

August 15, 2014

VIA ECFS

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

Re: *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*

Dear Ms. Dortch:

On August 15, 2014, Hamilton Relay, Inc. ("Hamilton") submitted the attached comments to the Office of Management and Budget. By counsel, Hamilton respectfully requests that these comments be included in the record of the above-referenced proceedings.

Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ David A. O'Connor
David A. O'Connor
Counsel for Hamilton Relay, Inc.

August 15, 2014

BY EMAIL

Nicolas Fraser
The Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Cathy Williams
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *OMB Control Number: 3060-1145*
Structure and Practices of the Video Relay Service Program, CG Docket
No. 10-51

Dear Mr. Fraser and Ms. Williams:

By counsel, Hamilton Relay, Inc. (“Hamilton”) hereby submits these comments in response to the Federal Communications Commission’s (“FCC’s”) request for Office of Management and Budget (“OMB”) approval of several new information collection requirements. These new requirements include one that could be interpreted to require Internet Protocol (“IP”) Captioned Telephone Service (“IP CTS”) providers to collect an *incoming* telephone number in their Call Detail Records (“CDRs”) for calls originating from IP-based captioned telephone devices (“IP CapTel phones”).¹ As described further herein, IP CTS providers are technically incapable of collecting this information at this time. Therefore, OMB should not approve this requirement with respect to IP CTS providers until the FCC provides necessary guidance on this

¹ Federal Communications Commission, Information Collection Being Submitted to the Office of Management and Budget, 79 Fed. Reg. 41,557 (July 16, 2014).

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issue pursuant to a petition for interim waiver pending before the agency (the “Petition”), a copy of which is attached hereto.²

The scope of this information collection requirement remains ambiguous. In fact, the language adopted in the rule appears to conflict with the language set forth in the FCC’s order promulgating the rule.³ Specifically, Paragraph 79 of the order provides that telecommunications relay service (“TRS”) providers must capture the “incoming telephone number (*if call originates with a telephone*) and IP address (if call originates with an IP-based devices)” and “outbound telephone number and IP address (if call terminates to an IP-based device).”⁴ The language in the first parenthetical, “(if call originates with a telephone),” noticeably was not included in the FCC’s rule, which requires the collection of “[i]ncoming telephone number and IP address (*if call originates with an IP-based device*)” and “[o]utbound telephone number (if call terminates to a telephone) and IP address (if call terminates to an IP-based device).”⁵ If the language included in the FCC’s promulgating order also had been included in the rule, it would be clear that incoming telephone numbers only are required to be included in CDRs in connection with calls that originate from a traditional public switched telephone network (“PSTN”) telephone, and that IP CTS providers only need to submit an IP address in their CDRs for calls that originate from an IP-based device.⁶

At this time, IP CTS providers are technically incapable of collecting and submitting as part of their CDRs incoming telephone numbers in connection with calls that originate from IP CapTel phones. IP CapTel phones are hybrid devices that use both the PSTN, which carries the voice portion of the call, and an IP connection, which carries the captions. This means that IP CTS providers are unable to capture in their CDRs any “incoming” telephone numbers for calls originating from an IP CapTel phone.⁷ In addition, unlike with respect to other forms of Internet-based TRS, IP CTS providers do not issue 10-digit telephone numbers to their IP CapTel phone users. As a result, unlike other IP-based TRS providers, IP CTS providers are

² Petition for Interim Waiver of Hamilton Relay, Inc. and Sprint Communications Company, L.P., CG Docket No. 10-51, CG Docket No. 03-123 (filed July 25, 2012) (“Petition”) (requesting an interim waiver of 47 C.F.R. §§ 64.604(c)(5)(iii)(C)(2)(v), (vi)).

³ *Id.* at 4.

⁴ *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5582 ¶ 79 (2011) (emphasis added).

⁵ See 47 C.F.R. § 64.604(c)(5)(iii)(C)(2)(v) (emphasis added); Federal Communications Commission, *Structure and Practices of the Video Relay Service Program*, 76 Fed. Reg. 24,393, 24,400 (May 2, 2011).

⁶ Petition at 4-5.

⁷ *Id.* at 6.

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unable to capture telephone numbers from users in a way that providers of IP Relay and VRS can readily capture and provide in their CDRs.⁸

Given the current ambiguity regarding the appropriate application of this information collection requirement to IP CTS, the pendency of a petition before the FCC regarding the requirement, and the fact that IP CTS providers are technically incapable of collecting this information, OMB should not approve this information collection requirement at this time.

Sincerely,

HAMILTON RELAY, INC.

/s/ David A. O'Connor
David A. O'Connor
Counsel for Hamilton Relay, Inc.

Cc: Robert Aldrich
Eliot Greenwald
Gregory Hlibok
Kris Monteith
Karen Peltz Strauss
Caitlin Vogus

⁸ *Id.*