



PUBLIC NOTICE

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REQUEST FOR COMMENT ON PETITION FILED BY SORENSON COMMUNICATIONS, INC., AND CAPTIONCALL, LLC, REGARDING LICENSING OF INTERNET PROTOCOL CAPTIONED TELEPHONE SERVICE TECHNOLOGY

CG Docket Nos. 03-123 & 13-24

Comments: December 29, 2014

Reply Comments: January 13, 2015

On November 19, 2014, Sorenson Communications, Inc. (Sorenson), and CaptionCall, LLC (CaptionCall) (collectively, Petitioners), filed a petition seeking a declaratory ruling that Ultratec, Inc. (Ultratec), is required to offer a license to legitimate telecommunications relay service (TRS) providers seeking to offer Internet Protocol Captioned Telephone Service (IP CTS) at reasonable rates.¹

In 2007, the Commission authorized payment of compensation from the Interstate TRS Fund for the provision of IP CTS.² In the *2007 IP CTS Declaratory Ruling*, the Commission stated, among other things:

Moreover, we expect that this will not be a service under the control of one vendor or provider. In this regard, we condition our approval on Ultratec's representation that it will continue to license its captioned telephone technologies, including technologies relating to IP CTS, at reasonable rates.³

The Petitioners request that the Commission issue a declaratory ruling that under the *2007 IP CTS Order*, to the extent that Ultratec holds valid patents that cover technology required or desirable for the provision

¹ Sorenson Communications, Inc., and CaptionCall, LLC, Petition for Declaratory Ruling (filed November 19, 2014) (Petition). IP CTS, a form of TRS, permits people who can speak, but who have a hearing loss and have difficulty hearing over the telephone, to speak directly to another party on a telephone call and to use an Internet Protocol-enabled device to simultaneously listen to the other party and read captions of what that 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. 47 C.F.R. § 64.601(a)(16).

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379 (2007) (*2007 IP CTS Declaratory Ruling*).

³ *2007 IP CTS Order*, 22 FCC Rcd at 389, ¶ 24 (footnote omitted).

of IP CTS, Ultratec must license that technology to all TRS providers at reasonable rates.⁴ Petitioners seek clarification that this requirement is not limited to licensing the technology to resellers or suppliers of Ultratec's CapTel captioned telephone service.⁵ They argue that, in light of the Commission's statement in the *2007 IP CTS Declaratory Ruling* that "we expect that this will not be a service under the control of one vendor or provider," the licensing condition of that order required Ultratec to license its technology to providers that compete with the CapTel service as well as to providers who resell the CapTel service.⁶ In the alternative, the Petitioners request the Commission to declare prospectively that, in the future, Ultratec must license its IP CTS technology to all relay providers.

Pursuant to Sections 1.2 of the Commission's rules, 47 C.F.R. § 1.2, we invite interested parties to file comments on the Petition and to file reply comments on or before the dates specified above. All filings must reference **CG Docket Nos. 03-123 and 13-24**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings. Comments may be filed electronically using the Internet by accessing the ECFS: <<http://fjallfoss.fcc.gov/ecfs2>>. Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and **CG Docket Nos. 03-123 and 13-24**.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

A copy of this *Notice*, the Petition, and any subsequently filed documents in this matter will be available during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554. Copies of this *Notice*, the Petition, and any subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at its website, www.bcpiweb.com, or by calling 1-800-378-3160. A copy of the submission may also be found by searching on ECFS (insert one or more of the above-referenced docket numbers into the Proceeding block).

⁴ Petition at 1, 10-13

⁵ Petition at 1, 10-13, 15-18.

⁶ Petition at 12-13; see *2007 IP CTS Order*, 22 FCC Rcd at 389, ¶ 24.

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