

WILKINSON ) BARKER ) KNAUER ) LLP

2300 N STREET, NW  
SUITE 700  
WASHINGTON, DC 20037  
TEL 202.783.4141  
FAX 202.783.5851  
www.wbklaw.com  
David A. O'Connor  
202-383-3429  
doconnor@wbklaw.com

July 11, 2013

VIA ECFS

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

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

Dear Ms. Dortch:

Transmitted herewith, on behalf of Hamilton Relay, Inc. ("Hamilton"), is a third amendment to Hamilton's December 5, 2011 application for certification as a provider of Internet Relay services and Internet Protocol Captioned Telephone services.

Should you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP



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

Enclosure

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

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

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

**THIRD AMENDMENT TO APPLICATION OF HAMILTON  
RELAY, INC. FOR 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 1.65 of the Commission’s rules, hereby submits this third amendment to its December 5, 2011 application (the “Application”) for federal certification as a provider of Internet Relay services (“Internet Relay”) and Internet Protocol Captioned Telephone Services (“IP CTS”). By this amendment, Hamilton is providing updated information concerning various aspects of the Application, as follows.

**Cessation of Internet Relay Services**

Hamilton ceased offering Internet Relay services on May 15, 2013. The Commission was provided notice of this substantive change in service in conformance with Section 64.606(f) of the Commission’s rules, 47 C.F.R. § 64.606(f).

As a result of this cessation of service, Hamilton respectfully withdraws its request for federal certification as a provider of Internet Relay Services.<sup>1</sup> Hamilton continues to seek federal certification as a provider of IP CTS pursuant to this Application, as amended.

### **Compliance with the Interim IP CTS Rules**

On January 25, 2013, the Commission adopted new interim IP CTS rules requiring, among other things, that the captions feature on IP CTS phones be defaulted to off.<sup>2</sup> Hamilton confirms that it is in compliance with the interim IP CTS rules, subject to the limited waiver that the Consumer & Governmental Affairs Bureau issued to Hamilton on May 9, 2013.<sup>3</sup>

### **Update to Section III.B.3 of the Application**

Although the requirement to process pay-per-call services has been waived for IP CTS providers, Hamilton wishes to clarify that its IP CTS platform can process 900 and other pay-per-call services under certain circumstances. Specifically, except for IP CTS calls originating from or terminating to a web-based or mobile form of IP CTS, pay-per-call IP CTS calls can be processed by Hamilton because any charges that apply will be billed to the IP CTS user (or the calling party, as applicable) by the calling party's local or interexchange carrier.<sup>4</sup>

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<sup>1</sup> Consequently, Hamilton requests that its Application henceforth be referred to as "Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Services."

<sup>2</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703 (rel. Jan. 25, 2013), *petition for review docketed* sub nom. *Sorenson Comm'ns Inc. v. FCC*, Case No. 13-1122 (D.C. Cir. Apr. 8, 2013).

<sup>3</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 28 FCC Rcd 6454 (CGB rel. May 9, 2013).

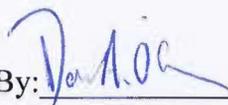
<sup>4</sup> To the extent necessary, Hamilton hereby clarifies its April 16, 2013 waiver report to acknowledge that pay-per-call IP CTS services can be processed by Hamilton except on its web or mobile IP CTS platforms. As noted in Hamilton's waiver report, however, the 2012 waiver

**Conclusion**

For the reasons set forth above and in the Application, as amended, Hamilton submits that it has satisfactorily demonstrated compliance with all requirements for federal certification of its IP CTS offering, and that the public interest would be served by a grant of the Application.

Respectfully submitted,

HAMILTON RELAY, INC.

By:  \_\_\_\_\_

David A. O'Connor  
Wilkinson Barker Knauer, LLP  
2300 N Street, NW, Suite 700  
Washington, DC 20037  
Tel: 202.783.4141  
E-mail: doconnor@wbklaw.com  
Its Counsel

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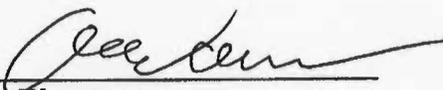
order does not specifically require IP CTS providers to address the waivers that have been indefinitely issued to IP CTS providers.

**DECLARATION OF GARY WARREN, ASSISTANT SECRETARY  
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 Gary Warren, Assistant Secretary, an officer of the above-named applicant, and that I have examined the foregoing Third Amendment to the applicant's pending December 5, 2011 application, 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 10th day of July, 2013.

  
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Gary Warren  
Assistant Secretary  
Hamilton Relay, Inc.