

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter 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
	)	

**PETITION FOR WAIVER**

Sorenson Communications, Inc. and CaptionCall, LLC (collectively “CaptionCall”) hereby request a permanent waiver of the requirement that IP CTS providers collect the last four digits of each subscriber’s social security number, where the subscriber does not have a social security number. As drafted, the rule denies IP CTS access to any consumer who does not have a social security number, which, if applied, would be contrary to the ADA’s mandate that the Commission ensure the availability of IP CTS (as a form of TRS) for all hard-of-hearing consumers. Moreover, neither IP CTS providers nor the Commission use social security data with respect to registration and verification of eligibility of IP CTS users under the rules, and there is no utility in collecting it. Thus, waiving the requirement for IP CTS consumers who lack a social security number will not expose the Telecommunications Relay Service (“TRS”) Fund to greater waste, fraud or abuse. Accordingly, the Commission should grant the waiver CaptionCall seeks. If the Commission still wishes for providers to collect some form of identifying information from affected subscribers, the Commission should allow IP CTS providers to collect alternative information, such as a utility bill, passport number, state driver’s

license number, tribal ID, or, for foreign individuals residing in the United States, an equivalent identification number issued by their home country.

## I. BACKGROUND

On August 26, 2013, the Commission released an order that adopted new IP CTS rules.<sup>1</sup> Among the new rules was a set of requirements that IP CTS providers register and obtain self-certifications of eligibility from subscribers. These rules were largely an extension and expansion of a set of interim rules the Commission had adopted in January 2013.<sup>2</sup>

Under the *Final Order*, IP CTS providers must collect the following information from IP CTS subscribers: full name, date of birth, last four digits of the subscriber's social security number, address, and telephone number.<sup>3</sup> The *Order*, however, did not provide a reason for collecting the last four digits of the subscriber's social security number.<sup>4</sup> IP CTS providers must collect this information from all new subscribers that enroll after the *Final Order*'s rules become effective. In addition, IP CTS providers must, within 180 days after the new rule's effective date, collect this information for all subscribers who enrolled prior to March 7, 2013.<sup>5</sup>

---

<sup>1</sup> *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, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-118 (rel. Aug. 26, 2013) ("*Final Order*").

<sup>2</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 13-24; 03-123, Order and Notice of Proposed Rulemaking, FCC 13-13 (rel. Jan. 25, 2013) ("*Interim Order*").

<sup>3</sup> 47 C.F.R. § 64.604(9)(i).

<sup>4</sup> *Final Order* ¶ 64.

<sup>5</sup> *Id.* ¶ 70. For users who enrolled after March 7, 2013, and before the new rule's effective date, providers need not collect additional registration information, as long as the provider complied with the *Interim Order*'s requirement to collect each subscriber's name, address, and telephone number. See *Final Order* ¶ 69 n. 216. As of the date of this Petition, the *Final Order*'s registration requirements have not yet been sent to the Office of Management and Budget for review under the Paperwork Reduction Act.

Though the new registration rule is not yet effective, in the spirit of the new rules, CaptionCall has nevertheless sought to collect the required information from all new subscribers and all subscribers who enrolled and began receiving CaptionCall's IP CTS prior to March 7, 2013. CaptionCall has been successful in obtaining social security data from both newer subscribers (those enrolled after October 1, 2013) and substantial numbers of consumers who subscribed prior to March 7, 2013—the date the Commission released the *Interim Order*. However, some of CaptionCall's subscribers do not have social security numbers. For these consumers, CaptionCall will never be able to collect the last four digits of a social security number.

The *Final Order* does not identify a clear purpose served at this time by the requirement to collect social security data for IP CTS users. IP CTS does not allow anonymous communications, as the subscriber must also have a voice telecommunications subscription that is identifiable by the calling party's telephone number, and thus does not face the same potential for ineligible use as did IP Relay when the "guest user" requirement was in place. To the extent that the Commission seeks to obtain an accurate count of unique IP CTS users or provider market share, it could largely accomplish that by comparing customer name and address, which will be collected.<sup>6</sup> Unlike the Lifeline program, the TRS program has no "one-per-household" requirement to enforce, and thus it is not critical to search for potential inter- or intra-company duplicate accounts and thus to distinguish between individuals with the same name, living at the same address. Moreover, collection of this information does not verify that the person is who they say they are—only that they've provided numbers in the form of the required registration

---

<sup>6</sup> See *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618, 8648-49 ¶ 66 (2013).

information.<sup>7</sup> The lack of a clear purpose for social security data is further evidenced by the fact that the *Final Order* does not require the collection of this data from individuals who registered for IP CTS between March 7, 2013 and the eventual effective date of the *Final Order*'s registration and self-certification rules (which has yet to occur).

By contrast, video relay service (“VRS”) providers must submit similar subscriber-registration information into the TRS User Registration Database (“TRS URD”), once it becomes operational.<sup>8</sup> Then, VRS providers will be required to validate subscribers’ identities against the TRS URD.<sup>9</sup> These requirements, however, do not apply to IP CTS providers.<sup>10</sup> Accordingly, there is currently no identifiable use for an IP CTS subscriber’s social security data.

On the other hand, there are significant consequences associated with allowing this rule to take effect. Under the Commission’s rules, IP CTS providers must discontinue service to users who do not provide their information within the applicable time frame—which, for IP CTS subscribers who enrolled before March 7, 2013, is 180 days after the new certification rules take

---

<sup>7</sup> For example, a user could represent any four digits as the last four digits of a social security number.

<sup>8</sup> See 47 C.F.R. § 64.611(a)(4).

<sup>9</sup> See *id.* § 64.615(a)(1). The rules currently require per-call validation for VRS. Sorenson filed Paperwork Reduction Act comments explaining that per-call validation is unduly burdensome in the context of VRS, for which all users must be capable of using American Sign Language, and for which providers submit detailed call detail records that could be scrubbed against the TRS URD prior to submission, rather than during call set-up. See *Structure and Practices of the Video Relay Services Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51; 03-123, Paperwork Reduction Act Comments of Sorenson Communications, Inc., at 7-8 (filed Jan. 7, 2014). The same would be true for IP CTS, in which the user must separately procure a voice telephone service. Per-call validation may be more appropriate for a service such as IP Relay, in which users can be anonymous and which, prior to the FCC’s ending its mandatory “guest user” rule, permitted users to place IP Relay calls prior to completing verification of identity and eligibility for service.

<sup>10</sup> *Final Order* ¶ 128 (“In this Notice, we... ask whether the centralized registration and verification processes that we recently adopted for VRS should also apply to IP CTS”).

effect following OMB approval. Because there is no exception for consumers who lack a social security number, such consumers cannot provide that information, and CaptionCall will be forced to terminate their service at the conclusion of the 180-day grace period. Loss of IP CTS would place a substantial burden on consumers who have been using IP CTS for over 15 months. IP CTS allows hard-of-hearing consumers to use the telephone to contact friends, family, healthcare providers, and, if needed, emergency services personnel. It would be devastating to deprive existing subscribers of their link to the outside world simply because they are unable to provide information that has marginal utility at best.

## **II. A WAIVER WOULD YIELD SIGNIFICANT PUBLIC INTEREST BENEFITS**

In this Petition, CaptionCall seeks a permanent waiver of the requirement that IP CTS providers collect social security data from subscribers who do not have social security numbers. The Commission may waive its rules when there is “good cause” to do so.<sup>11</sup> Good cause exists when circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than would strict adherence to the general rule.<sup>12</sup>

A waiver would serve the public interest far better than strict adherence to the general rule. With respect to pre-March 7, 2013 subscribers, the Commission should not cut off service to consumers who have come to depend on IP CTS to communicate with friends, family, and healthcare providers, simply because those subscribers do not have a social security number. The Americans with Disabilities Act requires the Commission to “ensure” that “relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired...

---

<sup>11</sup> 47 C.F.R. § 1.3.

<sup>12</sup> *Ne. Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

individuals in the United States.”<sup>13</sup> There is no statutory provision that restricts the availability of relay services like IP CTS to hearing-impaired individuals that have social security numbers. Moreover, if the Commission wants providers to collect identifying information from all subscribers, providers can collect alternative information, such as a utility bill, passport number, state driver’s license number, tribal ID, or, for foreign individuals residing in the United States, an equivalent identification number issued by their home country.

On the other hand, a waiver presents no risk of harm to the public interest, as there is no current use for the requested data. Forbearing from disconnecting a user who cannot provide this data at this time will not increase the TRS Fund’s exposure to waste, fraud and abuse in IP CTS. Accordingly, granting CaptionCall’s requested waiver would not undermine any exiting Commission objectives for the TRS program.

### **III. CONCLUSION**

For the reasons stated herein, the Commission should grant the waiver CaptionCall requests.

---

<sup>13</sup> 47 U.S.C. § 225(b)(1).

Respectfully submitted,



---

John T. Nakahata  
Christopher J. Wright  
Walter E. Anderson  
HARRIS, WILTSHIRE & GRANNIS LLP  
1200 Eighteenth Street, N.W.  
Washington, D.C. 20036  
T: (202) 730-1300  
jnakahata@harriswiltshire.com

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

July 28, 2014