

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

In the Matter of)
)
Telecommunications Relay Services and) CG Docket No. 03-123
Speech-to-Speech Services for Individuals with)
Hearing and Speech Disabilities)
)
Hamilton Internet-Based TRS Certification)
Application)

ORDER

Adopted: December 17, 2024

Released: December 17, 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) grants Hamilton Relay, Inc. (Hamilton), full certification of eligibility to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund for the provision of Internet Protocol Captioned Telephone Service (IP CTS).1 This grant of full certification authorizes Hamilton to provide IP CTS using Communications Assistants (CAs) and Automatic Speech Recognition (ASR) for a five-year period, through December 17, 2029.2

II. BACKGROUND

A. The Certification Process

2. The Commission’s certification process for Internet-based TRS providers is set forth in section 64.606 of our rules and was established to ensure that providers receiving TRS Fund compensation are qualified to provide service in compliance with the TRS rules.3 Applicants must submit specific documentation to the Commission (described further below), and certification shall be granted upon a determination that the provider will meet all applicable mandatory minimum TRS standards and has adequate procedures and remedies for ensuring compliance with Commission rules.4 The

1 TRS are “telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability” to communicate with others via wire or radio “in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability.” 47 CFR § 64.601(a)(45). The TRS Fund compensates eligible providers of Internet-based and interstate TRS for their reasonable costs of providing these services. See id. § 64.604(c)(5)(iii). IP CTS, a form of TRS, “permits an individual who can speak but who has difficulty hearing over the telephone 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 IP CTS, the connection carrying the captions between the relay service provider and the relay service user is via the internet, rather than the public switched telephone network.” Id. § 64.601(a)(25).

2 47 CFR § 64.606(c)(2) (providing that certifications granted under section 64.606 of the Commission’s rules remain in effect for five years).

3 See 47 CFR § 64.606; Structure and Practices of the Video Relay Service Program, Second Report and Order, 26 FCC Rcd 10898, 10902-03, paras. 8-9 (2011) (2011 Internet-based TRS Certification Order).

4 47 CFR § 64.606(a)(2), (b)(2); 2011 Internet-based TRS Certification Order, 26 FCC Rcd at 10909-13, paras. 23-34; see also Structure and Practices of the Video Relay Service Program; et al., CG Docket Nos. 10-51, et al.,

(continued....)

Commission may grant conditional certification where additional time is needed to complete evaluation of an applicant's qualifications or verify information contained in the application.⁵

3. After certification, Internet-based TRS providers must file annual reports updating the information in their application to demonstrate continuing compliance with the Commission's mandatory minimum TRS standards.⁶ Each provider also must include within its annual report a compliance plan describing the provider's policies and procedures for complying with Commission rules prohibiting IP CTS providers from engaging in the unauthorized and unnecessary use of IP CTS.⁷

B. Hamilton's Application

4. Hamilton initially applied for IP CTS certification in 2011.⁸ Hamilton had interim eligibility to receive TRS Fund compensation for the provision of IP CTS pursuant to the Commission's *2011 Internet-based TRS Certification Order*.⁹ On July 9, 2021, Hamilton amended its application to request approval to provide fully automatic IP CTS in addition to, and in combination with, its CA-assisted service.¹⁰ On April 20, 2022, the Commission granted Hamilton conditional certification to provide ASR-only IP CTS for a two-year period, through April 19, 2024.¹¹

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Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (clarifying and modifying the certification requirements adopted in the *2011 Internet-based TRS Certification Order*).

⁵ *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

⁶ 47 CFR § 64.606(g).

⁷ *See id.* § 64.604(c)(13).

⁸ *See* Application of Hamilton Relay, Inc. as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (Dec. 5, 2011) (*Application*), <https://www.fcc.gov/ecfs/document/6016877168/1>; Minor Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed May 8, 2012), <https://www.fcc.gov/ecfs/document/6017034795/1> (*First Amendment*); Second Amendment to Application of Hamilton Relay, Inc., for Certification as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed January 16, 2013); Third Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed July 11, 2013), <https://www.fcc.gov/ecfs/document/6017458129/1> (*Third Amendment*); Fourth Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Dec. 2, 2014) (*Fourth Amendment*); Fifth Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Dec. 11, 2017), <https://www.fcc.gov/ecfs/document/121296654516/1> (*Fifth Amendment*) (providing a confidential, updated number of employees by position); Sixth Amendment to Application of Hamilton Relay, Inc. as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed July 9, 2021), <https://www.fcc.gov/ecfs/document/1070942156998/1> (*Sixth Amendment*); Seventh Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Mar. 24, 2022), <https://www.fcc.gov/ecfs/document/103250348902238/1> (*Seventh Amendment*); Eighth Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Jan. 13, 2023), <https://www.fcc.gov/ecfs/document/10113285203338/1> (*Eighth Amendment*). Hamilton also provided updates to its application in its 2018-2024 Annual Reports.

⁹ The Commission granted interim eligibility, pending action on timely applications for certification, to TRS providers that were then providing Internet-based TRS under contract with a certified state program. *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10921-22, paras. 57-59.

¹⁰ *Sixth Amendment*. When an applicant is conditionally certified to provide Internet-based TRS, the original application remains in pending status until full certification is granted. *See 2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37; *see also Purple Conditional Certification*, 29 FCC Rcd at 13728, n. 2;

(continued....)

5. On March 14, 2023, the Bureau sought comment on Hamilton's December 2011 Application (as amended).¹² No party filed comments or replies. On December 5, 2023, Hamilton filed the annual report required by section 64.606(g) with updates to its pending certification application.¹³

III. DISCUSSION

6. Hamilton's amended application provides all the information and documentation required by the Commission's certification rules, including: (1) a description of the services to be provided;¹⁴ (2) a detailed description of how Hamilton will meet all non-waived mandatory minimum standards applicable to IP CTS;¹⁵ (3) a description of Hamilton's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more of the securities of Hamilton, and the names of its executives, officers and members of its board;¹⁶ (4) a confidential list of the number of its full-time and part-time employees involved in Hamilton's IP CTS operations by position;¹⁷ (5) a confidential list of all sponsorship arrangements relating to the provision of Internet-based TRS;¹⁸ (6) a description of Hamilton's complaint procedures;¹⁹ (7) a statement that Hamilton will file annual compliance reports;²⁰ and (8) a certification by Hamilton's CEO confirming the accuracy and completeness of the information contained in the application.²¹ Further, since 2018,

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Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, 36 FCC Rcd at 7246, 7246, n. 2 (CGB 2021) (*ClearCaptions ASR-Only Order*).

¹¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Memorandum Opinion and Order, 37 FCC Rcd 5227, 33, 35, paras. 17, 21 (CGB 2022) (*Hamilton ASR-Only Certification*) (granting conditional certification to provide fully automatic IP CTS for two years, through April 19, 2024).

¹² *Comment Sought on Amended Application of Hamilton for Certification as a Provider of Internet Protocol Captioned Telephone Service*, CG Docket No. 03-123, Public Notice, DA 23-214 (Mar. 14, 2023), <https://docs.fcc.gov/public/attachments/DA-23-214A1.pdf>.

¹³ Hamilton Relay, Inc., Annual IP CTS Report, CG Docket Nos. 03-123 and 10-51 (Dec. 5, 2023), attached to Letter from David A. O'Connor, Counsel to Hamilton, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123 (Dec. 5, 2023) (Hamilton 2023 Report) (redacted), <https://www.fcc.gov/ecfs/document/1205210427862/1>.

¹⁴ *Application* at 2; *Sixth Amendment* at 2 (providing ASR-based IP CTS); *see also* 47 CFR § 64.606(a)(2)(i); *see also* Hamilton 2023 Report at 1-2; *Third Amendment* at 1-2 (noting that Hamilton no longer provides Internet Relay Services, and limiting its application to IP CTS).

¹⁵ *Application* at 3; *First Amendment* (regarding 911 service); *Third Amendment* at 2; *Fourth Amendment* at 5-7, 9-12 (compliance with recently adopted rules); *Sixth Amendment* (ASR-based IP CTS); *Seventh Amendment* (regarding ASR-based IP CTS); Hamilton 2018 Annual Report (compliance with rules adopted in 2018); *see also* 47 CFR § 64.606(a)(2)(ii); *see also* Hamilton 2023 Report at 3-5.

¹⁶ *See Eighth Amendment* at 2-3; *see also* 47 CFR § 64.606(a)(2)(ii)(B).

¹⁷ *Application* at 5; *Fifth Amendment*, at 3 (providing a confidential, updated number of employees by position); *see also* 47 CFR § 64.606(a)(2)(ii)(C); *see also* Hamilton 2023 Report at 2.

¹⁸ *Application* at 5; *Fifth Amendment* at 3 (providing a confidential, updated list of all sponsorship agreements); *see also* 47 CFR § 64.606(a)(2)(ii)(E); *see also* Hamilton 2023 Report at 2-3.

¹⁹ *Application* at 39; *see also* 47 CFR § 64.606(a)(2)(iii).

²⁰ *Application* at 40; *see also* 47 CFR § 64.606(a)(2)(iv).

²¹ *Application* at 42; *see also* 47 CFR § 64.606(a)(2)(v).

Hamilton has filed the required annual reports, to demonstrate compliance with the TRS rules and update the information contained in its applications.²²

7. Based on our review and investigation of the amended application, Hamilton's annual reports, and other relevant information regarding Hamilton's actual provision of IP CTS, we find that Hamilton will provide IP CTS in compliance with the applicable mandatory minimum TRS standards.²³ We also find that Hamilton makes available adequate procedures and remedies for compliance with such minimum standards and the requirements of section 64.606. Therefore, we certify Hamilton as eligible to receive compensation from the Fund for the provision of IP CTS using CAs and ASR. This certification shall remain in effect for a period of five years.²⁴

8. We emphasize that Hamilton must continue to operate in compliance with all relevant Commission rules and orders. As with other grants of TRS certification, the Commission reserves the right to conduct ongoing monitoring of the operations of Hamilton to ensure continuing compliance and to review any additional documentation necessary to ascertain the veracity of the assertions made in its applications and updates.²⁵ The Commission also reserves the right to investigate compliance by Hamilton with the Commission's rules and orders and to take enforcement action for past or future violations, including suspension or revocation of this certification, if circumstances warrant.²⁶ This may include unannounced on-site visits to Hamilton's headquarters, offices, or call centers for the purpose of ensuring continued compliance with the certification requirements and the Commission's rules.

9. We remind Hamilton that, pursuant to section 64.606(c)(2) of the Commission's rules, a provider seeking renewal of its certification must submit the required documentation at least 90 days prior to the expiration of its current certification.²⁷

IV. PROCEDURAL MATTERS

10. *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 or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

11. *Additional Information.* For further information regarding this item, please contact Ross Slutsky by telephone at (202) 418-0356, or by email at Ross.Slutsky@fcc.gov. Individuals who use videophones and are fluent in American Sign Language (ASL) may call the FCC's ASL Consumer Support Line at (844) 432-2275.

V. ORDERING CLAUSES

12. IT IS ORDERED that, pursuant to the authority contained in sections 4(i) and 4(j) and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 225, and sections 0.141 and 0.361 of the Commission's rules, 47 CFR §§ 0.141, 0.361 and 1.3, this Order IS ADOPTED.

²² See Hamilton 2023 Report (filed Dec. 5, 2023); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 6, 2022) (Hamilton 2022 Annual Report); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 7, 2021); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 7, 2020); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 5, 2019); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 6, 2018).

²³ Other relevant information includes, but is not limited to, audit reports, complaint logs, call record and speed of answer compliance data, certifications, and performance testing reports.

²⁴ See 47 CFR § 64.606(c)(2). Accordingly, Hamilton's new certification will expire on December 17, 2029.

²⁵ See *Internet-based TRS Certification Order*, 26 FCC Rcd at 10900, para. 2.

²⁶ See 47 CFR § 64.606(e)(2).

²⁷ 47 CFR § 64.606(c)(2).

13. 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