

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

In the Matter of )  
)  
Consumer & Governmental Affairs Bureau Seeks To ) CG Docket No. 12-38  
Refresh the Record Regarding Misuse of Internet )  
Protocol Relay Service )  
)  
Telecommunication Relay Services and Speech-to- ) CG Docket No. 03-123  
Speech Services for Individuals with Hearing and )  
Speech Disabilities )

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

**COMMENTS OF HAMILTON RELAY, INC.**

Hamilton Relay, Inc. (“Hamilton”), by its counsel, hereby submits these comments in response to the *Public Notice* (“*Notice*”) released February 13, 2012 by the Consumer & Governmental Affairs Bureau (“Bureau”) in the above-captioned proceedings.<sup>1</sup> In the *Notice*, the Bureau seeks to refresh the record on several issues pertaining to misuse of Internet Relay service, including issues that were initially raised in the Commission’s May 8, 2006 *Further Notice of Proposed Rulemaking* (“2006 *FNPRM*”).<sup>2</sup>

Hamilton welcomes the opportunity to comment on this important issue. Although Hamilton was an early supporter of the 10-digit numbering registration system adopted by the Commission in 2008, in Hamilton’s experience the registration system has been unsuccessful in

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<sup>1</sup> *Consumer & Governmental Affairs Bureau Seeks To Refresh the Record Regarding Misuse of Internet Protocol Relay Service*, Public Notice, DA 12-208 (rel. Feb. 13, 2012) (“*Notice*”); see also *Comment Cycle Established for Comments to Refresh the Record Regarding Misuse of Internet Protocol Relay Service*, Public Notice, DA 12-308 (rel. Feb. 28, 2012).

<sup>2</sup> *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Relay Service and Video Relay Service*, CG Docket No. 03-123, Further Notice of Proposed Rulemaking, 21 FCC Rcd 5478 (2006) (“2006 *FNPRM*”).

filtering out all fraudulent users of the Internet Relay system. As set forth below, Hamilton believes that the adoption of mandatory minimum verification procedures, combined with several other modifications, have the potential to significantly improve the industry's efforts to combat Internet Relay misuse.

### **I. Hamilton Supports the Adoption of Mandatory Minimum Verification Procedures**

The Bureau has asked whether current measures to verify user registration information are effective in filtering out illegitimate users.<sup>3</sup> Hamilton believes that it has implemented strong verification procedures that deter the misuse of its relay system, by using third party vendors for validating newly registered user information.<sup>4</sup> Hamilton remains concerned, however, that not all providers have adopted as rigorous a validation system as Hamilton's, and thus there is the potential for a "race to the bottom" by which illegitimate users identify the provider with the least rigorous registration procedures. Once an illegitimate user is in the system, and has a ten-digit number registered in the iTRS database, that user is free to make dial-around calls using other providers' systems, including Hamilton's. Hamilton has no way of telling whether a dial-around caller is a legitimate user or not.

As a result, Hamilton supports the adoption of mandatory minimum verification standards. Certain of the procedures suggested by the Commission, such as the use of a postcard, do not work in a real-world situation, as the delay in processing such requests is extremely lengthy.<sup>5</sup> In addition, the use of in-person or on-camera registration is not practical for text-

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<sup>3</sup> *Notice at 5.*

<sup>4</sup> *See Hamilton ex parte letter, CG Docket Nos. 03-123, 10-51 (filed Feb. 17, 2011) (detailing Hamilton's verification procedures).*

<sup>5</sup> As noted below in Section II, to the extent that "guest access" is limited, a more instantaneous validation system will help ensure that newly registered users are not locked out of the system for extended periods.

based services such as Internet Relay. Instead of these procedures, Hamilton would support a requirement that all providers utilize an independent third-party vendor to verify a new user's registration information, in a manner which cross-checks the registration information with publicly available records. As a secondary method of screening, Hamilton would support a requirement that providers contact their 911 subcontractor to confirm that the physical address provided by the user can be validated.<sup>6</sup> In Hamilton's experience, the vast majority of all illegitimate users can be successfully screened in this manner.

If the user's identify and/or location information cannot be verified, the burden should switch to the user to provide documented verification of that information. However, the burden should in the first instance be on the provider to validate the user's information via third party resources.

Hamilton believes that any decision to adopt a Lifeline-like validation procedure would place too many burdens on the disabilities community. As long as all providers are held to the same mandatory minimum verification standards,<sup>7</sup> the Commission would not need to impose additional burdens on Internet Relay users. In any event, under the procedures set forth above, Internet Relay users would be obligated to prove their eligibility if they do not pass initial screenings.

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<sup>6</sup> The Commission should approve each provider's initial selection of third party vendors. Going forward, these vendors could be approved as part of the certification (or re-certification) process, and providers would need to notify the Commission of any change in vendors under the existing "substantive change" procedures.

<sup>7</sup> To the extent that mandatory minimum verification standards are adopted, they would be applicable to all certified Internet Relay providers, and thus the Commission would have a built-in enforcement mechanism to ensure compliance with those standards. If a provider fails to comply with those standards, the matter can be addressed in the re-certification and/or audit process.

## **II. Newly Registered Users Should be Prohibited from Using the System for Any Non-Emergency Purpose Until They Have Been Verified as Legitimate Users**

Under current requirements, a newly registered user must be given “guest access” immediately, even if the provider has not completed the validation process.<sup>8</sup> Hamilton believes that automatic guest access may be a significant contributing factor to Internet Relay misuse because, under this requirement, no amount of pre-screening will prevent a fraudulent user from having access to the system for multiple hours or perhaps days. Any potential benefit of immediate access to legitimate users is simply outweighed by the by potential for fraudulent use. Moreover, the vast majority of legitimate users have already been registered, and the pool of potentially affected users is quite small in context. For these reasons, Hamilton believes that the Commission should prohibit all guest access except for emergency calls, and that access should be restricted until the user has been validated and registered in the system.

## **III. Current Users Should Be Re-validated Annually**

The Bureau also has asked whether Internet Relay providers should be required to re-validate existing users if specific user validation procedures are adopted.<sup>9</sup> Hamilton believes that the majority of misuse is caused by illegitimate users who are already “in the system,” and therefore any new validation procedures must apply to all users. Hamilton supports a requirement that users re-validate their registration information on an annual basis. An annual re-validation process would strike an appropriate balance between the Commission’s legitimate

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<sup>8</sup> *Notice* at 6.

<sup>9</sup> *Id.*

goal of eliminating fraud and the burden placed on users to re-validate their registration information.<sup>10</sup>

#### **IV. CA Discretion Would Likely Violate the Communications Act and Would Provide CAs with Inappropriate Discretion to Make Subjective Decisions**

The Bureau has asked whether providers and their Communications Assistants (CAs) should be given the discretion to determine, on a case-by-case basis, that a call is not a legitimate TRS call, and to block, terminate, or refuse to handle the non-TRS call.<sup>11</sup>

For the reasons noted in Hamilton's comments in response to the 2006 *FNPRM*, Hamilton continues to believe that the Commission is statutorily prohibited from granting CAs the discretion to intentionally alter a relayed conversation.<sup>12</sup> The prohibition of intentional alterations of a relay call would appear to extend to any subjective (and potentially discriminatory) decision by a CA to terminate a TRS call.<sup>13</sup> In contrast, a TRS provider's efforts to validate a user, and to block invalid users, would not be prohibited by statute because it would not "alter" a call but would rather block the call from ever occurring. Moreover, a provider's validation procedures can be applied in an objective, neutral manner, thus avoiding any potential for subjective, case-by-case decisions by CAs.

In any event, Hamilton believes that it would be unnecessary to provide CAs with such discretion if the mandatory minimum validation procedures described above are adopted.

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<sup>10</sup> Any costs related to re-validation should be recovered through the rate-setting process on an annual basis.

<sup>11</sup> *Notice* at 6.

<sup>12</sup> *See* Hamilton Comments, at 2-4 (filed July 6, 2006) (citing 47 U.S.C. § 225(d)(1)(F)) ("Hamilton Comments"); *see also* AT&T comments, at 5-7 (filed July 3, 2006).

<sup>13</sup> In addition, any decision to provide CAs with unfettered discretion to terminate or block Internet Relay calls could transform the role of a CA from transparent conduit to police officer, with authority to terminate calls that the CA believes to be illegal, immoral or distasteful. *See* Hamilton Comments at 3.

**V. The Use of Geolocation May Not Identify International Calls and Is Otherwise Impractical**

The *Notice* acknowledges that Internet Relay misuse may occur from international points, and asks whether advanced call tracking mechanisms, such as geolocation systems, could assist in determining call origin.<sup>14</sup> In Hamilton’s experience, geolocation determinations are often very difficult when a proxy server is being used. For example, an individual in Nigeria can connect to someone in the United States and then send out a request for an Internet Relay call. Geolocation would not work in this instance because it would not recognize the call as international. It appears that the only way to successfully implement geolocation methods would be to mandate approved Internet Relay devices that include geolocation capabilities, including GPS. However, such a mandate would vastly reduce the number of available access points and devices that could be used by Internet Relay users. Reducing the availability of ubiquitous access points and devices would place severe limitations on consumers and thus, measured against other reforms that can be adopted without burdening consumers, would not serve the public interest.

**VI. Documenting Illegitimate Internet Relay Calls Would Not Be Required if Other Measures Are Adopted**

As the Bureau notes, the Commission’s rules prohibit CAs from keeping records of the content of any conversation beyond the duration of the call.<sup>15</sup> The *Notice* asks whether documentation of suspected illegitimate calls should be maintained by providers and submitted to the Commission. For the reasons set forth above in Section IV, Hamilton opposes the proposal to allow CAs to document suspected calls or otherwise interrupt their role as a transparent conduit. Similarly, Hamilton opposes any requirement to advise the Commission of

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<sup>14</sup> *Notice* at 7.

<sup>15</sup> *Id.*

supposedly illegitimate calls because it would require providers to retain documentation beyond the duration of a relay call and thus violate Section 225. Hamilton believes that the alternative mechanisms supported by Hamilton herein will sufficiently deter fraud without interposing CAs into a subjective role or imposing additional reporting duties on providers.

## **VII. Hamilton Supports the Use of a Third Party Database for Per-Call Authentication**

The *Notice* raises two additional validation methods that Hamilton supports. First, the *Notice* asks whether a common resource, such as a third party database, would enable providers to authenticate dial-around callers more effectively. Second, the *Notice* asks whether more rigorous per-call authentication would address any vulnerabilities to IP address spoofing.<sup>16</sup> Hamilton believes that the iTRS database administrator is ideally suited to allow providers to share with other providers any illegitimate iTRS call information.<sup>17</sup> Thus, when a provider receives a dial-around call, the provider would first dip the database to confirm that the number is legitimate before processing the call. The addition of this step would not result in any significant increase in call completion (the database must be dipped anyway), and would help providers share information in real time about potentially fraudulent numbers.

## **VIII. There Are No Viable Alternatives to Internet Relay for Some Users**

Finally, the Bureau asks whether Internet Relay is filling a need that is not met by other forms of relay or other text-based services. Hamilton believes that Internet Relay continues to be a valid and important choice for some relay users. The convenience of text-to-voice communications is beneficial to many users, and this functionality is not available from VRS, traditional relay, or captioned telephone services. Each form of relay serves a particular need for

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<sup>16</sup> *Id.*

<sup>17</sup> Presumably an extra field could be added to the iTRS database for this purpose.

a discrete set of relay users. Nor is text-to-text a suitable alternative to Internet Relay in all cases. For example, communications between a relay user and a doctor's office are simplified through the use of Internet Relay, but text-to-text with a doctor's office may be impractical or not even an option. In short, Hamilton believes that Internet Relay serves an important role in the relay ecosystem, and the relay user should have the option of choosing the best relay option to serve his or her particular needs.

Respectfully submitted,

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