECOND R&O*

In support of this application, and in compliance with the *Second R&O*, the following information is submitted.

### A. Forms of Internet-based TRS to Be Provided<sup>5</sup>

By this application, Hamilton seeks federal certification to provide Internet Relay and IP CTS. Users of Hamilton’s service can currently make Internet Relay and IP CTS calls through any of the following access points:

- Internet Relay Access Points:

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<sup>3</sup> Certain state contracts are provided under Hamilton Telephone Company d/b/a Hamilton Telecommunications.

<sup>4</sup> See Letter from Anne C. Boyle, Chair, Nebraska Public Service Commission, to Jeff D. Henderson, NECA (Feb. 29, 2008). Hamilton also provided VRS on a nationwide basis on an interstate common carrier basis, but in December 2008 elected to discontinue offering this voluntary relay service until further notice.

<sup>5</sup> See 47 C.F.R. § 64.606(a)(2)(i).

- Hamilton’s Relay website, [www.hamiltonrelay.com](http://www.hamiltonrelay.com);
  - Instant Messaging applications - AOL® Instant Messenger™ and Google® Talk (send IM to “thatshamilton”);
  - Voice users may dial an IP Relay user’s locally-based 10-digit number.
- IP CapTel Access Points
    - CapTel 800i Model Telephone;
    - Hamilton’s CapTel website, [www.hamiltoncaptel.com](http://www.hamiltoncaptel.com), which can be accessed from a desktop computer or from portable devices such as iPad®;
    - Hamilton Mobile CapTel has many applications available in app stores which can be used to access IP CTS anywhere on a single, mobile telephone or other portable device, and which are capable of supporting both voice and data simultaneously through a 3G or Wi-Fi connection, making use of, for example, the Android™, iPhone® or BlackBerry® operating systems (please see [www.hamiltoncaptel.com](http://www.hamiltoncaptel.com) for a complete list of networks and devices);
    - Voice users may call IP CTS users either directly or via a toll-free number to reach the captioning service.<sup>6</sup>

**B. Compliance With Non-Waived Mandatory Minimum Standards<sup>7</sup>**

Hamilton is committed to meeting all applicable non-waived mandatory minimum standards for Internet Relay and IP CTS in compliance with Section 64.604. With respect to the waived standards, Hamilton submits an annual report each April addressing whether it is necessary for those waivers to remain in effect. With respect to non-waived standards, additional information applicable to Internet Relay and IP CTS is provided below in Section III.

**C. Additional Information Required Under Section 606(a)(2)(ii)**

Hamilton provides the following information required under Section 606(a)(2)(ii):

*1. VRS Requirements Do Not Apply to this Application<sup>8</sup>*

Hamilton does not seek certification to provide VRS, and therefore Section 64.606(a)(2)(ii)(A) of the Commission’s rules is not applicable.

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<sup>6</sup> Hamilton will be adding additional services and access points for both Internet Relay and IP CTS, and will submit substantive change notifications to the Commission as appropriate.

<sup>7</sup> 47 C.F.R. § 64.606(a)(2)(ii).

<sup>8</sup> *Id.* § 64.606(a)(2)(ii)(A).

2. *Ownership Information*<sup>9</sup>

Hamilton is a division of Hamilton Telecommunications, a trade name under which a group of companies owned by the Nelson family operates. The company's corporate origins are rooted in the Hamilton Telephone Company, which was founded in 1901 as a local telephone cooperative serving Hamilton County, Nebraska. In 1961, the Nelson family acquired a controlling interest in Hamilton Telephone Company. Throughout those years Hamilton has expanded and diversified to offer its customers a variety of telecommunications products and services. Relay services is one such business line that began in 1991.

[REDACTED]

Biographies and responsibilities of Hamilton's directors, in addition to other key Relay personnel, are included as Attachment A hereto. In addition, other individuals that assist as needed in the management of Hamilton are listed in the organizational chart attached hereto as Attachment B.

3. *Employee Information*<sup>10</sup>

The number of employees involved in Hamilton's TRS operations are as follows:

[REDACTED]

4. *Employment Agreements*<sup>11</sup>

Hamilton agrees to retain copies of employment agreements for all of Hamilton's employees involved in TRS operations, executives and CAs, and a list of names of employees directly involved in TRS operations, for a period of five years from the date of this application. Copies of such agreements and records will also be submitted to the Commission upon request.

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<sup>9</sup> *Id.* § 64.606(a)(2)(ii)(B).

<sup>10</sup> *Id.* § 64.606(a)(2)(ii)(C).

<sup>11</sup> *Id.* § 64.606(a)(2)(ii)(D).

5. *Sponsorship Arrangements*<sup>12</sup>

As of the date of this application, Hamilton's sponsorship arrangements relating to Internet-based TRS are as follows:

[REDACTED]

**III. COMPLIANCE WITH OPERATIONAL AND TECHNICAL STANDARDS**

As described below, Hamilton complies with the non-waived technical and operational standards set forth in Section 64.604 for both Internet Relay and for IP CTS. Section III.A concerns compliance with Internet Relay requirements, and Section III.B addresses Hamilton's compliance with IP CTS requirements.

**A. Internet Relay – Operational and Technical Standards**

As an initial matter, the following standards have been waived for Internet Relay until July 1, 2012, and therefore Hamilton has not demonstrated compliance with them in this application:

- Speech-to-Speech (STS)
- Types of calls (Operator Assisted Calls and Long Distance Calls)
- Pay-per-call (900) service
- Voice Carry Over (VCO) (one-line)
- Hearing Carry Over (HCO) (one-line)
- VCO-to-TTY
- HCO-to-TTY
- VCO-to-VCO
- HCO-to-HCO
- Call release
- Equal Access to Interexchange Carriers<sup>13</sup>

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<sup>12</sup> *Id.* § 64.606(a)(2)(ii)(E).

<sup>13</sup> See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CG Docket No. 03-123, 26 FCC Rcd 9449 (CGB June 30, 2011) (“2011 Waiver Order”) (extending various waivers to July 1, 2012).

In addition, Hamilton has not addressed technical and operational requirements that are specific to VRS or other forms of relay. Below, Hamilton provides specific information about compliance with the non-waived mandatory minimum standards for Internet Relay.

1. *Communications Assistant (CA)*<sup>14</sup>

Recognizing that high quality Internet Relay Communications Assistants (“Internet Relay CAs”) are critical to providing consumer satisfaction, Hamilton thoroughly trains its Internet Relay CAs to meet the specialized communications needs of individuals with hearing and speech disabilities. All Hamilton Internet Relay CAs possess clear and articulate voice communications. They have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. All Hamilton Internet Relay CAs provide a typing speed of a minimum of 60 words per minute, and Hamilton confirms this by giving oral-to-type tests of Internet Relay CA speed.

Hamilton Internet Relay CAs are trained to relay calls in a manner that meets and often exceeds Commission standards. The following describes how Hamilton hires and trains its Internet Relay CAs to meet operational proficiency standards stated above.

Before hiring, exams are given to each applicant in the following areas to ensure that the candidate has the needed skills to become a fully trained Internet Relay CA:

- (1) Spelling skills (must achieve at least 90% correct)
- (2) Reading skills (must be able to read clearly and distinctly)
- (3) Typing proficiency

Additional details about these requirements are as follows:

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<sup>14</sup> 47 C.F.R. § 64.604(a)(1).

a. Spelling Skills

The minimum spelling skills required of Hamilton Internet Relay CAs is the ability to quickly and easily spell words that are equivalent to that of a beginning college level conversation. Internet Relay CAs must pass a spelling exam to be eligible to work for Hamilton and score in at least the 90<sup>th</sup> percentile. The spelling skills exam is based on a 12th grade spelling level. Hamilton performs similar testing for Spanish CAs.

b. English Reading, Speaking, and Writing Skills

Hamilton Internet Relay CAs must meet all grammar proficiency requirements including reading, speaking, and writing English at a minimum of a 12th grade level prior to employment. Hamilton also tests for diction, clear and articulate voice communications, and a neutral accent by requiring each prospective Internet Relay CA to complete a reading exam.

c. Typing Proficiency

Hamilton Internet Relay CAs must type 60 words per minute (wpm) for five minutes. Hamilton exceeds this service level by requiring Internet Relay CAs to maintain a 95% accuracy level while typing 60-wpm. Hamilton's relay centers have a combined average typing speed of [REDACTED] wpm with [REDACTED] accuracy. New Internet Relay CA hires are required to meet the Hamilton minimum typing proficiency standard on an oral-to-text exam within a three-week period, before they may take any relay calls. Hamilton also tests its Internet Relay CAs every four months in a manner simulating actual working conditions to document current proficiency levels. If an Internet Relay CA is unable to meet the 60 wpm requirement, the Internet Relay CA is removed from live relay calls until further training and compliance can be accomplished.

Hamilton also uses a computer-based typing program for continuing enhancement of keyboarding, spelling and grammar skills. This program is made available to all Internet Relay CAs in Hamilton call centers.

Each of Hamilton's Relay Centers performs test calls to document current proficiency levels of the Internet Relay CAs and to make sure each is making progress over the term of their employment. Conducting typing tests during live relay calls also ensures that Internet Relay CAs are meeting all typing requirements during actual calls.

d. Training

All of Hamilton's relay staff, including management, receive 20 hours of initial training devoted solely to disability issues including ASL "gloss", ASL style and grammar, tone of voice, deaf, hard of hearing and hearing cultures, etiquette, pertinent information about the needs of people who are deaf or hard-of-hearing, the role of the CA (including training to relay the contents of a call as accurately as possible without intervening in communication) and operation of relay telecommunications equipment including answering machines and computerized services. This training is done through videos, seminars with staff who are familiar with the relay communities, observation (both simulated and on live calls), and a variety of role-play scenarios. Hamilton Internet Relay CAs are well trained to effectively meet the specialized needs of relay users.

In addition to basic training during new hire training, Hamilton provides an additional 12 hours of specialized/cultural training annually.

Hamilton Spanish language relay CAs must complete the same training as all Internet Relay CAs and must additionally pass tests confirming proficiency in the Spanish language.

e. Proficiency Examinations

Hamilton Internet Relay CAs begin relaying calls at the end of a three-week training period, assuming all examinations have been passed and proficiency skills have been shown. In addition to these exams and skill tests, Internet Relay CAs must successfully complete several relay call scenarios to demonstrate proficiency in simulated scenarios. Hamilton can then determine that an Internet Relay CA is meeting and exceeding all minimum FCC proficiency requirements. Tests are kept confidential and portions of the tests are changed routinely. Internet Relay CAs are tested on a variety of topics monthly to ensure that they continue to meet all requirements.

f. Performance Monitoring to Ensure Each Internet Relay CA Continues to Meet All Requirements

Through its advanced relay platform, Hamilton has established a unique remote call monitoring system. Hamilton uses this call monitoring system to continually monitor call performance. Such items as proficiency and professionalism, procedures, language, voice quality, decorum, and professional knowledge and skills are evaluated daily.

Hamilton constantly monitors its Internet Relay CAs for quality control. Two formal call evaluations are completed each month, and informal “spot checking” is conducted every day to ensure that Internet Relay CAs are performing properly on calls.

Formal call monitoring includes observation of the call from start to finish. The Internet Relay CA either earns a passing or failing score in the applicable category. These monitorings are conducted by a Relay Supervisor and the Monitoring Supervisor. Two formal evaluations are required of each Internet Relay CA per month.

Through the call monitoring process, any Internet Relay CA not in compliance with quality standards is taken off duty for further training and re-testing. These Internet Relay CAs are put on probation and monitored frequently to ensure continued improvement.

Hamilton transmits conversations between Internet Relay and voice callers in real time. Hamilton Internet Relay CAs answering and placing an IP-based TRS call stay with the call for a minimum of ten minutes as required. Hamilton makes best efforts to accommodate an Internet Relay user's request of Internet Relay CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another Internet Relay CA.

## 2. *Confidentiality and Conversation Content*<sup>15</sup>

Hamilton Internet Relay CAs are instructed not to disclose the content of any relayed conversation regardless of content, and to refrain from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. Hamilton Internet Relay CAs are instructed not to intentionally alter a relayed conversation. To the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, Hamilton Internet Relay CAs are instructed to relay all conversation verbatim unless the relay user specifically requests summarization or if the user requests interpretation of a call. Hamilton employs various methods to ensure that all relay users' confidentiality is maintained, including the restriction of access to its call centers and the partitioning of Internet Relay CAs into individual cubicles to ensure relay call privacy. All Hamilton employees must sign a confidentiality agreement committing to keep all information confidential.<sup>16</sup>

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<sup>15</sup> 47 C.F.R. § 64.604(a)(2).

<sup>16</sup> A copy of Hamilton's confidentiality agreement is included in Attachment H hereto.

All information about users of Hamilton's Internet Relay offerings will be treated confidentially and will not be sold, distributed, shared, or divulged by Hamilton or any of its employees, unless divulging such information is compelled by lawful order.

3. *Types of Calls*<sup>17</sup>

Hamilton is capable of handling any type of call normally provided by telecommunications carriers, except for those types of calls and call functionality that specifically have been waived for Internet Relay.<sup>18</sup> Hamilton Internet Relay CAs are instructed not to refuse single or sequential calls or limit the length of calls utilizing relay services. Hamilton also offers and assists with voice mail and message recording services, and immediately informs users of the presence of any recorded messages and relay information conveyed by the recording. Internet Relay CAs also offer similar assistance with interactive menus. Hamilton's recording function allows the Internet Relay CA to record a voice announcement and then play back the message at a speed controlled by the Internet Relay CA. The message is retained for the length of the call. This prevents the caller from having to call back several times to get the entire message. Once the originator of the call disconnects, the recording is automatically deleted from the system. Hamilton also provides speed dialing and three-way calling for Internet Relay users.

4. *Emergency Call Handling*<sup>19</sup>

Hamilton is in compliance with the Commission's emergency call handling requirements with respect to Internet Relay.<sup>20</sup> Internet Relay providers are required, as a condition of providing service to a user, to provide users with E911 service, namely transmitting all 911 calls,

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<sup>17</sup> 47 C.F.R. § 64.604(a)(3).

<sup>18</sup> See 2011 Waiver Order.

<sup>19</sup> 47 C.F.R. § 64.604(a)(4).

<sup>20</sup> See *id.* § 64.605.

as well as ANI, the caller's registered location, the name of the provider, and the CA's identification number for each call to the public safety answering point, designated statewide default answering point, or appropriate local emergency authority (collectively, "PSAP").<sup>21</sup> Hamilton complies with these requirements.

Specifically, when an Internet Relay user registers to obtain a 10-digit number from Hamilton (Hamilton HomeTown Number™), the user provides his or her location information which becomes the user's Registered Location. A user's Registered Location can be changed or updated at will and in a timely manner.<sup>22</sup>

Unless the customer provides the Internet Relay CA with different location information at the beginning of each call, Hamilton uses the Registered Location for emergency call processing. Hamilton advises customers that if they have relocated, or are not at their registered address, an emergency call may not be processed as quickly. Hamilton also advises consumers to update location information should they no longer be at the registered address.<sup>23</sup>

During a 911 call, Hamilton transmits the caller's 10-digit number, i.e., ANI, registered location information (unless a different location is provided by the user to the CA), as well as Hamilton's name and the CA's identification number (orally where necessary), to the PSAP that serves the caller's registered location. All 911 calls are routed through the use of ANI and, when necessary, pseudo-ANI, via the dedicated Wireline E911 Network.<sup>24</sup> In addition, the caller's

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<sup>21</sup> See *id.* § 64.605(b)(2)(i), (ii).

<sup>22</sup> *Id.* § 64.605(b)(4).

<sup>23</sup> See Attachment F hereto.

<sup>24</sup> See 47 C.F.R. § 64.605(b)(2)(iii). ANI and ALI is not provided in situations where the PSAP is not capable of receiving and processing ANI or ALI. *Id.* § 64.605(b)(3).

registered location and CA's identification number are made available to the appropriate PSAP from or through the appropriate automatic location information (ALI) database.<sup>25</sup>

Hamilton also complies with the Commission's emergency call handling requirements applicable to all Internet-based TRS providers. Hamilton has implemented and utilizes a system which ensures that an emergency call is prioritized over other non-emergency calls.<sup>26</sup> Hamilton Internet Relay CAs are required to request at the beginning of each emergency call the caller's name and location information, unless Hamilton already has, or has access to, a registered location for that caller,<sup>27</sup> and to immediately re-establish contact with the caller and/or appropriate PSAP and resume handling the call in the event one or both legs of an emergency call are disconnected.<sup>28</sup> Finally, the emergency information Hamilton obtains is limited to that needed to facilitate 911 services and is made available only to emergency call handlers and emergency response or law enforcement personnel; Hamilton uses the information for the sole purpose of ascertaining a user's location in an emergency situation or for other emergency or law enforcement purposes.<sup>29</sup>

Hamilton takes seriously its obligation to handle all emergency calls as quickly as possible. Hamilton places a notice on its website and in its promotional materials explaining the

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<sup>25</sup> See *id.* § 64.605(b)(2)(iv). The CA identification number is transmitted orally where the PSAP is unable to receive and utilize CA ID information through the ALI database. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CG Docket No. 03-123, CC Docket No. 98-67, WC Docket No. 05-196, 24 FCC Rcd 13645, 13655 ¶ 21 (WCB/CGB 2009).

<sup>26</sup> See 47 C.F.R. § 64.605(a)(2)(ii).

<sup>27</sup> See *id.* § 64.605(a)(2)(iii).

<sup>28</sup> See *id.* § 64.605(a)(2)(v).

<sup>29</sup> See *id.* § 64.605(a)(2)(vi).

limitations of Internet Relay for placing emergency calls, and providing recommended alternatives.<sup>30</sup>

5. *Speed of Answer*<sup>31</sup>

Hamilton is committed to complying with the speed of answer requirements applicable to Internet Relay.<sup>32</sup> Hamilton answers eighty-five percent (85%) of all Internet Relay calls within ten (10) seconds from the time the call enters the Internet TRS system during all times of the day by any method which results in the caller's call immediately placed, not put in a queue or on hold.

Hamilton begins measuring Average Answer time from the moment an Internet Relay call arrives at its relay switch (i.e. in the TRS center's network). Hamilton has no control over the amount of time it takes a call to reach Hamilton's switch, nor can Hamilton measure this time. As soon as Hamilton's relay equipment accepts the call, Hamilton starts its call detail record to capture answer time data. Hamilton's timing is very accurate as no rounding takes place since this time is measured in seconds.

The information reported is taken from Call Detail Records ensuring the accuracy of the data. Each call detail record tracks the amount of time a call waits to be answered. Hamilton's Internet Relay CAs do not answer a call until they are ready to engage the call. Calls in queue or calls receiving the intercept message are not counted as answered. This "queue time" field will be analyzed and reported, but not billed. Abandoned calls are included in the speed of answer calculation.

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<sup>30</sup> See Attachment F hereto.

<sup>31</sup> 47 C.F.R. § 64.604(b)(2). Hamilton does not address the ASCII/Baudot requirements contained in Section 64.606(b)(1) because those technical standards are by their nature not applicable to IP-based services.

<sup>32</sup> Hamilton submits monthly speed of answer compliance reports, as required by Section 64.604(c)(5)(iii)(C)(3), and those reports demonstrate that Hamilton routinely complies with the answer speed requirements.

Hamilton has the ability to monitor speed of answer on a real-time basis via a monitoring system that is accessible to management and supervisors. This information is utilized to make Internet Relay CA staffing changes throughout the day. Average answer time is displayed on the supervisor console. The Supervisor workstation and reader boards in the center indicate if calls are in queue waiting to be answered. The Supervisors are responsible for making sure that when that alert comes up that all available CA resources are logged in to the system and answering calls. Each of these tracking mechanisms allows Hamilton to respond quickly by adding more CAs immediately.

Daily activity reports used for internal management purposes also track answer performance information for future scheduling. In addition, Hamilton uses a variety of other scheduling techniques to ensure that staffing meets traffic demands. Hamilton makes use of historical data, trending, call patterns and combines that with the knowledge of current events (e.g. football games, weather, Mother's Day, etc.) to anticipate staffing needs.

Hamilton also meets all FCC call blockage standards. Hamilton's relay service is designed to a P.01 standard.<sup>33</sup> No more than one call in 100 will receive a busy signal when calling the relay center at the busiest hour. Hamilton defines "blockage" as any call that arrives at the relay switch but is not answered due to the customer receiving a busy signal. Currently, Hamilton has never come close to blocking 1 call in 100.

Hamilton designs its systems to prevent blockage. Hamilton's switches are high-speed, stand-alone, non-blocking digital switching matrixes. The system is fully redundant to ensure quality and reliable performance, making blockage or any downtime nearly impossible. The system auto-detects any problems and moves to the secondary system immediately if necessary.

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<sup>33</sup> 47 C.F.R. § 64.604(b)(2)(ii)(D).

Another measure Hamilton has taken to prevent blocking is to use networks that make use of SONET survivability technology. Hamilton's transmission circuits meet or exceed industry interexchange performance standards for circuit loss and noise.

6. *Internet Relay Facilities*<sup>34</sup>

Hamilton operates its Internet Relay services twenty-four hours a day, seven days a week. Appropriate redundancy has been built into the Hamilton network to ensure continuity of service, including uninterruptible power for emergency use. Hamilton Internet Relay calls automatically overflow between centers during peak volumes and during any failure of switching or telecommunications facilities to other Hamilton centers. This ensures continuous operation of Hamilton's Internet Relay services.

a. Description of Relay Centers

Hamilton offers the following information on its Relay Centers in support of its application:

[REDACTED]

b. Switches and Relay Platforms

Hamilton switches and relay platforms are located in [REDACTED].

c. Uninterruptible Power

All of Hamilton's relay centers make use of an uninterruptible power source with full battery backup to operate each center at full capacity for extended periods of time. In addition, Hamilton's battery back-up systems have the capability to automatically connect to a generator at each of its existing relay centers. The combination of battery and generator back-up allows Hamilton to provide relay service for days and weeks at a time during power outages.

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<sup>34</sup> *Id.* § 64.604(b)(4).

The power system supports the switch system and its peripherals, switch room environmentals (air conditioning/heating, fire suppression system, emergency lights & system alarms), CA consoles/terminals, CA work-site and lighting and Call Detail Record recording at each center. Employees are given procedures to follow in the event of emergency.

Hamilton provides auxiliary power sources for nine central offices in addition to all its relay centers. Hamilton has significant experience at purchasing, installing, testing and insuring that such back-up equipment is in place. All of Hamilton's back-up power systems have redundancy features functionally equivalent to the equipment in normal central offices including uninterruptible power for emergency use.

d. Switching System

[REDACTED]

A copy of Hamilton's Network Map is attached hereto as Attachment C.

7. *Caller ID*

In compliance with Section 64.604(b)(6), whenever, in the course of processing an Internet Relay call, Hamilton is able to transmit any calling party identifying information to the public network, Hamilton also passes through to the called party the 10-digit number of the calling party. If the number is not available, "Private Caller" is displayed.

8. *Disaster Recovery Plan and Continuity of Operations*

Finally, as part of its efforts to provide continuous coverage of its Internet Relay service, Hamilton Relay's Disaster Recovery manual contains Hamilton's contingency plans in the event of a natural and/or man-made disaster. Hamilton's Disaster Recovery Plan details the level of escalation that will be employed to deal with the problem to restore service. A copy of the Disaster Recovery manual is attached hereto as Attachment D.

Hamilton maintains accurate records of interruptions of service, which includes the nature of the problem, how it was corrected, and the length of time from the start of the interruption of service until the relay service was returned to full operation.

a. Back-up Plan

Hamilton's back-up plan includes procedures for alternate switching of calls and the provision of redundant circuits to geographic areas. Hamilton's alternate routing plans are designed to ensure continuous service to relay users.

With multiple redundant routes even at the local loop level, the TRS traffic reaches a Hamilton relay switch for call processing. This type of configuration assures network security for relay users 24 hours a day.

If a disaster would result in the destruction of our equipment requiring replacement components not maintained on-site, Hamilton overflows all of its relay traffic to the other centers not affected by the disaster. Traffic simply can be routed to the other centers still in operation while the original center becomes operational again. This acts as an additional level of security.

b. Pandemic Plan

In addition, Hamilton's management team has taken extra precautions in light of the H1N1 Flu outbreak that took place across the country including the following:

**[REDACTED]**

Hamilton considers its Disaster Recovery/Continuity of Operations and Pandemic Plans, as an investment to protect our customers and employees and ensure that relay users have continuous, uninterrupted access to all programs of relay.

**B. IP CTS – Operational and Technical Standards**

Hamilton provides CapTel Service, including IP CTS, through a subcontractor relationship with Captioned Telephone, Inc. (CTI) of Madison, Wisconsin. Hamilton

subcontracts aspects of IP CTS including the technology, equipment, and certain captionists with CTI.<sup>35</sup> IP CTS is provided from the CapTel Service Relay Centers located at [REDACTED].

Hamilton recently added IP CTS seats and workstations to its own call centers. Hamilton was the first relay provider to launch this program in April 2011. Hamilton currently processes IP CTS calls from its [REDACTED] center. Hamilton is expanding this program to its [REDACTED] center which will be operational by late December 2011.

The following minimum standards have been waived indefinitely for IP CTS, and therefore Hamilton has not provided information regarding its compliance with those standards in this application:

- Certain requirements applicable to CAs
- STS
- Equal access to interexchange carriers
- Pay-per-call services
- HCO and VCO services
- Sequential calls
- Call release
- Three way calling
- Speed dialing
- Providing service 24/7
- Gender preference
- Handling calls in ASCII and Baudot formats
- Outbound 711 calling<sup>36</sup>

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<sup>35</sup> The Commission has not prohibited subcontractor relationships with respect to IP CTS. Rather, after a specific finding that prohibiting subcontractor contracts to operate call centers for Internet Relay and IP CTS would result in disproportionate industry disruption as compared to regulatory benefit, the Commission declined to adopt such a prohibition in the *Second R&O*. *Second R&O*, 26 FCC Rcd at 10903.

<sup>36</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CG Docket No. 03-123, 22 FCC Rcd 379, 391 ¶ 30 (2007) (“*IP CTS Waiver Order*”). The “equal access to interexchange carriers” requirement has been waived for IP CTS provided the relay provider offers long distance service to consumers free of charge. Hamilton offers free long distance to its customers and therefore is in compliance with this requirement. In instances where the IP CTS user is dialing direct, i.e., 800i users, billing and jurisdiction of the call is handled by the user’s LEC or interexchange carrier of choice.

In addition, Hamilton has not addressed technical or operational requirements that are specific to VRS or other forms of relay.<sup>37</sup> Below, Hamilton provides specific information about compliance with the non-waived mandatory minimum standards for IP CTS.

1. *Communications Assistants*<sup>38</sup>

The Commission has clarified that certain requirements that generally apply to CAs do not apply to captioned telephone CAs. Specifically, the requirements that: (1) CAs must be competent in interpreting typewritten ASL; (2) TRS providers must give CAs oral-to-type tests; and (3) CAs may not refuse sequential calls, do not apply to captioned telephone services where the user does not type the outbound message, the CA generates text for the user principally using voice recognition technologies (instead of typing), and the CA does not play a role in setting up the call, including to IP CTS.<sup>39</sup> Users of Hamilton's IP CTS do not type the outbound message, Hamilton uses voice recognition technology to generate text, and Hamilton's IP CTS CAs do not play a role in setting up the call. Therefore, these minimum CA standards do not apply to Hamilton's IP CTS offering.

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<sup>37</sup> However, portions of the discussion in the previous section regarding Internet Relay are equally applicable to IP CTS and will not be repeated here.

<sup>38</sup> 47 C.F.R. § 64.604(a)(1).

<sup>39</sup> See *IP CTS Waiver Order*, 22 FCC Rcd at 393 ¶ 30 n.105 (clarifying that certain CA requirements do not apply to IP CTS in certain circumstances). The Commission first waived these requirements for captioned telephone service in 2003. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CG Docket No. 06-182, 18 FCC Rcd 16121, 16134-67. After the waivers expired on August 1, 2006, the Commission clarified that the requirements do not apply to captioned telephone services where the user does not type the outbound message, the CA generates text for the user principally using voice recognition (instead of typing), and the CA does not play a role in setting up a call. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CG Docket No. 03-123, 21 FCC Rcd 9147, 9149 (CGB Aug. 14, 2006).

a. Typing Proficiency and Proficiency Examinations

Although not required by Commission rules, Hamilton requires IP CTS CAs to maintain a proficiency level of 130 WPM speed of transcription with a 2% or less Error Rate and 98% accuracy requirement in a testing environment. Testing results are reviewed by Hamilton to ensure compliance. Hamilton also utilizes third-party, independent evaluations of IP CTS service.

b. Initial Training

All IP CTS CAs are required to satisfactorily complete a series of skills assessments to achieve the expertise and knowledge to adequately and accurately caption in a professional manner the words spoken by the hearing party without intervening in the communication between the parties. The evaluation process includes the quality of voice, clarity of speech and correct use of words and sentence structure.

CTI has a detailed CA training plan in place to ensure that all standards as applied by the FCC to the provision of IP CTS are met by each IP CTS CA. At any time if a prospective CA does not demonstrate the ability to achieve the expected standards, the CA may be removed from the training group.

After initial training, IP CTS trainees are tested through the administration of timing scripts in a test environment. Each CA is required to successfully pass two rounds of timings consecutively prior to handling live calls. In addition, trainees are required to meet specified monitor scores when being evaluated on live call processing. IP CTS captionists are monitored daily and if a captionist fails a monitoring, they are not allowed to process live calls until they are able to pass monitoring. CTI is contractually bound to these requirements.

Hamilton employees have undergone CTI's CA training program and, Hamilton uses the same training program for its own IP CTS CAs.

c. Ongoing Training

CTI and Hamilton ensure that IP CTS CAs receive all necessary ongoing training. CAs are monitored on each shift and if they are found to need additional training or re-training, they are taken off line and given the necessary training. In addition, CAs are retrained on new features and capabilities of CTI's IP CTS service platform including any new or improved voice recognition systems used in the platform.

CAs are tested monthly through the administration of Timing Scripts in a test environment. In addition, CAs are periodically monitored while processing live calls. Only the scores of each CA are maintained in a database. No other information regarding conversations is kept at any time.

2. *Confidentiality of Calls*<sup>40</sup>

IP CTS CAs are prohibited from maintaining any records of conversation content and are required to keep the existence and content of all calls confidential. Hamilton employs various methods to ensure that all relay users' confidentiality is maintained, including the restriction of access to its call centers and the partitioning of CAs into individual cubicles to ensure relay call privacy.

All information about users of Hamilton's IP CTS offerings will be treated confidentially and will not be sold, distributed, shared, or divulged by Hamilton or any of its employees, unless divulging such information is compelled by lawful order.

3. *Types of Calls*<sup>41</sup>

IP CTS CAs are prohibited from limiting the length of a call and are required to stay with a call for a minimum of ten minutes when answering and placing a call. Hamilton transmits

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<sup>40</sup> 47 C.F.R. § 64.604(a)(2).

<sup>41</sup> *Id.* § 64.604(a)(3).

conversations between IP CTS and voice callers in real time. Hamilton is capable of handling any type of call normally provided by telecommunications carriers, except for those types of calls and call functionality that specifically have been waived for IP CTS services.<sup>42</sup> Hamilton also offers and assists with voice mail and message recording services, and immediately informs users of the presence of any recorded messages and relay information conveyed by the recording. When an IP CTS user places a call via Hamilton Web or Mobile CapTel, the terminating party will see the telephone number that is being used for the audio portion of the IP CTS user's call.

#### 4. *Handling of Emergency Calls*<sup>43</sup>

In March 2008, the Commission implemented interim emergency call handling requirements for Internet Relay, VRS and IP CTS providers, which resulted in the non-renewal of the emergency call handling waiver for such providers. The interim emergency call handling requirements ultimately were replaced by permanent emergency call handling requirements for Internet Relay and VRS, however the interim emergency call handling requirements continue to be in effect with respect to IP CTS, and apply only in circumstances where the call is initiated, or can be initiated, by the user contacting the provider via the Internet.<sup>44</sup>

When calling 911 in emergency situations using the 800i CapTel telephone, an IP CTS user dials 911 directly. One line is routed directly to the appropriate 911 center and the Internet connection is routed through the CTS captioning center. This allows the user to receive captions

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<sup>42</sup> See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CG Docket No. 03-123, 26 FCC Rcd 9449 (CGB June 30, 2011) (extending various waivers to July 1, 2012); see also *IP CapTel Order*, 22 FCC Rcd at 391 ¶ 30.

<sup>43</sup> 47 C.F.R. § 64.604(a)(4).

<sup>44</sup> The Commission does not require IP CTS providers to provide emergency call handling in situations where the user is able to make a voice call directly to 911, because in those situations the caller reaches 911 directly so that all relevant call information is routed directly to the PSAP by the user's LEC. See *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, 23 FCC Rcd 5255, 5257 ¶ 1 n.7 (2008).

on the Internet connection and hear the conversation on the voice line. The PSAP receives ANI and ALI as it would on any call processed without any form of relay service. The PSAP operator converses directly with the IP CTS user to ascertain any other needed information.

When calling 911 in emergency situations, the Mobile CTS users' call is automatically routed to the appropriate PSAP by the mobile phone provider. 911 calls are not routed through Hamilton's captioning service in this situation. This means that there are no delays in accessing emergency personnel, as calls are directly connected to an appropriate PSAP.<sup>45</sup>

When calling 911 in emergency situations using the Web CTS, the user simply enters 911 in the "Number to Dial" field and also enters the number of the phone they wish to use for the voice portion of the call. The user then clicks "Place Call". The CTS captioning center then passes the ANI to Intrado's Emergency Call Relay Center (ECRC). Intrado immediately transfers the call to the appropriate PSAP center. This allows the user to receive captions on the Internet connection and hear the conversation on the voice line. The PSAP operator converses directly with the IP CTS user to ascertain any other needed information, such as location information. In addition, Hamilton has implemented and utilizes a system which ensures that an emergency call is prioritized over other non-emergency calls, and that emergency calls can be re-established as necessary.<sup>46</sup>

Hamilton advises consumers to dial 911 directly without the use of Web CTS. Hamilton further advises consumers that if they choose to use Hamilton Web CTS to place an emergency 911 call, the user will need to provide important information to the PSAP immediately, including their location (street address, town, and state) as well as the nature of the emergency.

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<sup>45</sup> *See id.*

<sup>46</sup> *See* 47 C.F.R. § 64.605(a)(2)(ii), (v). Hamilton also complies with Section 64.605(a)(2)(vi).

Hamilton takes seriously its obligation to handle all emergency calls as quickly as possible.

5. *Speed of Answer*<sup>47</sup>

Hamilton answers 85% of all IP CTS calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in queue or on hold.

Hamilton ensures that adequate staffing is supplied to provide IP CTS users, with an average answer speed of 85% of all calls answered within 10 seconds on a daily basis including abandons. As an experienced IP CTS provider, Hamilton communicates with CTI frequently to project future demand so all standards can be met.

Hamilton ensures that service standards relating to answer speed are met including during those times of increases or spikes in call volume. CTI tracks the number of IP CTS phones distributed to users. Combining this with an average length of each call allows CTI to predict the number of Captioning Assistants that are needed. CTI provides adequate trunking capacity, CA work stations, personnel staffing, and equipment capacity to meet the current standard of 85% of all calls answered within 10 seconds on a daily basis. Abandoned calls are included in the speed of answer calculation. CTI also has reporting mechanisms and alarm systems to detect and record failures.

Hamilton ensures compliance with the P.01 customary TRS industry standard for blockage. Hamilton commits to ensuring that no more than one call in 100 will receive a busy signal when calling the Captioning Center at the busiest hour.

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<sup>47</sup> 47 C.F.R. § 64.604(b)(2).

6. *IP CTS Facilities*<sup>48</sup>

CapTel Services are provided from CTI's CapTel Service Relay Centers located in [REDACTED]. CTI has approximately [REDACTED] employees and supplies adequate staffing to provide CapTel users with a highly professional service.

Hamilton ensures that IP CTS is available 24-hours per day, 7-days per week, and 365-days per year. CTI has the needed redundancy in switching mechanisms and telecommunications facilities to ensure operation 24-hours a day.

Each IP CTS Relay Center is equipped with redundant systems for power. The IP CTS Relay Center utilizes a combination of battery backup, commercial UPS supply, and/or auxiliary generator to supply uninterruptible power to the IP CTS Center for extended periods of time to the IP CTS Center. Redundant systems for power include ACD/telecom switching equipment, call processing servers, data network servers, and LAN gear. Most equipment failures can be corrected without complete loss of service.

The CapTel switching system includes a redundant Central Processing Unit (CPU) on "hot stand-by" to ensure that no calls are dropped due to processor failure, a full Maintenance and Administrative Terminal with keyboard, screen and printer capabilities, on-line monitoring, real time programming capabilities which does not take the system off-line, the ability to perform preventative maintenance without taking the system off-line, and an inventory of spare critical components which are maintained on site to ensure the required levels of service are met.

It is also important to ensure that equipment and technology is tested and upgraded frequently. Hamilton and CTI communicate frequently and review plans to ensure redundancy, including: replacing servers with ones that have lower power requirements, allowing for longer power if back-up power is needed; deploying new servers which allow for more robust

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<sup>48</sup> *Id.* § 64.604(b)(4).

monitoring to see any signs of trouble before it would affect call processing; and deploying all servers and core switching gear are on a SONET fiber ring at each location.

7. *Caller ID*

In compliance with Section 64.604(b)(6), whenever, in the course of processing an IP CTS call, Hamilton is able to transmit any calling party identifying information to the public network, Hamilton also passes through to the called party the 10-digit number of the calling party. If the number is not available, “Private Caller” is displayed.

**C. Compliance with Functional Standards – Internet Relay and IP CTS**

With respect to both Internet Relay and IP CTS, Hamilton complies with the functional standards set forth in Section 64.604, as follows.

1. *Consumer Complaint Logs*<sup>49</sup>

By July 1 each year, Hamilton submits an annual summary of its complaint logs, which cover Internet Relay, IP CTS and other relay services offered by Hamilton, and which indicate the number of complaints received for the 12-month period ending May 31. Hamilton will continue to do so.

2. *Contact Person*<sup>50</sup>

Interstate TRS providers and providers with state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints. Hamilton’s contact person information is on file with Commission. Please see Section IX below for additional information.

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<sup>49</sup> *Id.* § 64.604(c)(1).

<sup>50</sup> *Id.* § 64.604(c)(2).

### 3. *Outreach/Public Access to Information*<sup>51</sup>

Hamilton provides a community and business outreach program that educates all people about relay and CapTel services. This program goes beyond gaining customer feedback. Rather, this program educates and markets relay services (i.e. public awareness of 711, TRS, Internet Relay, CapTel and IP CTS) across the country. Hamilton performs outreach activities for all relay user communities via promotional events, presentations, workshops, and instructional seminars. Hamilton always adjusts its programs to meet the specific needs of every audience.

The outreach program Hamilton uses specifically targets individuals who are deaf, hard of hearing, late deafened, senior citizens, deaf-blind, and people who have difficulty speaking as well as their family and friends. Hamilton also targets voice users, businesses and professionals, trade shows, civic organizations, public schools and university students.

The Outreach programs Hamilton uses include media advertisements, demonstration of equipment and distribution of informational materials describing how to use Internet Relay and IP CTS. The Outreach Team presents relay information to organizations and groups, including relay user groups, meet with businesses, schools and other public and private entities (including libraries) to describe relay and how it works, and meets with individuals or groups of relay users to demonstrate equipment and answer questions. The Hamilton Outreach Team works with the elderly and people who have difficulty speaking to promote use of relay. Hamilton also uses public relations campaigns and uses media advertisements to expose relay to a broader audience of people throughout Hamilton.

Hamilton recognizes that in addition to the technology required to provide functionally equivalent relay services, outreach is fundamental. Hamilton believes that the combination of relay access and equipment training will in turn lead to empowered relay users.

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<sup>51</sup> *Id.* § 64.604(c)(3).

4. *Rates*<sup>52</sup>

Relay providers may not charge consumers rates for their services that are any greater than rates paid for functionally equivalent voice communications services. Hamilton complies with this requirement because Hamilton does not charge end users for Internet Relay or IP CTS.

5. *Data Collection and Audits*

On an annual basis, Hamilton provides the Interstate TRS Fund Administrator (“Administrator”) with true and adequate data in response to the Administrator’s data requests which are used to determine the TRS Fund revenue requirements and payments. Hamilton also provides call data to the Administrator, including speed of answer information with respect to Internet Relay.<sup>53</sup> Hamilton employs an automated record keeping system to capture such data for each relay call for which minutes are submitted. The automated system that Hamilton employs does not allow human intervention during the call session for either conversation or session time. The data captured by Hamilton’s automated system is submitted electronically to the Administrator.<sup>54</sup>

When submitting a request for compensation from the TRS Fund, Hamilton includes a certification, sworn under penalty of perjury by a Hamilton senior executive officer, that the data being submitted is true and accurate, and that the calls for which compensation is sought were handled in compliance with Section 225 of the Communications Act and the Commission’s rules and orders, and are not the result of impermissible financial incentives or payments to generate calls.<sup>55</sup>

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<sup>52</sup> *Id.* § 64.604(c)(4).

<sup>53</sup> *Id.* § 64.604(c)(5)(iii)(C)(1)-(3).

<sup>54</sup> *Id.* § 64.604(c)(5)(iii)(C)(4).

<sup>55</sup> *Id.* § 64.604(c)(5)(iii)(C)(5).

Hamilton acknowledges and accepts the authority of the Administrator and the Commission, including the Office of Inspector General, to examine and verify Hamilton's data as necessary to assure the accuracy and integrity of TRS Fund payments. Hamilton agrees to annual audits or at such other times as determined by the Commission, the Administrator or by an entity approved by the Commission for such purpose.<sup>56</sup>

Hamilton agrees to retain, for a minimum of five years, the data required to be submitted pursuant to Section 64.604(c)(5)(iii)(C), and all other call detail records, as well as records used to support claims for payment from the TRS Fund and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable.<sup>57</sup>

6. *Telecommunications Service Priority Program*

Although not required, Hamilton has voluntarily completed the process for enrolling all of its relay centers in the National Telecommunications Service Priority Program with a priority level assignment of 3. Hamilton's active participation in the TSP program requires local exchange carriers to restore service to the affected Hamilton Relay Center as quickly as possible, consistent with the priority status assigned to the center.

**IV. OTHER REQUIREMENTS**

**A. Information Filed with the Fund Administrator**

Hamilton has been providing, and affirms that it will continue to provide, certifications to the Interstate TRS Fund Administrator when submitting minutes to the Fund for compensation, in compliance with Section 64.604(c)(5)(iii)(I) of the Commission's rules.

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<sup>56</sup> *Id.* § 64.604(c)(5)(iii)(C)(6).

<sup>57</sup> *Id.* § 64.604(c)(5)(iii)(C)(7).

**B. Procedures for Suspension/Withholding of Payment**

Hamilton agrees to be bound by the procedures for suspending and withholding payments from the Interstate TRS Fund in accordance with Section 64.604(c)(5)(iii)(L) of the Commission's rules.

**C. Whistleblower Protections**

Hamilton complies with, and agrees to continue to comply with, the whistleblower protection requirements in Section 64.604(c)(5)(iii)(M) of the Commission's rules. Hamilton provides an accurate and complete description of the Commission's TRS whistleblower protections, including the right to notify the FCC's Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing. Hamilton's IPCTS subcontractor is also in compliance with this requirement. Hamilton's employee handbook includes an accurate and complete description of these TRS whistleblower protections, as shown in Attachment E hereto.

**D. On-Site Visits**

Hamilton consents to one or more on-site visits at Hamilton's or its subcontractor's premises as part of the Commission's application review process, in accordance with Section 64.606(a)(3) of the rules.

**E. Notification of Substantive Changes**

Hamilton is committed to providing notice to the Commission of any substantive changes to Hamilton's Internet Relay and/or IP CTS offerings within 60 days of the occurrence of any such changes, as required.<sup>58</sup> Hamilton will, at the time that such notification is made, also certify that Hamilton's Internet Relay and IP CTS offerings continue to meet minimum federal standards after implementing the substantive change.

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<sup>58</sup> *Id.* § 64.606(f)(2).

## **F. Registration and Numbering**

With respect to Internet Relay, Hamilton is in compliance with the Commission's iTRS registration and numbering rules, in accordance with Sections 64.611 and 64.613 of the rules.<sup>59</sup> Hamilton provides Internet Relay users with the capability to register with Hamilton as a "default provider," as defined by the Commission's rules, and distributes one or more locally-based 10-digit telephone numbers to users upon request. Hamilton routes and delivers all inbound and outbound calls to that number unless the user chooses to place a call with, or receive a call from, another relay provider.

As a default provider, Hamilton obtains current routing information, including IP addresses or domain names and user names from its registered iTRS users; provides such information to the iTRS database administrator; and maintains such information in Hamilton's internal databases and in the iTRS numbering database.

In the provision of Hamilton's Internet Relay service, Hamilton also takes steps as necessary to cease acquiring routing information from Internet Relay users that port their number to another VRS or Internet Relay provider or otherwise select a new default provider, and communicates with other iTRS providers to ensure that only the default provider provisions routing information to the central database. Hamilton is aware that it must query the iTRS numbering database in order to obtain accurate routing information for a particular user of Internet Relay.

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<sup>59</sup> This section does not apply to IP CTS. In 2008, the Commission recognized that "distinct technical and regulatory issues" are raised by IP CTS, and that the 10-digit numbering and registration requirements therefore would not apply to IP CTS. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11593 ¶ 1 n.5 (2008).

Hamilton does not assign or issue a proxy or alias for a NANP telephone number. Hamilton does not assign toll free numbers to an Internet Relay user. Nonetheless, in accordance with the Commission's rules, Hamilton will ensure that a user's toll free number that is associated with a geographically appropriate NANP number is associated with the same URI as that geographically appropriate NANP telephone number.<sup>60</sup> Hamilton does not distribute consumer premises equipment (CPE) at this time, and thus the requirements of Section 64.611(f) are not applicable.

Finally, Hamilton includes an advisory on its Internet Relay website and in Internet Relay promotional materials addressing numbering and E911 services for Internet Relay that addresses the process by which users may obtain ten-digit telephone numbers; the portability of ten-digit telephone numbers; the process by which users may submit, update, and confirm receipt of their registered location information; an explanation emphasizing the importance of maintaining accurate, up-to-date registered location information; the process by which a user may acquire a toll free number or transfer control of a toll free number from a VRS or Internet Relay provider to the user; and the process by which persons holding a toll free number request that the toll free number be linked to their ten-digit telephone number in the TRS Number Directory. A copy of Hamilton's Terms and Conditions, which includes this information, is attached hereto as Attachment F.<sup>61</sup> Hamilton obtains and keeps a record of affirmative acknowledgement by every registered iTRS user of having received and understood the advisory described above.

## **V. COMPLAINT PROCEDURES<sup>62</sup>**

Hamilton is committed to providing the highest quality relay services and superior customer service. Users may contact Hamilton's customer service regarding any questions or

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<sup>60</sup> See 47 C.F.R. § 64.613(a)(3).

<sup>61</sup> See Terms and Conditions, Section 6.

<sup>62</sup> See 47 C.F.R. § 64.606(a)(2)(iii).

complaints via a toll-free number (877-445-4563 V/TTY), via e-mail ([info@hamiltonrelay.com](mailto:info@hamiltonrelay.com)), through writing (Hamilton Relay, P.O. Box 285, Aurora, NE 68818) or via the Internet ([http://www.hamiltonrelay.com/internet\\_relay/contact/index.html](http://www.hamiltonrelay.com/internet_relay/contact/index.html)). All complaints are reviewed by the Relay Center Manager to ensure that any complaint has been resolved to the customers' satisfaction. Most customer service complaints are resolved by the Customer Service Team. If further action is needed, the complaint is escalated to Hamilton's Vice President of Relay. All complaints are resolved within 10 calendar days depending on the complexity of the problem. However, Hamilton attempts to respond to all customer inquiries within 24 hours. Hamilton employs all reasonable means to resolve a complaint.

To the extent that complaints are directed to the FCC rather than Hamilton, Hamilton is prepared to respond to those complaints as soon as they are brought to its attention.

Hamilton maintains a continuous log of consumer complaints received, with information concerning the date of the complaint, a description of the complaint, the resolution of the complaint, and the date the complaint was resolved. Hamilton compiles separate reports of complaints it receives concerning Internet Relay, IP CTS and other relay services, and files those reports on an annual basis with the Commission.

In addition, Hamilton makes available for users informational materials, on its website and elsewhere, which provide sufficient information about complaint procedures for users to know the proper procedures for filing complaints.<sup>63</sup> A copy of Hamilton's Terms and Conditions, which includes complaint procedure information, is attached hereto as Attachment E.<sup>64</sup>

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<sup>63</sup> See *id.* § 64.606(b)(2)(ii).

<sup>64</sup> See Terms and Conditions, Section 10.

## **VI. ANNUAL COMPLIANCE REPORTS**

Hamilton is committed to filing all required annual compliance reports demonstrating its continued compliance with the TRS rules.<sup>65</sup>

## **VII. ADDITIONAL DOCUMENTATION**

In further support of this application, Hamilton has provided a copy of its Systems Procedures manual, attached hereto as Attachment G, and a copy of its Training Manual, attached hereto as Attachment H.

## **VIII. DECLARATION**

In compliance with Section 64.606(a)(2)(v), the declaration of a senior executive officer of Hamilton is enclosed with this application.

## **IX. HAMILTON'S DESIGNATED AGENT**

Commission rules require each relay provider to designate an agent who is principally responsible for receiving complaints, inquiries, orders, decisions and notices from the FCC.<sup>66</sup> As the Commission's website reflects,<sup>67</sup> Hamilton's designated agent for such purposes is:

Dixie Ziegler, Vice President of Relay  
Hamilton Relay, Inc.  
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<sup>65</sup> 47 C.F.R. § 64.606(a)(2)(iv).

<sup>66</sup> *See id.* § 64.604(c)(6)(v)(A)(3).

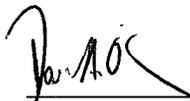
<sup>67</sup> FCC, TRS Providers, <http://www.fcc.gov/encyclopedia/trs-providers> (last visited Dec. 4, 2011).

**X. CONCLUSION**

For the reasons set forth above, Hamilton submits that it has satisfactorily demonstrated compliance with all requirements for federal certification of its Internet Relay and IP CTS offerings, and that the public interest would be served by a grant of this application by allowing the public to continue accessing the Hamilton relay services upon which they rely.

Respectfully submitted,

HAMILTON RELAY, INC.

By:   
\_\_\_\_\_  
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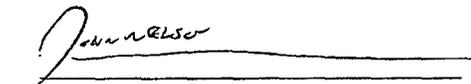
December 5, 2011

**DECLARATION OF JOHN NELSON, PRESIDENT  
OF HAMILTON RELAY, INC.**

In compliance with 47 C.F.R. § 64.606(a)(2)(v), I declare under penalty of perjury that I am John Nelson, President, an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

I hereby certify that neither Hamilton Relay, Inc. nor any affiliated party or person to the application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862; 47 C.F.R. § 1.2001.

Signed and dated this 5<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
John Nelson  
President  
Hamilton Relay, Inc.

**LIST OF REDACTED ATTACHMENTS**

Attachment A Biographies  
Attachment B Organizational Chart  
Attachment C Network Map  
Attachment D Disaster Recovery Plan  
Attachment E Whistleblower Notice  
Attachment F Terms and Conditions  
Attachment G Procedures Manual  
Attachment H Training Manual