

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

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

ORDER

Adopted: January 4, 2024

Released: January 4, 2024

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) conditionally grants certification to Global Caption, Inc. (Global Caption), to provide Internet Protocol Captioned Telephone Service (IP CTS) on a fully automatic basis in carceral facilities, pending verification that its actual provision of IP CTS to registered users meets or exceeds the Commission’s minimum TRS standards. This grant of conditional certification authorizes Global Caption to provide TRS Fund-supported IP CTS through January 5, 2026, or the date of grant or denial of full certification, whichever occurs earlier.

II. BACKGROUND

2. Global Caption, a privately-owned technology company, requests certification to provide TRS-Fund supported IP CTS in carceral facilities, on a fully automatic basis, (i.e., using automatic

1 See Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898, 10914-15, para. 37 (2011) (2011 Internet-based TRS Certification Order) (authorizing conditional certification). IP CTS is a form of telecommunications relay service (TRS) that allows individuals with hearing loss to both read captions and use their residual hearing to understand a telephone conversation. 47 CFR § 64.601(a)(23) (defining IP CTS). Captions may be displayed on a specialized IP CTS device or on an off-the-shelf computer, tablet, or smartphone. IP CTS providers must be granted certification by the Commission to be eligible to receive compensation from the Interstate TRS Fund. Id. § 64.606.

2 Global Caption, Inc., Internet-Based TRS Certification Application, CG Docket No. 03-123 (filed Mar. 11, 2022) (Application) (redacted), https://www.fcc.gov/ecfs/document/10311773509888/2; see also Letter from Katherine Barker Marshall, Counsel to Global Caption, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Mar. 30, 2022) (2022 Amendment), https://www.fcc.gov/ecfs/document/1033076439141/1 (disclosing previously-redacted ownership information); Letter from Katherine Barker Marshall, Counsel to Global Caption, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Aug. 10, 2023) (2023 Amendment), https://www.fcc.gov/ecfs/document/108100689001697/1. Global Caption has redacted portions of its application for which it requests confidential treatment. Access to the redacted material is governed by the Third Protective Order in this docket. See Misuse of Internet Protocol (IP) Captioned Telephone Service; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13-24, 10-51, and 03-123, Order and Third Protective Order, 33 FCC Rcd 6802, 6803, para. 4 (2018). Although its Application stated that Global Caption may, in the future, opt to also serve consumer markets if economic conditions permit, Application at 4, the applicant subsequently withdrew its request for certification to serve non-carceral users. 2023 Amendment at 1. After Global Caption filed its application, the Commission adopted additional rules to expand the availability of TRS for incarcerated individuals with hearing and

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speech recognition (ASR) only for captioning of all calls, without any reliance on communications assistants (CAs)).<sup>3</sup> Specifically, Global Caption states it will make ASR-based IP CTS available for use by eligible individuals who speak English and Spanish, and will also offer the service to blind and hard of hearing individuals who read Braille.<sup>4</sup>

3. According to its application, Global Caption has developed an IP CTS application and call distribution platform that meets the security and technical requirements of carceral facilities and providers of incarcerated people's calling service (IPCS).<sup>5</sup> Global Caption states that it will provide IP CTS to incarcerated people pursuant to agreements with third-party technology firms, which in turn have agreements with IPCS providers.<sup>6</sup>

4. On April 7, 2022, the Bureau released a Public Notice seeking comment on Global Caption's application.<sup>7</sup> An IP CTS provider (ClearCaptions) and a coalition of accessibility advocacy and research organizations filed comments.<sup>8</sup> While not opposing Global Caption's application,<sup>9</sup> AARO contends that the Commission should require all providers of ASR-only IP CTS to offer a CA-assisted mode and allow users to switch from ASR-only to CA-assisted mode during a call.<sup>10</sup> In addition, the coalition restated a general concern about the need to establish metrics for IP CTS service quality.<sup>11</sup> ClearCaptions agrees that ASR-only IP CTS does not provide adequate quality of service in all scenarios and should be offered in conjunction with CA-assisted IP CTS.<sup>12</sup>

5. Global Caption's platform was tested for caption delay and accuracy by the Commission's National Test Lab (NTL).<sup>13</sup>

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speech disabilities. *See Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Fourth Report and Order and Sixth Further Notice of Proposed Rulemaking, FCC 22-76 (released Sept. 30, 2022) (*2022 IPCS Order*).

<sup>3</sup> Application at 3. The Commission has determined that the provision of IP CTS using only automatic speech recognition (ASR) to generate captions, without the involvement of a communications assistant (CA), is eligible for compensation from the TRS Fund if provided in compliance with applicable mandatory minimum TRS standards. *See 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 and 03-123, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800, 5827, para. 48, (2018) (*2018 ASR Declaratory Ruling*).

<sup>4</sup> Application at 3-4.

<sup>5</sup> *Id.* at 4, 7-8.

<sup>6</sup> *Id.* at 7. Global Caption itself will not work directly with IPCS providers. *Id.* n.11.

<sup>7</sup> *See Comment Sought on Application of Global Caption, Inc., for Certification as a Provider of Internet Protocol Captioned Telephone Service*, CG Docket No. 03-123, Public Notice, DA 22-375 (CGB Apr. 7, 2022).

<sup>8</sup> *See* ClearCaptions, LLC (ClearCaptions) Comments, CG Docket No. 03-123 (filed May 9, 2022) (ClearCaptions Comments); Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association for the Deaf (NAD), and Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center (DHH-RERC) (collectively, AARO), Comments on the Application of Global Caption, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 and WC Docket No. 12-375 (filed May 9, 2022) (AARO Comments).

<sup>9</sup> AARO Comments at 2.

<sup>10</sup> *Id.* at 5.

<sup>11</sup> *Id.*

<sup>12</sup> ClearCaptions Comments at 4.

<sup>13</sup> *See* FCC TRS National Test Lab, Internet Protocol Captioned Telephone Service Testing – Global Caption, Version 1.1, CG Docket No. 03-123 (posted by CGB, Nov. 15, 2023) (NTL Test Report). The National Test Lab

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### III. CERTIFICATION

6. We conditionally grant the application subject to verification—based on actual operating conditions—that Global Caption’s provision of IP CTS will meet or exceed the minimum TRS standards.<sup>14</sup> This conditional certification is for provision of IP CTS only in carceral facilities, but without prejudice to Global Caption seeking broader authority in a subsequent application or amendment.<sup>15</sup>

7. *Sufficiency of the Application.* Global Caption’s application is facially sufficient to satisfy the Commission’s certification requirements. The application and supporting information provide a sufficient explanation, with documentary and other evidence, as to how the applicant will provide IP CTS and meet all minimum standards relevant to consideration of its application.<sup>16</sup> Global Caption also provides a description of its complaint procedures, confirmation that it will file annual compliance reports demonstrating continued compliance with the TRS rules, and a certification by a senior executive as to the accuracy and completeness of the information provided.<sup>17</sup> Further, as discussed below, the application and supporting information, including the results of independent testing of caption delay and accuracy,<sup>18</sup> sufficiently support Global Caption’s specific claims regarding its use of ASR and the efficacy of such use in meeting the Commission’s minimum TRS standards relating to speed of answer, service continuity, caption delay, accuracy, readability, verbatim transcription, privacy, and emergency call handling.<sup>19</sup>

8. *Speed of Answer.* Global Caption has made a sufficient showing that with its chosen ASR technology, it will meet or exceed the minimum TRS standards relating to speed of answer.<sup>20</sup> According to the application, Global Caption’s ASR-based IP CTS platform is Internet accessible through an integrated software application that is seamlessly integrated with technology provider interfaces and inmate calling service/carceral institution equipment.<sup>21</sup> The ASR platform resides in core servers connected to broadband Internet access facilities capable of transmission speeds exceeding one gigabit per second.<sup>22</sup> Global Caption states that once the connection is made to Global Caption’s servers, its

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(NTL) is operated by MITRE Corporation as part of the CMS Alliance to Modernize Healthcare, a Federally Funded Research and Development Center sponsored by the Centers for Medicare & Medicaid Services (CMS). See CMS Alliance to Modernize Healthcare, Internet Protocol Caption Telephone Service (IP CTS) – Summary of Phase 2 Usability Testing Results (2016), CG Docket Nos. 03-123 and 13-24, at i-ii (posted by CGB, Apr. 11, 2018); CMS Alliance to Modernize Healthcare, Internet Protocol Caption Telephone Service (IP CTS) Devices: Summary of Phase 1 Activities (2017), CG Docket Nos. 03-123 and 13-24, at 10 (posted by CGB, Apr. 11, 2018) (NTL Phase 1 Summary).

<sup>14</sup> See 2011 *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

<sup>15</sup> Cf. 2023 Amendment at 1 (noting that Global Caption may seek broader certification authority in the future).

<sup>16</sup> See Application at 10-34; 2022 Amendment; 2023 Amendment.

<sup>17</sup> See Application at 33-34 (complaint procedures); *id.* at 34 (annual filing); 2023 Amendment (certification).

<sup>18</sup> NTL Test Report.

<sup>19</sup> See 2018 *ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (noting that applicants to provide ASR-based IP CTS must support all claims regarding their use of ASR and its efficacy). In its comments, ClearCaptions recommends that the Commission review carefully the adequacy of Global Caption’s ASR platform, the use of artificial intelligence, and quality assurance practices. ClearCaptions Comments at 2-5. ARRO similarly recommends that the Commission review carefully the adequacy of Global Caption’s ability to ensure privacy and quality of service, including with respect to any vendor services, in carceral facilities. AARO Comments at 2-5. As discussed below, Global Caption’s application and supporting materials adequately address these issues.

<sup>20</sup> See 47 CFR § 64.604(b)(2)(ii) (requiring IP CTS providers to answer 85% of calls within 10 seconds, measured daily).

<sup>21</sup> Application at 10.

<sup>22</sup> *Id.* at 14.

automated technology and monitored core processor capabilities require virtually no processing time, allowing Global Caption to exceed the Commission's speed-of-answer requirement.<sup>23</sup>

9. We accept Global Caption's explanation that an independent test result submitted with its initial application, which indicated an average speed of answer exceeding the rule's 10-second standard, did not take account of the special conditions that apply in the incarceration context.<sup>24</sup> The Commission measures speed of answer for IP CTS calls based on the time that elapses between an IP CTS user's initiation of contact with the captioning center and the start of captioning.<sup>25</sup> In carceral facilities, however, all calls are required to go through security review prior to connecting to the telecommunications network and (if Global Caption is providing IP CTS) to Global Caption servers.<sup>26</sup> Thus, when an inmate dials an outbound call,<sup>27</sup> security review must be completed and the call accepted by the called party before captioning can begin.<sup>28</sup> Once the call is approved and is accepted by the called party, the IPCS provider transmits the call to Global Caption's server and the conversation and captioning begin.<sup>29</sup> Therefore, Global Caption measures speed of answer based on the time that elapses between the delivery of a call to its server and the start of captioning.<sup>30</sup> This approach excludes the time period involved in the call approval and acceptance process—which, Global states, was inappropriately included in the independent test measurement.<sup>31</sup> We find that Global Caption's approach is a reasonable interpretation of a TRS provider's speed-of-answer obligation in the incarceration context, where the calling process is subject to an unusual degree of control by the telephone service provider.<sup>32</sup>

10. *Service Continuity.* We also find that Global Caption has sufficiently demonstrated its ability to maintain service continuity in the provision of ASR-only captioning.<sup>33</sup> Global Caption states that its IP CTS automatic call distribution platform resides on secure, redundant, and fully-accessible cloud-based servers to ensure uninterrupted operation under virtually any circumstances, which allows its technical staff to ensure that the platform remains fully operational at all times.<sup>34</sup> Global Caption accepts

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*, Appx. A at 14 (confidential version) (describing results of testing conducted by Cositics, LLC).

<sup>25</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10896-903, paras. 62-81 (2020) (*2020 IP CTS Metrics Notice*).

<sup>26</sup> *See* 2023 Amendment at 1.

<sup>27</sup> Correctional institutions generally do not allow incoming telephone calls to incarcerated people. *See, e.g.*, <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Frequently-Asked-Questions-FAQ> (last visited Dec. 27, 2023). Thus, Global Caption explains that, while its technology is technically capable of handling any type of call, it expects that it will receive only inmate-initiated calls from IPCS providers. Application at 12. We note that, in the event that an institution *does* allow incoming calls, nothing in section 64.6040 of the Commission's rules indicates that such calls would be exempt from the IPCS provider's obligation to ensure access to IP CTS. *See* 47 CFR § 64.6040.

<sup>28</sup> 2023 Amendment at 1-2, Amended Appx. B. The non-confidential attachment to the 2023 Amendment was filed with the Application as a confidential Appendix B.

<sup>29</sup> *Id.* at 1-2.

<sup>30</sup> *Id.* at 2.

<sup>31</sup> *See Id.* at 1-2.

<sup>32</sup> This order does not address to what extent any delay that might occur in connecting a call to Global Caption's server, once the approval and acceptance process is completed, would violate the Commission's IPCS rules.

<sup>33</sup> *See* 47 CFR § 64.604(b)(4)(ii) ("TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.").

calls twenty-four hours a day, seven days a week.<sup>35</sup> Global Caption states that its equipment is maintained in secure, non-public locations, and is supported by uninterruptible emergency power backup generators and batteries, and redundant broadband Internet access to secure cloud-based data storage to ensure continuous operations.<sup>36</sup> Further, Global Caption explains, it has geographically-separated, built-in redundancy to ensure that, in the event of an interruption at one location, calls may be immediately routed to a non-affected location.<sup>37</sup> Technicians are on-call 24 hours a day seven days a week to ensure services remain operational.<sup>38</sup>

11. *Caption Speed/Delay.* Global Caption sufficiently supports its claim that its ASR platform will transcribe captions in real time and in compliance with the current TRS standards relating to captioning speed or delay.<sup>39</sup> In performance testing by NTL, Global Caption’s average caption delay for two call scenarios ranged from 1.0 to 1.1 seconds, while other IP CTS providers’ average caption delay results were longer, ranging from 1.8 to 2.4 seconds.<sup>40</sup> Additionally, NTL testing supports Global Caption’s assertion that captions will be transcribed in real time and in compliance with the typing speed standard of 60 words per minute.<sup>41</sup> Global Caption also reports the results of ASR testing conducted on its behalf by Cositics, LLC,<sup>42</sup> which are comparable to results for other certified ASR IP CTS providers.<sup>43</sup>

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<sup>34</sup> Application at 15.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Caption speed is typically measured based on the time that elapses, i.e., the delay, between transmission of speech and transmission of the associated caption(s). *See* NTL Phase I Summary at 6. Currently, there is no quantitative standard for IP CTS caption speed or delay *per se*. However, captions must be delivered “fast enough so that they keep up with the speed of the other party’s speech,” and “if captions are not keeping up with the speech (although a short delay is inevitable), at some point the provider is no longer offering relay service and the call is not compensable.” *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, 22 FCC Rcd 379, 388-89, para. 22 & n.69 (2007) (*2007 IP CTS Declaratory Ruling*). In addition, the typing speed standard for text-based TRS is applicable. *See id.* at 388, para. 22 n.69; 47 CFR § 64.604(a)(1)(iii) (requiring TRS CAs to have a minimum typing speed of 60 words per minute). Based on the test results and other evidence discussed in the text, Global Caption has shown not only that it will meet this standard but also that it will “keep up with the speed of the other party’s speech.” *2007 IP CTS Declaratory Ruling*, 22 FCC Rcd at 388, para. 22. On October 2, 2020, the Commission released a Further Notice of Proposed Rulemaking seeking comment on adopting metrics for IP CTS accuracy and caption delay. *IP CTS Metrics Notice*, 35 FCC Rcd at 10896-903, paras. 62-81.

<sup>40</sup> *See* NTL Test Report at 2.

<sup>41</sup> The test calls used in NTL’s assessment featured overall speech rates between 89 and 118 words per minute and active speech rates between 156 and 168 words per minute. *Id.*, Appx. B at 11, Appx. D at 15. Global Caption’s performance in these tests confirms that its transcription speed well exceeds 60 words per minute.

<sup>42</sup> *See* Application, Appx. A. at 14 (confidential version). Unlike the NTL test, this test measures “segment delay,” i.e., it measures caption delay in terms of “segments,” i.e., phrases, or “chunks” of words, rather than on a word-for-word basis. The delay for a given segment is determined by averaging (1) the first-word delay—the number of seconds between when the first word in the segment is stated and when it appears in captions—and (2) the last-word delay—the number of seconds between when the last word in the segment is stated and when it appears in captions. Average segment delay is computed by averaging all the segment delays in the sample. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Memorandum Opinion and Order, CG Docket No. 03-123, 36 FCC Rcd 7246, 7250, para. 8 n.34 (CGB 2021) (*ClearCaptions ASR Order*).

<sup>43</sup> *See ClearCaptions ASR Order*, 36 FCC Rcd at 7250, para. 8.

Thus, Global Caption's caption delay claims are supported by the results of testing by two organizations using different methodologies.

12. *Accuracy and Readability.* Although the TRS rules do not currently provide metrics for accuracy and readability, the typing, grammar, and spelling of captions must be "competent," and conversations must be transcribed "verbatim" with no intentional alteration of content unless the user specifically requests summarization.<sup>44</sup> We find sufficient record evidence that Global Caption's fully automatic IP CTS will meet or exceed the Commission's competence and "verbatim" requirements.

13. In testing by NTL, Global Caption's Word Error Rate for three call scenarios ranged from 4.1% to 11.9%, higher than but comparable to other IP CTS providers' aggregated Word Error Rate results, which averaged from 2.0% to 7.4% in the same call scenarios.<sup>45</sup> Further, Cositics test reports indicate that the accuracy of Global Caption's ASR-only service tested better than the industry average.<sup>46</sup> Like its caption delay claims, Global Caption's accuracy claims are thus supported by the results of testing by two organizations using different methodologies.

14. *Privacy.* The Commission's confidentiality requirements for TRS call content prohibit the retention of call content for any purpose, either locally or in the cloud.<sup>47</sup> In addition, providers must protect the privacy of customer information.<sup>48</sup> Our rules obligate a provider to protect call content and customer information regardless of the specific persons or entities (e.g., communications assistants, other employees, vendors, or agents) that a provider may designate to handle such information on its behalf.<sup>49</sup> Global Caption sufficiently describes how it will comply with these rules. Global Caption states that its ASR transcription does not involve human interaction and is not recorded.<sup>50</sup> Global Caption states that it does not have access to the transcripts and that its agreement with its vendor for ASR support specifically precludes the vendor from utilizing fragmented or anonymized conversation data in further developing and enhancing its ASR service.<sup>51</sup>

15. Further, Global Caption states that it does not monitor or store the conversations between incarcerated users and their called parties. Noting that a carceral facility may monitor all calls except those to counsel and clergy, Global Caption clarifies that such monitoring occurs internally within the confines of the facility, prior to the presentation of call content to Global Caption for captioning.<sup>52</sup> Global

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<sup>44</sup> 47 CFR § 64.604(a)(1)(ii), (2)(ii). These standards apply to captions developed with ASR. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling, 18 FCC Rcd 16121, 16134-35, paras. 37-39 (2003); *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832-33, para. 60.

<sup>45</sup> NTL Test Report at 2.

<sup>46</sup> *See* Application at 8; *id.*, Appx. A at 14 (confidential version).

<sup>47</sup> *See* 47 CFR § 64.604(a)(2)(i) (prohibiting CAs from disclosing or retaining call content except as authorized by 47 U.S.C. § 605); *see also* *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832-33, para. 60 (clarifying that rules prohibiting TRS CAs from disclosing the content of a relayed conversation or keeping records of the content beyond the duration of a call apply to ASR-based IP CTS).

<sup>48</sup> *See* 47 CFR § 64.611(j)(1)(xii) (requiring IP CTS providers to maintain the confidentiality of user registration and certification information); *id.* §§ 64.2001-64.2011 (restricting disclosure and use of customer proprietary network information); *see also id.* § 9.14(b)(2)(vi) (limiting disclosure and use of information obtained while handling 911 calls).

<sup>49</sup> *See, e.g., 2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832-33, para. 60. As the Commission has noted previously, the use of ASR-only IP CTS can enhance call privacy by eliminating the need for a human CA to listen to a call. *Id.* at 5828, para. 50.

<sup>50</sup> Application at 11.

<sup>51</sup> *Id.* at 12.

<sup>52</sup> *Id.* at 11 n.23.

Caption explains that it does not retain copies of transcripts and cannot provide them to authorities if asked.<sup>53</sup>

16. *Emergency Call Handling.* Under the Commission’s TRS standard for emergency call handling, an IP CTS provider must ensure that 911 calls are given priority over non-911 calls.<sup>54</sup> In addition, when responsible for placing or routing voice calls to the public switched telephone network, an IP CTS provider must ensure that the call is routed, and required caller information delivered to the appropriate public safety answering point (PSAP).<sup>55</sup> Noting that carceral facilities generally do not allow incarcerated people to dial 911, Global Caption states that it has arrangements in place to handle such calls in accordance with the individual carceral institution’s requirements.<sup>56</sup> Given the control that carceral institutions and IPCS providers exercise over calls and the routing of calls placed by incarcerated people, we find that Global Caption has sufficiently demonstrated compliance with the emergency calling rules.

17. *Response to Additional Concerns Raised in Comments.* Consistent with the Bureau’s prior orders granting conditional certification to IP CTS applicants that did not propose to employ any CAs,<sup>57</sup> we decline ClearCaptions’ suggestion that we require Global Caption to offer CA-assisted IP CTS in addition to ASR-only IP CTS.<sup>58</sup> We are bound by the Commission’s determination that the capabilities of ASR are sufficient to warrant its recognition as a TRS Fund-supported alternative to CA-assisted IP CTS.<sup>59</sup> For similar reasons, and consistent with prior orders,<sup>60</sup> we also decline AARO’s request to require Global Caption to provide a means for consumers to choose between CA and ASR modes.<sup>61</sup> Whether to impose such a requirement is a policy determination for the Commission to make.

18. *Conditional Certification.* We grant Global Caption certification on a conditional basis, to provide IP CTS in carceral facilities for a period not to exceed two years from the effective date of this order, pending further verification based on actual performance that its service complies with the Commission’s minimum TRS standards. Because Global Caption is a new applicant with no previous experience in the provision of TRS, relying solely on fully automatic captioning, and seeking to offer IP

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<sup>53</sup> *Id.*

<sup>54</sup> 47 CFR § 9.14(b)(2)(ii).

<sup>55</sup> *Id.* § 9.14(b)(2)(i), (e).

<sup>56</sup> Application at 24 n.42; *see also* 2022 IPCS Order, para. 62.

<sup>57</sup> *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 35 FCC Rcd 4568, 4569, para. 2 (CGB 2020) (*MachineGenius Certification Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 35 FCC Rcd 5635 (CGB 2020) (granting Clarity, LLC conditional certification to provide ASR-only IP CTS) (*Clarity Certification Order*).

<sup>58</sup> ClearCaptions Comments at 4.

<sup>59</sup> *See 2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5828-29, para. 51 (finding that “improvements in accuracy, coupled with ASR’s advantages in speed and privacy, have made ASR a viable alternative to the use of human relay intermediaries for [Captioned Telephone Service (CTS)] and IP CTS”); *see also id.* at 5834-35, para. 63 (“Furthermore, while we are seeking more information about ASR technology in the FNPRM portion of this item, we do not agree that an ASR provider cannot be certified until we conduct ‘further study’ of such data.”).

<sup>60</sup> *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 37 FCC Rcd 5228, para. 3 (CGB 2022) (*Hamilton ASR Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 36 FCC Rcd 13241, 13248, para. 18 (CGB 2021) (*CaptionCall ASR Order*); *ClearCaptions ASR Order*, 36 FCC Rcd at 7257, para. 24.

<sup>61</sup> *See* AARO Comments at 5.

CTS in the special context of carceral facilities, we believe the best course is to collect additional information through observing Global Caption's service in operation to confirm that this service will meet or exceed the minimum TRS standards.<sup>62</sup>

19. To assist the Bureau in a final determination of Global Caption's qualifications to provide IP CTS, we require Global Caption to provide quarterly reports of consumer complaints, filed with the Commission in the same format and with the same degree of detail required in the log of consumer complaints that providers must file annually with the Commission.<sup>63</sup> The first report shall be due May 1, 2024, and shall cover the period from Global Caption's commencement of service through March 30, 2024.<sup>64</sup> Each subsequent report shall be filed on the first day of the second month of each calendar quarter and shall cover the preceding calendar quarter. For example, the second report shall be due August 1, 2024, and shall cover the calendar quarter from April 1 through June 30, 2024. Global Caption shall continue to file reports on a quarterly schedule until the expiration of this conditional certification, or until Commission action granting or denying full certification, whichever occurs earlier.

20. Pending a decision on full certification, the Bureau may request additional information in order to complete our review of Global Caption's application, such as the results and protocols for performance tests conducted by Global Caption or independent third parties.<sup>65</sup> We also require Global Caption to report promptly any changes in the information previously provided to the Commission in its application and supplemental filings, including, for example, any changes in service agreements and suppliers or in the manner in which Global Caption provides fully automatic IP CTS.

21. Pursuant to this grant of conditional certification, Global Caption may provide Fund-supported IP CTS in the manner described in its application, for a period not to exceed two years in carceral facilities, pending a final determination of its qualifications. This conditional certification is issued without prejudice to such final determination, which is dependent on verification of the information provided in Global Caption's application and supplemental filings, as well as the additional information provided pursuant to this order, and on the veracity of the applicant's representations that it

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<sup>62</sup> See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37 (reserving the right to grant conditional certification "where the Commission, upon initial review of the application, determines that the application facially meets the certification requirements, but that the Commission needs to verify some of the information contained in the application"); *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (stating that "no application to provide ASR will be approved unless the applicant demonstrates that the specific ASR technology described in the application meets applicable FCC requirements"); *id.* at 5835, para. 64 (noting that certification of an ASR-only provider may be granted on a conditional basis to enable assessment of an applicant's actual performance).

<sup>63</sup> See 47 CFR § 64.604(c)(1); see also *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5835, para. 64 (noting that to the extent deemed necessary certification of a provider may be conditioned on the submission of periodic data to help confirm whether fully automatic IP CTS is providing functionally equivalent service).

<sup>64</sup> The first report shall specify the date of commencement of service.

<sup>65</sup> See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (citing test results as an example of supporting information an ASR applicant might provide); *Notice of Conditional Grant of Application of Miracom USA, Inc., for Certification as a Provider of Internet Protocol Captioned Telephone Service Eligible for Compensation from the Telecommunications Relay Services Fund*, CG Docket Nos. 03-123, 10-51, and 13-24, Public Notice, 29 FCC Rcd 5105, 5106-10 (CGB 2014) (conditioning a provider's certification on submission of additional information, including quarterly testing and reports) (*Miracom Certification*). With some exceptions, such as speed of answer, the Commission's minimum TRS standards do not currently include quantitative metrics. However, testing with respect to various performance criteria, such as caption delay and accuracy, may be helpful in the overall evaluation of this application for the purpose of deciding whether to grant full certification. Further, the Commission has proposed to adopt quantified standards for caption delay and accuracy, which, if adopted, would be applicable to all IP CTS providers, including those applying for certification or authorized under conditional certification. See *IP CTS Metrics Notice*, 35 FCC Rcd at 10898-902, paras. 66-77.



will provide service in compliance with all pertinent Commission requirements. To assist in reaching a final determination, the Bureau may conduct one or more unannounced site visits to Global Caption's premises and may request additional documentation relating to Global Caption's provision of fully automatic IP CTS. Conversion to full certification will be granted if, based on a review of the applicant's documentation and other relevant information, the Commission finds that Global Caption is in compliance with applicable Commission rules and orders and is qualified to receive compensation from the Fund for the provision of IP CTS. If, at any time during the period in which Global Caption is operating pursuant to this conditional certification, the Commission determines that Global Caption has failed to provide sufficient supporting documentation for any of the assertions in its application, determines that any of those assertions cannot be supported, or finds evidence of any apparent rule violation, fraud, waste, or abuse, the Commission will take appropriate action, which may include the denial of Global Caption's application. In the event of such denial, Global Caption's conditional certification for its IP CTS will automatically terminate thirty-five (35) days after such denial.<sup>66</sup>

22. *Preventing Misuse.* We remind Global Caption and all other TRS providers that IP CTS is intended to provide a service functionally equivalent to voice telephone service, and must not be provided as a substitute for transcription of in-person meetings or conversations.<sup>67</sup> Further, although our rules do not prohibit Global Caption from enabling its registered users to save the captions as they appear on a device, they do prohibit an IP CTS provider itself from retaining call transcripts or subsequently providing transcripts to IP CTS users beyond the duration of the call.<sup>68</sup> We also remind Global Caption that its marketing of this service must conform with the Commission's rules.<sup>69</sup>

23. *Compensation.* Providers of IP CTS are currently compensated under a single formula, in the amount of \$1.30 per minute. The Commission has sought comment on modifying this formula and is expected to adopt a revised compensation plan by June 30, 2024.<sup>70</sup> Newly certified IP CTS providers should not assume or expect that the current compensation formula will remain applicable or that any

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<sup>66</sup> See 2011 *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

<sup>67</sup> For example, Communication Access Realtime Translation (CART) is often used to generate captions for live meetings, speeches, and other in-person situations where the provision of TRS Fund-supported relay services is not permitted. See *Miracom Certification*, 29 FCC Rcd at 5109; see also *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8691, para. 180 & n.465 (2013) (explaining that the use of TRS Fund-supported VRS to substitute for video remote interpreting—a service that is used when an interpreter cannot be physically present to interpret for two or more persons who are in the same location—is not permitted).

<sup>68</sup> See 47 CFR § 64.604(a)(2)(i). There is a limited exception applicable only to speech-to-speech services.

<sup>69</sup> See, e.g., 47 CFR § 64.604(c)(8), (c)(11), (c)(13). The Commission has noted that the ease and convenience of using IP CTS, while facilitating use of the service by people with hearing loss who need it for effective communication, also creates a risk that IP CTS will be used even when it is not needed. See 2018 *ASR Declaratory Ruling*, 33 FCC Rcd at 5805, para. 9.

<sup>70</sup> *Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 22-408, 03-123, and 13-24, Notice of Proposed Rulemaking and Order on Reconsideration, FCC 22-97 (Dec. 22, 2022) (proposing revised compensation plan for IP CTS); *Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Services*, CG Docket Nos. 22-408, 03-123, and 13-24, Order, DA 23-1189 (Dec. 20, 2023) (extending the current compensation plan through June 30, 2024, or the effective date of Commission action revising the compensation formula, if earlier).

revised formula(s) will necessarily allow them to recover their cost of service, even if they serve a special population or use a new, more expensive method of providing service.<sup>71</sup>

#### IV. PROCEDURAL MATTERS

24. *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

25. *Additional Information.* For further information regarding this item, please contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716 or by e-mail to [William.Wallace@fcc.gov](mailto:William.Wallace@fcc.gov).

#### V. ORDERING CLAUSES

26. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, 4(i), 4(j) and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), and 225, and sections 0.141, 0.361, 1.3, and 64.606(b)(2) of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, 64.606(b)(2), and the authority delegated by paragraph 60 of the Commission's *2018 ASR Declaratory Ruling*, the application of Global Caption, Inc., for certification to provide IP CTS in carceral facilities is GRANTED as conditioned in this Order.

27. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark, Chief,  
Consumer and Governmental Affairs Bureau

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<sup>71</sup> See *Miracom Certification*, 29 FCC Rcd at 5108 n.19 (“Compensation rates are determined in light of the minimum standards as set by the Commission. Although the Commission may periodically reassess those standards in light of new services and technologies, a TRS provider cannot unilaterally impose a higher standard or secure a higher compensation rate simply by utilizing a new, more expensive method of providing service.”).