



PUBLIC NOTICE

Federal Communications Commission
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**GRANT OF CERTIFICATION FOR CAPTIONCALL, LLC,
TO PROVIDE INTERNET PROTOCOL CAPTIONED TELEPHONE SERVICE
UNDER OWNERSHIP OF ARIEL GP HOLDCO, LLC**

CG Docket No. 03-123

By the Acting Chief, Consumer and Governmental Affairs Bureau:

Certification is granted to CaptionCall, LLC (CaptionCall), to provide Internet Protocol Captioned Telephone Service (IP CTS)¹ supported by the Interstate Telecommunications Relay Service Fund (TRS Fund)² under majority ownership by Ariel GP Holdco, LLC (Ariel). By this action, CaptionCall, which currently holds a conditional certification to provide IP CTS,³ is eligible for compensation from the TRS Fund for a period of five years through June 24, 2030.⁴ This grant of full certification authorizes CaptionCall to provide IP CTS using Communications Assistants (CAs) and Automatic Speech Recognition (ASR).

Background

On March 23, 2022, the Bureau granted conditional certification to CaptionCall for the provision of IP CTS, following the acquisition of majority ownership of CaptionCall by Ariel.⁵ Conditional certification was granted for a period of two years, until March 22, 2024, and subsequently was extended through June 30, 2025.⁶ On April 19, 2022, Ariel filed an application for full certification of CaptionCall as a provider of IP CTS, eligible for compensation from the TRS Fund under the new ownership.⁷ On

¹ IP CTS “permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an [IP]-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying.” 47 CFR § 64.601(a)(26).

² The TRS Fund compensates eligible providers of Internet-based and interstate TRS for their reasonable costs of providing these services. See 47 CFR § 64.604(c)(5)(iii).

³ *Grant of Conditional Certification for CaptionCall, LLC, to Provide Internet Protocol Captioned Telephone Service After Its Acquisition by Ariel GP Holdco, LLC*, CG Docket No. 03-123, Public Notice, 37 FCC Rcd 3995 (CGB 2022) (2022 Conditional Certification Notice).

⁴ This certification includes IP CTS provisioned by Communications Assistants and Automatic Speech Recognition.

⁵ See 2022 Conditional Certification Order, 37 FCC Rcd 3995.

⁶ See *Extension of Conditional Certifications of CaptionCall, LLC, and Sorenson Communications, LLC, to Provide Telecommunications Relay Services*, CG Docket Nos. 03-123 and 10-51, Public Notice, 39 FCC Rcd 2937 (CGB 2024) (extending through December 31, 2024); *Extension of Conditional Certifications of CaptionCall, LLC, and Sorenson Communications, LLC, to Provide Telecommunications Relay Services*, CG Docket Nos. 03-123 and 10-51, Public Notice, DA 24-1264 (Dec. 17, 2024) (extending through June 30, 2025).

⁷ See Application of CaptionCall, LLC, as Majority-Owned and Controlled by Ariel GP Holdco, LLC, for Certification to Provide Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Apr. 19, 2022) (redacted) (2022 CaptionCall Application); Supplemental Update to CaptionCall, LLC’s Internet-Based TRS

(continued...)

October 29, 2024, the Bureau released a Public Notice seeking comment on CaptionCall's application for full certification.⁸ No comments on CaptionCall's application were filed.

Discussion

Internet-based TRS providers must obtain certification from the Commission to be eligible for TRS Fund support.⁹ Certification shall be granted upon a determination that the provider will meet all applicable minimum TRS standards and has adequate procedures and remedies for ensuring compliance with Commission rules.¹⁰ 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.¹¹

CaptionCall's IP CTS Qualifications. CaptionCall's application and supplemental filings provide the information and documentation required by the Commission's certification rules, including: (1) a description of the service to be provided;¹² (2) a detailed description of how CaptionCall will meet all mandatory minimum standards applicable to IP CTS;¹³ (3) a description of CaptionCall'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 the securities of CaptionCall, and the names of its executives, officers and members of its board;¹⁴ (4) a confidential list, by position, of the number of full-time and part-time employees involved in CaptionCall's IP CTS operations;¹⁵ (5) a confidential list of all sponsorship arrangements relating to the provision of Internet-based TRS;¹⁶ (6) a description of measures taken to ensure that the provider does not and will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements;¹⁷ (7) a description

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Certification Application for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Sept. 17, 2024) (September 2024 CaptionCall Supplement) (disclosing certain previously redacted information); Supplemental Update to CaptionCall, LLC's Internet-Based TRS Certification Application for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Dec. 5, 2024) (December 2024 CaptionCall Supplement).

⁸ See *Comment Sought on Application of Sorenson Communications, LLC, for Certification as a Provider of Video Relay Service; Comment Sought on Application of CaptionCall, LLC, for Certification as a Provider of Internet Protocol Captioned Telephone Service*, CG Docket Nos. 10-51 and 03-123, Public Notice, DA 24-1113 (Oct. 29, 2024).

⁹ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order, 26 FCC Rcd 10898, 10902, para. 8 (2011) (*2011 Internet-based TRS Certification Order*); see also 47 CFR § 64.606.

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

¹¹ 47 CFR § 64.606(g).

¹² 2022 CaptionCall Application at 7; see 47 CFR § 64.606(a)(2)(i).

¹³ 2022 CaptionCall Application at 7-17, Add. 2 (regulatory compliance plan), Add. 3 (CPNI operating procedures); see 47 CFR § 64.606(a)(2)(ii).

¹⁴ 2022 CaptionCall Application at 17-21, Exhs. 1 (ownership interests) (redacted), 2; September 2024 CaptionCall Supplement at 1-4 (unredacted ownership interests), Exh. 1 (updated officers and directors); December 2024 CaptionCall Supplement, Ex. 1 (updated officers and directors); see 47 CFR § 64.606(a)(2)(ii)(B). CaptionCall also updated its contact information. September 2024 CaptionCall Supplement at 4-5.

¹⁵ 2022 CaptionCall Application at 21-22; see 47 CFR § 64.606(a)(2)(ii)(C).

¹⁶ 2022 CaptionCall Application at 22, Ex. 3 (redacted); see 47 CFR § 64.606(a)(2)(ii)(E).

¹⁷ 2022 CaptionCall Application at 23-24; see 47 CFR § 64.606(a)(2)(ii)(F).

of CaptionCall's complaint procedures;¹⁸ (8) a statement that CaptionCall will file annual compliance reports demonstrating continued compliance with the rules;¹⁹ and (9) a certification by CaptionCall's CEO confirming the accuracy and completeness of the information contained in the application.²⁰

Consent Decrees. Within the past five years, CaptionCall entered into two consent decrees with the Commission's Enforcement Bureau, settling investigations into violations of the Commission's TRS rules.²¹ In December 2021, prior to its acquisition by Ariel, CaptionCall settled an investigation concerning CaptionCall's marketing of, and registering users for, its IP CTS. Rule violations detailed in the consent decree include rewarding Hearing Health Professionals for referrals of potential IP CTS customers, seeking recovery of non-allowable customer premises equipment costs, and failing to obtain self-certifications and identity documentation from new users.²² In the *2021 Consent Decree*, CaptionCall agreed to take a number of steps to remediate admitted violations of the TRS rules and prevent future violations, including, among other requirements: appointing a Compliance Officer; developing and implementing a Compliance Plan; distributing a Compliance Manual to its employees, explaining acceptable practices, risks of violations, and procedures for disclosures of any rule violations; and implementing a Training Program for employees to ensure compliance with TRS rules and the Consent Decree.²³ CaptionCall was also required to disclose any further instances of non-compliance and file semi-annual reports of its compliance actions.²⁴ CaptionCall and its parent Sorenson Communications, LLC, agreed to a \$28 million offset from the TRS Fund and a \$12.5 million civil penalty.²⁵ In the Consent Decree, the Enforcement Bureau did not set for hearing and made no adverse findings regarding CaptionCall's basic qualifications to hold or obtain any Commission license or authorization.²⁶

From February 2022 through March 2023, pursuant to the reporting requirements of the *2021 Consent Decree* and the *MachineGenius Consent Decree*, CaptionCall submitted reports of noncompliance with the TRS rules by CaptionCall and MachineGenius, including the improper retention of the content of relayed conversations, failure to send required account change notifications to some customers in a timely manner, certain actions taken by marketing partners, and collection of TRS Fund compensation for ineligible calls.²⁷ After an investigation, the Enforcement Bureau and CaptionCall resolved these issues in the *2024 Consent Decree*.²⁸ CaptionCall agreed to implement a Compliance Plan and a TRS Privacy and Data Protection Program, and appoint a Privacy Officer.²⁹ CaptionCall again

¹⁸ 2022 CaptionCall Application at 25; *see* 47 CFR § 64.606(a)(2)(iii).

¹⁹ 2022 CaptionCall Application at 26; *see* 47 CFR § 64.606(a)(2)(iv).

²⁰ 2022 CaptionCall Application at 26, Add. 1; *see* 47 CFR § 64.606(a)(2)(v).

²¹ *See Sorenson Communications, LLC and CaptionCall, LLC*, EB-TCD-17-00024119, et al., Order and Consent Decree, 36 FCC Rcd 16545 (EB 2021) (*2021 Consent Decree*); *CaptionCall, LLC and MachineGenius, Inc.*, EB-TCD-22-00034166, et al., Order and Consent Decree, 39 FCC Rcd 6981 (EB 2024) (*2024 Consent Decree*). CaptionCall acquired the assets of MachineGenius, Inc., another certified provider of IP CTS, in July 2022, and became the successor to a Consent Decree between the Enforcement Bureau and MachineGenius. *Machine Genius, Inc.*, Order and Consent Decree, 37 FCC Rcd 7817 (EB 2022) (*MachineGenius Consent Decree*).

²² *See 2021 Consent Decree*, 36 FCC Rcd at 16551-54, paras. 7-13.

²³ *See id.* at 16556-58, paras. 22-23.

²⁴ *See id.* at 16561-62, paras. 24-25.

²⁵ *See id.* at 16563, paras. 27-28.

²⁶ *See id.* at 16546, Order, para. 4.

²⁷ *See 2024 Consent Decree*, 39 FCC Rcd at 6987-88, para. 6.

²⁸ *See id.* at 6987, para. 6.

²⁹ *See id.* at 6989-92, para. 16,

agreed to report instances of future non-compliance and submit compliance reports.³⁰ CaptionCall and Sorenson agreed to a \$12 million offset from TRS funding and also \$5 million civil penalty.³¹ As in the *2021 Consent Decree*, based on the facts before it, the Enforcement Bureau did not set for hearing and made no adverse findings regarding CaptionCall's qualifications to hold any FCC license or authorization.³²

Significant concerns are raised by the extent of the prior violations of TRS rules acknowledged in these consent decrees. However, we note that all the actions addressed in the *2021 Consent Decree* predated the acquisition of CaptionCall by Ariel. We also find it significant that CaptionCall's initial reporting of the matters addressed in the *2024 Consent Decree* predated its acquisition by Ariel and that additional reporting of these matters under Ariel's management began immediately after completion of the acquisition and was completed within a year after the acquisition.³³ Further, the *2024 Consent Decree*, as noted above, provides that CaptionCall shall take additional steps to avoid future rule violations, and our review of the annual audits of CaptionCall's compliance does not reveal any patterns of noncompliance warranting denial of recertification.

Based on our review of the Application, supplements, annual reports,³⁴ the above-discussed consent decrees, and other relevant information, we find that CaptionCall has sufficiently established that it will provide IP CTS in compliance with the applicable mandatory minimum TRS standards and that it makes available adequate procedures and remedies for compliance with such minimum standards and the certification requirements of section 64.606. Therefore, we certify CaptionCall as eligible to receive compensation from the Fund for the provision of IP CTS. This certification shall remain in effect for a period of five years.³⁵

We emphasize that CaptionCall must continue to operate in compliance with all relevant Commission rules and orders, including any applicable Consent Decrees. The Commission may investigate compliance by CaptionCall with the Commission's rules and orders, and take enforcement action, including suspension or revocation of this certification.³⁶ This may include unannounced on-site visits to CaptionCall's headquarters, offices, or call centers for the purpose of ensuring continued compliance with the certification requirements and the Commission's rules.³⁷

³⁰ See *id.* at 6995, paras. 17-18.

³¹ See *id.* at 6997-98, paras. 20, 22.

³² See *id.* at 6981, Order, para. 3.

³³ See *id.* at 6987-88, para. 6 n.15.

³⁴ See, e.g., Update and Verification of Internet-Based Certification Application of CaptionCall, LLC for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Mar. 24, 2025); Update and Verification of Internet-Based Certification Application of CaptionCall, LLC for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Dec. 18, 2023); Update and Verification of Internet-Based Certification Application of CaptionCall, LLC for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Dec. 28, 2022); Update and Verification of Internet-Based Certification Application of CaptionCall, LLC for Internet Protocol Captioned Telephone Relay Service, CG Docket No. 03-123 (filed Dec. 15, 2021); Update and Verification of Internet-Based Certification Application of CaptionCall, LLC for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Dec. 18, 2020); Update and Verification of Internet-Based Certification Application of CaptionCall, LLC and Sorenson Communications, LLC for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Dec. 20, 2019).

³⁵ See 47 CFR § 64.606(c)(2).

³⁶ See *id.* § 64.606(e)(2).

³⁷ See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914, para. 36.

Conclusion

Accordingly, we find that the public interest and the objectives of section 225 are served by authorizing CaptionCall to provide IP CTS under its Ariel ownership. For these reasons, the Bureau grants CaptionCall certification to provide IP CTS for a period not to exceed five years from the date of this Public Notice. This Public Notice shall be effective immediately upon release.

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.

Additional Information: For additional information on this proceeding, contact William Wallace at 202-418-2716, or William.Wallace@fcc.gov, of the Consumer and Governmental Affairs Bureau, Disability Rights Office.

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