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Nanette S. Edwards
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December 3, 2013

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

Re: *In the Matter(s) of Misuse of Internet Protocol (IP) Captioned Telephone Service*
CG Docket No. 13-24

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

Dear Ms. Dortch:

The South Carolina Office of Regulatory Staff ("ORS") respectfully submits this letter in response to the Federal Communications Commission ("FCC") Report, Order, and Further Notice of Proposed Rulemaking (FCC 13-118) regarding Internet Protocol Captioned Telephone Service ("IPCTS") [1] released on August 26, 2013. ORS is the Administrator of the Telecommunications Relay Service Program in South Carolina. In this Further Notice of Proposed Rulemaking ("FNPRM") the FCC is proposing to transfer responsibilities for the administration and oversight of IPCTS to the state telecommunications relay service ("TRS") programs. The FCC is also proposing that states assume the costs of providing intrastate IPCTS. While other issues were raised in the FCCs FNPRM, ORS will briefly respond to the proposed transition.

[1] Internet Protocol Captioned Telephone Service is an Internet-based form of telecommunications relay service that permits an individual who can speak, but who has difficulty hearing, to use a telephone and an Internet Protocol-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying. With Internet Protocol Captioned Telephone Service, the connection carrying the captions between the relay service provider and the relay service user is via the Internet. With Kentucky's CapTel service, the connection carrying the captions between the relay service provider and the relay service user is via the landline telephone network.

ORS concurs with the comments filed by the National Association of Regulatory Utility Commissioners ("NARUC") and the individual states that have responded [2] at this time. More specifically, ORS notes the following:

1. The FCC must classify IP services as either a "telecommunications service" or an "information service" – and, if an information service, specify a legal basis for exclusive FCC jurisdiction, before moving forward in this docket;

2. A referral to the Separations Joint Board is required before the FCC identifies the jurisdiction and/or transfer associated with funding responsibilities for IPCTS;

3. The FCC should provide to each State the IPCTS minutes and associated data to allow State policy makers to make informed choices about possible migration of IPCTS Service to State programs;

4. The FCC should make certain that problems cited in the interim Order [3] are corrected before even considering shifting intrastate IPCTS costs to State programs; and

5. In any FCC order imposing any transfer in responsibilities or costs, must allow States commissions (and in some cases, legislatures) a sufficient transition period to adjust to the laws and regulations that apply to State programs.

For South Carolina, the Dual Party relay and Telecommunications Equipment Distribution Programs do not have the statutory authority or the funding to administer, oversee, and support the federal IPCTS program. Indeed many state programs, including South Carolina's, currently rely on surcharges to customers of local exchange telephone companies for funding the intrastate Telecommunications Relay Service Program. South Carolina is currently at the maximum allowed by law of $.25 on all residential and business local exchange access facilities.

While the FCC has yet to classify IP telephony as either a telecommunications service or an information service, some members of the industry appear to be moving forward as if IP telephony is a telecommunications service. Vonage and other VoIP providers have repeatedly requested the use of telephone numbers for their customers and they refer to the service as "phone service." [4] Additionally, Verizon, in its recent Ex Parte letter to the FCC [5] has indicated

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[2] States that have filed include Arizona, California, Florida, Kentucky, Missouri, and Nebraska.

[3] *In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket No.13-24, Order, FCC 13-13 (rel. January 25, 2013).

[4] On its website, Vonage markets its services as "Vonage home phone service …" http://www.vonage.com/how-vonage-works?refer_id=WEBHO0706010001W&lid=sub_nav_how_works&sn

that it is negotiating IP interconnection agreements with "close to twenty companies" for VoIP interconnection on a commercial basis. They are engaging in these negotiations so they can transmit and exchange telecommunications traffic.

Thank you for your time on this matter. If you have any questions or concerns regarding this letter, please do not hesitate to contact me.

Sincerely,

Nanette S. Edwards

cc: Jocelyn G. Boyd, Esquire
Joseph Melchers, Esquire

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[5] Verizon Ex Parte Letter to Marlene H. Dortch, *Technology Transition Policy Task Force*, GN Docket 13-5, November 22, 2013.