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February 28, 2013

ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

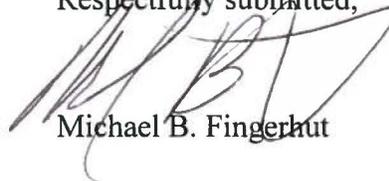
Re: EX PARTE PRESENTATION: In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service, CG Docket No. 13-24; Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123

Dear Ms. Dortch:

On February 26, 2013 representatives from Captel Inc., Hamilton Relay, and Sprint (jointly the "IP CTS Providers") met with staff of the FCC's Consumer and Governmental Affairs Bureau (CGB) to provide the staff with a progress report on how the IP CTS Providers were implementing the interim requirements adopted in the *Order and Notice of Proposed Rulemaking*, FCC 13-13 issued January 25, 2013 in the above-referenced dockets. Attending the meeting on behalf of Captel were Rob Engelke, President, Captel, Jayne Turner, Vice President, Captel, Kevin Colwell, Vice President, Engineering, Ultratec Inc., Tim Engelke, Counsel for Captel Communications, Inc. Attending the meeting on behalf of Hamilton were Dixie Ziegler, Vice President, Hamilton Relay and David O'Connor of Wilkinson, Barker and Knauer LLP, Counsel for Hamilton. Attending the meeting on behalf of Sprint were Dennis Selznick, Captel Business Innovations Manager (by phone), Mark Seeger, Customer Relations Manager (by phone) and the undersigned. Barbara Dreyfus of Weitbrecht Communications, Captel's Equipment Provider also participated in the meeting by phone. The CGB staff who attended the meeting were Kris Monteith, Acting Bureau Chief, Karen Peltz-Strauss, Deputy Bureau Chief, Robert Aldrich, Legal Advisor to the Bureau Chief, Greg Hlibok, Chief, Disabilities Rights Division, Eliot Greenwald and Elaine Gardner. The matters discussed were as set forth in the attached.

If you have any questions, please contact me.

Respectfully submitted,



Michael B. Fingerhut

Enclosures

cc: Kris Monteith (by email: Kris.Monteith@fcc.gov)
Karen Peltz-Strauss (by email: Karen.Strauss@fcc.gov)
Robert Aldrich (by email: Robert.Aldrich@fcc.gov)
Gregory Hlibok (by email: Gregory.Hlibok@fcc.gov)
Eliot Greenwald (by email: Eliot.Greenwald@fcc.gov)
Elaine Gardner (by email: Elaine.Gardner@fcc.gov)

IP CTS Order

February 26, 2013
Washington DC



CapTel Team Participants

Rob Engelke

President, CapTel, Inc.

Jayne Turner

Vice President, CapTel, Inc.

Kevin Colwell

Vice President, Engineering, Ultratec, Inc.

Tim Engelke

In-House Counsel, CapTel, Inc.

Dixie Ziegler

Vice President, Hamilton Relay, Inc.

David O'Connor

Hamilton Relay Legal Counsel

Dennis Selznick

CapTel Business Innovations Mgr, Sprint, Inc.

Mark Seeger

Customer Relations Manager, Sprint, Inc.

Mike Fingerhut

Senior Counsel Government Affairs, Sprint, Inc.



Agenda

- **Review IP Captel Providers Compliance with the FCC IP CTS Order**
 1. No Referral or Rewards Programs
 2. Register Each New IP CTS User
 3. Default Setting of Captions Off
- **Questions About IP Captel Providers Methods**

Prohibit Referrals and Rewards Programs

- (1) “prohibiting all referrals for rewards programs ... and any other form of direct or indirect inducements, financial or otherwise, to subscribe to or use, or encourage subscription to or use of”

CapTel Providers Compliance

Review compensation plans to ensure there are no “per user” incentives.

New User Registration

- 2) “requiring each IP CTS provider, in order to be eligible for compensation from the Fund for providing service to new IP CTS users, (i) to register each new IP CTS user”

Captel Providers Compliance

All new IP Captel users will be required to register before they can use the service.

New User Registration

- 2) “(ii) as part of the registration process, to obtain from each user a self-certification that the user has a hearing loss that necessitates IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users”

Captel Providers Compliance

New IP Captel Users will be required to provide their Name, Address, and Telephone Number

New User Registration

Captel Providers Compliance

Registration will be done electronically

New users and customer agents will use special web pages to enter the User's Name, Address, and Telephone Number.

Captel will store user registration information in a secure database.

New User Certification

2) “(ii) as part of the registration process...”

Captel Providers Compliance

New IP Captel Users will be required to certify that they;

(A) Have a hearing loss that necessitates IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users;

(B) They understand that the captioning service is provided by a live communications assistant;

(C) They understand that the cost of the IP CTS calls is funded by the TRS Fund.

New User Registration

Captel Providers Compliance

During the installation of a new IP Captel phone new Users will be required to confirm their User Registration information is correct and and to read and accept the three FCC required statements.

New User Registration

Captel Providers Compliance

As part of IP Captel Phone Install

IP Captel phone will display the user's Name, Address, and Telephone Number and ask user to confirm the registration information is correct.

User can press the YES or the NO button

New User Certification

Captel Providers Compliance

As part of IP Captel Phone Install

IP Captel phone will display the three FCC required certification statements and ask user to agree to the certification terms.

User can press the YES or the NO button

New User Registration

Captel Providers Compliance

Captel platform will store user registration and certification information in a secure database along with;

- Date and Time of registration

- ESN of IP Captel phone

- IP Address used to register

New User Registration

- A new IP Captel phone will not place or receive captioned calls* until a completed User Registration and Certification are on file.

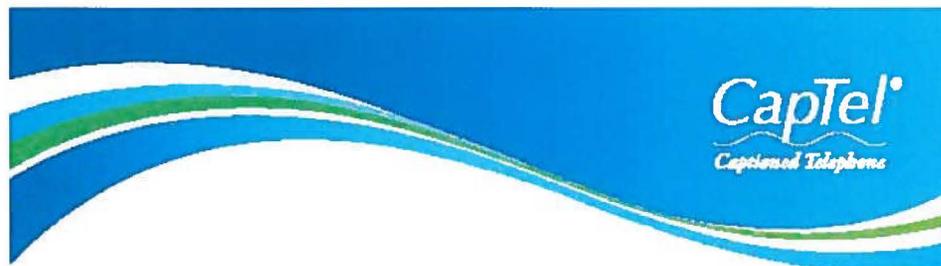
*Calls to Captel Customer Service and 911 will be allowed.

Government Program New User Certification

- 2) “(iii) where the consumer accepts IP CTS equipment at a price below \$75 from any source other than a governmental program, to also obtain from the user a certification from an independent, third party professional attesting to the same”

Captel Providers Compliance

When IP CTS equipment is provided by a Governmental Equipment Distribution Program (EDP), require a statement from the EDP.



Equipment Distribution Program CapTel Registration Record

(Please Print)

Program Recipient: _____

Name: _____

Address: _____

Telephone Number: _____

_____ verifies that the recipient listed above
(Name of Equipment Program)
qualifies as an appropriate user of IP-CTS service based on his/her hearing loss and
any other screening criteria as determined by the Equipment Distribution Program.

Equipment Program Representative - Signature

Date

CapTel model: _____ **Distributed on:** (date) _____

ESN: (located on back of CapTel phone) _____

Please forward completed form to CapTel Customer Service:

By Email: Service@CapTel.com
By Fax: (608) 204-6167
By Mail: Customer Service
CapTel, Inc.
450 Science Drive
Madison, Wisconsin 53711

IP CTS Order

- 2) “(iii) where the consumer accepts IP CTS equipment at a price below \$75 from any source other than a governmental program, to also obtain from the user a certification from an independent, third party professional attesting to the same”

Captel Providers Compliance

When IP CTS equipment is provided at less than \$75, (and not from an EDP) require a Third-Party Certification.

Third Party Certification of Eligibility for IP CapTel Service



INSTRUCTIONS

Under Federal Communications Commission (FCC) rules, applicants seeking to obtain Internet Protocol Captioned Telephone Service (IP-CTS) equipment for less than \$75 must obtain independent third-party certification of the applicant's hearing loss and need to use the IP-CTS service in order to be able to communicate via telephone in a functionally equivalent way.

This certification must be signed by a third-party professional who is qualified to evaluate an individual's hearing loss in accordance with applicable professional standards, and may include community-based social service providers, hearing related professionals, vocational rehabilitation counselors, occupational therapists, social workers, educators, audiologists, speech pathologists, hearing instrument specialists, doctors, nurses and other medical or health professionals.

In order to provide you with an IP-CTS phone and service, please have a third-party professional as described in the above paragraph, complete this form, or provide a statement on his or her letterhead that includes the same information, then submit your certification to CapTel, Inc. at the address listed below.

By Email: Service@CapTel.com
 By Fax: (608) 204-6167
 By Mail: Customer Service
 CapTel, Inc.
 450 Science Drive
 Madison, Wisconsin 53711

If you have any questions, please contact CapTel Customer Service at (888) 269-7477 or via email (above).

Applicant's Name (Please print): _____

Applicant's Address (Please print): _____

Applicant's Telephone Number: _____

Certifying Professional (Please print)

Name: _____

Title: _____

Address: _____

Telephone Number: _____

E-mail Address: _____

I certify that, in my professional opinion, the applicant is an individual with hearing loss who needs Internet Protocol Captioned Telephone Service (IP-CTS) to communicate in a manner that is functionally equivalent to conventional voice telephone service experienced by people without hearing disabilities.

Signature _____

Date _____

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Captions Default to OFF

- 3) “requiring IP CTS providers to ensure that equipment and software used in conjunction with their service have a default setting of captions off at the beginning of each call, so that the consumer must take an affirmative step to turn on the captions each time the consumer wishes to use IP CTS.”

Captel Providers Compliance

Requires updating the software for all IP Captel phones in use.

Captions Default to OFF

- 3) "... a default setting of captions off at the beginning of each call..."

Captel Providers Compliance

For each type of IP Captel Phone, update software to;

- Turn Captions Off at the end of each call
- Remove any option for a user to change this setting
- Change Answering Machine functionality

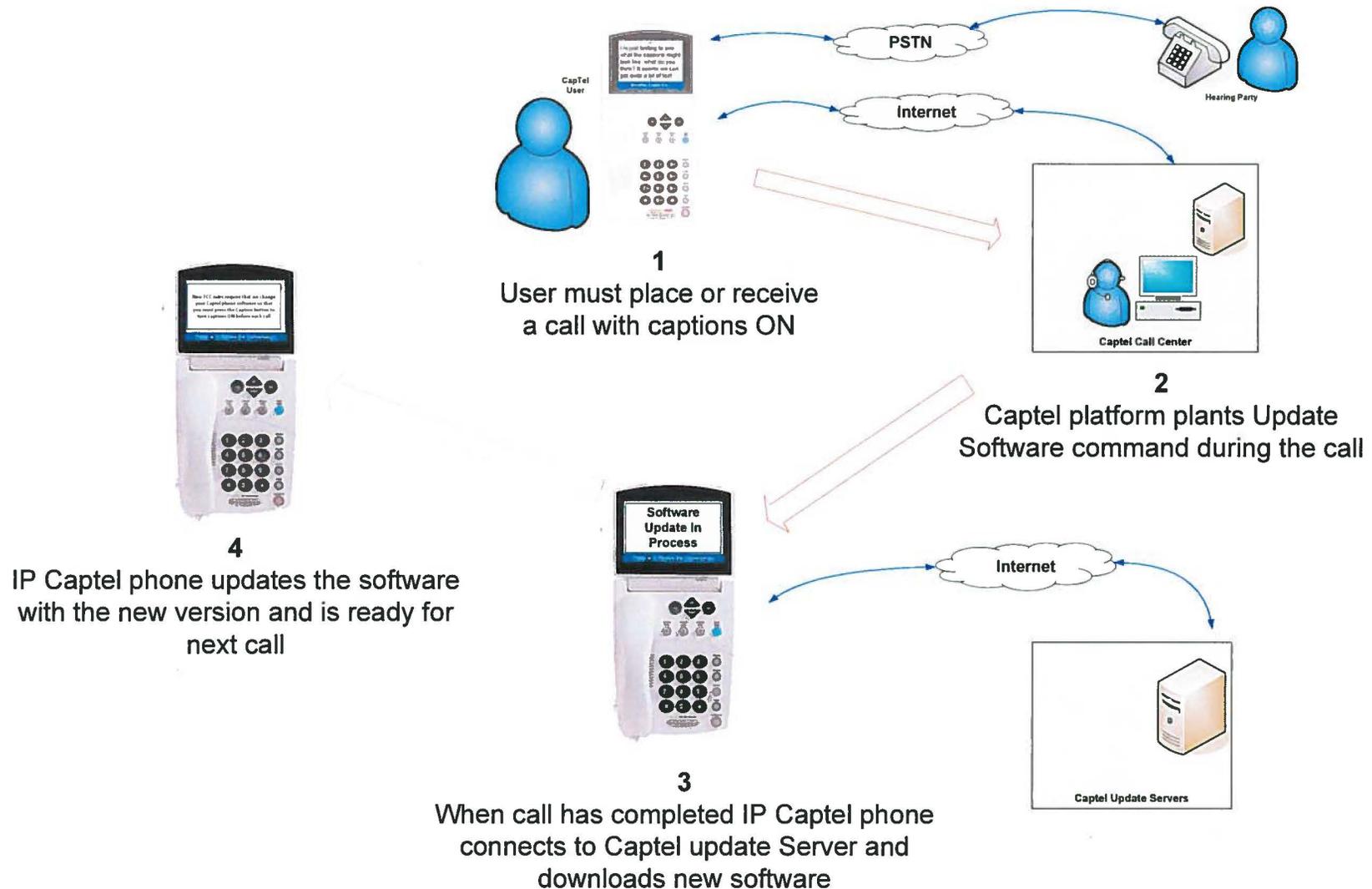
Captions Default to OFF

- 3) “... a default setting of captions off at the beginning of each call...”

Captel Providers Compliance

In all cases the IP Captel phone user will need to manually press the Captions Button as an affirmative step to caption a telephone call or telephone message.

IP CapTel Phone Software Update Process



Updating IP Captel Phone Software

- Many users only place an occasional call
- Many people will not use their IP Captel phone until after the March 7th deadline for the Captions Off Order
- User must place or receive a call with captions ON to plant the Update Software command

Limited Waiver for Default Captions to Off

- CTI will begin software update in advance of the emergency order deadline
- Some users will not place calls until after the deadline and therefore cannot be updated before the deadline

Limited Waiver for Default Captions to Off

- IP Captel providers request a limited waiver to allow all active IP Captel phones to receive the software update
 - IP Captel providers request that users be allowed to place a call with captions (typically 1) for the purpose of receiving the update
 - IP Captel providers request that these calls be considered compensable

Questions?

Thank you for attending!

