

January 2, 2014

VIA ELECTRONIC FILING (ECFS)

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

RE: Misuse of Internet Protocol (IP) Captioned Telephone Service;
Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities
CG Docket Nos. 13-24, 03-123
Petition for Clarification or, in the Alternative, Reconsideration

Dear Ms. Dortch:

On behalf of Hamilton Relay, Inc. (“Hamilton”), this filing constitutes a petition for clarification or, in the alternative, reconsideration of one discrete aspect of the Bureau’s December 2, 2013 Public Notice (“Notice”) issued in the above-captioned proceedings.¹

Specifically, the Notice suggests that date of birth (“DOB”) and social security number (“SSN”) information must be obtained “from all users of IP CTS, *regardless of when these individuals began receiving these relay services.*”² For the reasons set forth below, Hamilton believes that the foregoing statement is inconsistent with the Commission’s August 26, 2013 *IP CTS Order*.³

¹ *Personal Information Required for Consumers to Register for Internet Protocol Captioned Telephone Service and Applicable Confidentiality Safeguards*, Public Notice, CG Docket Nos. 13-24, 03-123 (CGB rel. Dec. 2, 2013).

² *Id.* at 1 (emphasis added).

³ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket Nos. 13-24, 03-123, FCC 13-118, 28 FCC Rcd 13420 (rel. Aug. 26, 2013) (“*IP CTS Order*”), *review pending sub nom.* Sorenson Communications, Inc. v. FCC, No. 13-1246 (D.C. Cir. filed Sept. 6, 2013).

In support of its statement, the Notice in Footnote 3 cites to Section 64.604(c)(9)(i) (which contains the registration requirements for new users) and Section 64.604(c)(9)(xi) (which contains the registration requirements for pre-March 7, 2013 users). However, Paragraph 166 of the IP CTS Order clearly states that the entirety of Section 64.604(c)(9) is not effective until Office of Management and Budget (“OMB”) approval has been obtained. Therefore, neither of the rule sections that are cited to in the footnote is currently in effect.

On the contrary, Paragraph 167 of the Order states that the interim rules on new user registration “shall continue to be effective until the final rules on user registration . . . become effective.” The interim rules do not require the collection of DOB and SSN information (see existing rule Section 64.609(c)(9)(i), which requires the collection of an interim user’s name, address and telephone number only).⁴

In light of this language, Hamilton interprets the Commission’s rules not to require the collection of DOB or SSN for interim registrants. “Interim registrants” for this purpose are any individuals registering for IP CTS between March 7, 2013 and the date that the Commission publishes a notice in the *Federal Register* announcing that OMB has approved the information collection requirements contained in new Section 64.604(c)(9) as adopted in the *IP CTS Order*.

Hamilton is concerned that the language in the Notice misconstrues the applicable registration requirements for interim registrants. To avoid any ambiguity on this issue, Hamilton is requesting that the Bureau clarify that providers are not required to collect DOB and SSN information from interim registrants, either now or following OMB approval of the new registration requirements.

In the event that Commission staff concludes that the Notice is accurate in stating that providers are required to collect DOB and SSN information from all users of IP CTS, Hamilton respectfully requests reconsideration of that conclusion for the reasons set forth above.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O’Connor

Counsel for Hamilton Relay, Inc.

⁴ Nor is there any indication in the rules that the registration requirements under new Section 64.604(c)(9) will be retroactively applied to interim users. Indeed, that issue was not even raised as a possibility in the *Notice of Proposed Rulemaking* in this proceeding.

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cc (via email): Kris Monteith
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