



1200 18TH STREET, NW
WASHINGTON, DC 20036

TEL 202.730.1300 FAX 202.730.1301
WWW. WILTSHIREGRANNIS.COM

ATTORNEYS AT LAW

October 1, 2013

**REDACTED VERSION VIA ECFS,
CONFIDENTIAL VERSION VIA HAND DELIVERY**

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

CONFIDENTIAL AND REDACTED VERSIONS BY EMAIL

Gregory Hlibok
Chief, Disability Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

CONFIDENTIAL AND REDACTED VERSIONS BY EMAIL

Dave Rolka
Rolka Loube Saltzer Associates
DRolka@r-l-s-a.com

**Re: Submission of Additional Justification for Compensable Telecommunications
Relay Service Calls Pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(L)(2)**

Request for Confidential Treatment Pursuant to 47 C.F.R. §§ 0.457, 0.459

**Telecommunications Relay Service and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123**

Pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(L)(2), Sorenson Communications, Inc. and its wholly owned subsidiary CaptionCall, LLC (collectively “CaptionCall”) hereby provide justification for their position that certain calls as to which Rolka Loube Saltzer Associates (“RLSA”) withholds support are properly compensable.

On September 6, 2013, CaptionCall submitted a letter seeking reversal of RLSA’s July 8, 2013, decision to withhold compensation for all April 2013 minutes of use associated with internet protocol captioned telephone service (“IP CTS”) calls where the calling party’s ten-digit

number is the same as the called party's ten-digit number.¹ On August 2, 2013, RLSA again withheld compensation for minutes of use associated with such calls (the "August Determination") during May 2013.² CaptionCall seeks reversal of the August Determination, and incorporates the reasoning and analysis set forth in the Justification Letter, as though fully set forth herein.

CaptionCall, through counsel, is continuing its attempt to resolve this issue informally. However, with the filing deadline approaching, CaptionCall, to preserve its rights pending further discussion with the Administrator, formally submits this additional justification for payment provided pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(L)(2).³ CaptionCall requests that the Commission and RLSA reevaluate and reverse RLSA's Determination as applied to calls where the calling party's ten-digit number is the same as the called party's ten-digit number, and that RLSA compensate CaptionCall for all such calls in the future.

* * *

CaptionCall requests pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, that the Commission withhold from any future public inspection and accord confidential treatment to (a) information related to CaptionCall's compensation and minutes-of-use data, and (b) email addresses that are not publicly available (together, the "Confidential Information"). The Confidential Information—which appears only in Exhibits A and G—has been removed from the redacted version of this filing. The redacted information could, if disclosed, reveal highly confidential information to CaptionCall's competitors and jeopardize the privacy interests of CaptionCall and Sorenson employees.

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, Sorenson hereby states as follows:

1. Identification of the Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))

CaptionCall seeks confidential treatment with respect to the Confidential Information—which has been redacted from the public version of this filing.

¹ See Letter from John T. Nakahata, counsel for CaptionCall, to Marlene H. Dortch, Secretary, FCC, Gregory Hlibok, Chief, Disability Rights Office, FCC, and Dave Rolka, RLSA, CG Docket No. 03-123 (Sept. 6, 2013) ("Justification Letter").

² See Notification of Sorenson IP CTS Compensation Withholding (Aug. 2, 2013) (attached as Exhibit A).

³ The regulation states that a submission of "additional justification for payment" must be submitted within two months of the date on which the Fund administrator notifies the provider that compensation will be withheld. 47 C.F.R. § 64.604(c)(5)(iii)(L)(2). The deadline for this submission is therefore two months after August 2, 2013.

2. Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

CaptionCall is submitting this filing to provide additional justification to the TRS Fund Administrator and the FCC pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(L)(2).

3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))

CaptionCall's compensation and minutes-of-use data constitutes highly sensitive business information, the disclosure of which could cause substantial competitive harm to CaptionCall. The email addresses that are not publicly available merit confidential treatment because they constitute personally identifiable information that could, if disclosed, jeopardize the safety of CaptionCall and Sorenson employees. Disclosure of this information would result in an unwarranted privacy breach.

4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

The IP CTS market is highly competitive throughout the United States.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

Disclosure would result in competitive harm to CaptionCall and privacy breaches that impact CaptionCall and Sorenson employees. CaptionCall and Sorenson generally treat employee contact information as confidential information.

6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))

CaptionCall does not make this information publicly available.

7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))

CaptionCall does not make this information publicly available.

Sincerely,

A handwritten signature in black ink, appearing to read "John Nakahata". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Nakahata
Chris Wright
Walter Anderson

*Counsel to Sorenson Communications, Inc. and
CaptionCall, LLC*

EXHIBIT A

(Confidential Document – Withheld In Its Entirety)