

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Structure and Practices 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
)	
Petition of Purple Communications, Inc. Regarding the Provision of Both Inbound and Outbound Functionality for Internet Protocol Captioned Telephone Services)	
)	

To: The Commission

COMMENTS OF HAMILTON RELAY, INC.

Hamilton Relay, Inc. (“Hamilton”), by its counsel, hereby submits these comments in response to the *Public Notice* concerning a July 8, 2013 petition (the “Petition”) filed by Purple Communications, Inc.¹ In the Petition, Purple seeks clarification, reconsideration or waiver of one narrow aspect of the Commission’s June 10, 2013 *Order* that Purple suggests impacts web and wireless Internet Protocol Captioned Telephone (“IP CTS”) services.² Purple specifically asks the Commission to clarify that Footnote 122 of the *Order*, which states that “[c]alls that are completed using a technology that does not provide both inbound and outbound functionality are

¹ *Request for Comment on Petition Filed by Purple Communications, Inc. Regarding the Provision of Both Inbound and Outbound Functionality for Internet Protocol Captioned Telephone Services*, Public Notice, DA 13-1814 (rel. Aug. 27, 2013) (“*Public Notice*”); 78 Fed. Reg. 55,696 (Sept. 11, 2013) (establishing September 26, 2013 as the deadline for submitting comments in this proceeding); *see also* Purple Communications, Inc., *Petition of Purple Communications, Inc. for Expedited Clarification or Partial Reconsideration or, Alternatively, a Waiver*, CG Docket Nos. 03-123 and 10-51 (filed July 8, 2013) (“*Petition*”).

² *Petition at 1* (citing *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-82 (rel. June 10, 2013) (“*Order*”)).

not compensable from the TRS Fund,” does not apply when users access IP CTS through web and wireless services. In the absence of such a clarification, Purple suggests that it and other IP CTS providers “will be forced to shut off IP CTS service provided via web or wireless technologies because there is no technology currently available that allows inbound IP CTS calls over web or wireless technologies to be captioned without some intermediary step such as a separate 10-digit number for this specific function.”³ Hamilton appreciates the opportunity to comment on this issue.

I. The Context of the *Order* Makes Clear that the Language in Footnote 122 Does Not Apply to IP CTS

As an initial matter, Hamilton believes that the language in Footnote 122 does not apply to IP CTS – rather, it applies only to Video Relay Services (“VRS”) and Internet Protocol Relay services (“IP Relay”). The Commission was very careful in the *Order* to clarify when a particular rule or provision applied not only to VRS but to other forms of Internet-based relay services as well. Based on Hamilton’s review, the only portions of the *Order* that specifically apply to IP CTS providers are the new Customer Proprietary Network Information (“CPNI”) rules.⁴

In contrast, the discussion surrounding Footnote 122 is applicable to VRS and IP Relay only. The footnote appears in a subsection entitled “Interoperability and Portability Requirements.”⁵ The Commission has never suggested that interoperability and number portability requirements apply to IP CTS. Indeed, because IP CTS is not part of the mandatory user registration process and iTRS numbering database system (and does not need to be, as

³ Petition at 1-2.

⁴ 47 C.F.R. §§ 64.5101-64.5111; *Order* ¶¶ 164-169.

⁵ *Order* Part II.C.

Hamilton has explained in other comments),⁶ the entire discussion in Part II.C regarding interoperability and number portability is inapplicable to IP CTS.

Moreover, in Paragraph 45 of the *Order*, which is the paragraph immediately preceding the paragraph in which Footnote 122 appears, the discussion is limited to “VRS access technology” and “IP Relay access technology.”⁷ There is no discussion of “IP CTS access technology,” nor should there have been given the context of Part II.C.

Finally, the Commission concludes in Paragraph 46, two sentences after Footnote 122, that “[g]iven the differential treatment of VRS and IP Relay, we further adopt the proposal to refer separately to iTRS access technology as ‘VRS access technology’ and ‘IP Relay access technology’ where appropriate, but decline to further disaggregate iTRS access technology into further sub-categories of iTRS access technology at this time.”⁸ Hamilton believes it is clear from this context that the language in Part II.C, including the language in Footnote 122, applies only to VRS and IP Relay.

Hamilton agrees, however, that there is a potential for confusion by the use of the term “iTRS access technology” given that the term “iTRS” can include IP CTS in some contexts, and can be limited to VRS and IP Relay only in other contexts (as is the case in Part II.C). Hamilton suggests that the Commission avoid the use of iTRS in future unless it is clear from the context that all three forms of Internet-based relay – VRS, IP Relay, and IP CTS – are intended to be covered.

⁶ See Comments of Hamilton Relay, Inc., CG Docket Nos. 10-51, 03-123, at 6-7 (filed Aug. 19, 2013).

⁷ *Order* ¶ 45.

⁸ *Id.* ¶ 46.

II. Hamilton Provides Inbound and Outbound Functionality for Web and Wireless IP CTS Users

Regardless of the inapplicability of Part II.C to IP CTS, Hamilton believes that inbound and outbound functionality for web and wireless IP CTS user is feasible, and Hamilton provides such capabilities to its users.⁹ Whether Hamilton uses a different method for captioning *inbound* IP CTS calls than it uses for captioning *outbound* IP CTS calls¹⁰ is not relevant to the compensability of such calls, as long as Hamilton captions the calls as required. Hamilton is unaware of any Commission requirement that IP CTS providers use uniform methods to provide such captioning, and any such requirement would likely be untenable. Moreover, as shown above, the language cited by Purple in Footnote 122 of the *Order* is not applicable to IP CTS.

III. Conclusion

For the reasons set forth above, Hamilton believes that Purple's request for clarification, reconsideration or waiver of the requirements set forth in Footnote 122 is technically not required, because the language in Footnote 122 is inapplicable to IP CTS. In addition, Hamilton is capable of captioning inbound and outbound web and wireless IP CTS calls, albeit with slightly different technologies. Finally, Hamilton encourages the Commission to avoid the use

⁹ Hamilton's users can choose to do so through a specific telephone number that can be obtained through Hamilton or via a toll-free number provided free of charge to users by Hamilton.

¹⁰ See Ex Parte filing of Purple Communications, Inc., CG Docket Nos. 10-51, 03-123, at 2 (filed Aug. 23, 2013).

of the term “iTRS” to avoid confusion in future, unless it is clear from the context that the term is being used to cover all three forms of Internet-based relay services.

Respectfully submitted,

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