

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544**

In the Matter of	)	
	)	
Information Collection Being Reviewed by the	)	OMB 3060-0463
Federal Communications Commission	)	
	)	

COMMENTS OF HAMILTON RELAY, INC.

Hamilton Relay, Inc. (“Hamilton”), by its counsel, respectfully submits this comment in response to the August 29, 2018 request filed by the Federal Communications Commission (“Commission”) seeking comment on a revision of a currently approved information collection under 47 C.F.R. § 64.604 to implement, among other things, two cost reporting requirements recently adopted in the *2018 Internet-based Captioned Telephone Service (“IP CTS”) Order*.¹

Hamilton understands that the Commission is finally seeking to take steps to customize its IP CTS cost collection forms to reflect how IP CTS providers conduct their business.² The forms that the Telecommunications Relay Services Fund (“TRS”) Administrator has used for years to collect cost data were developed without input from IP CTS providers or other industry stakeholders. Instead, the TRS Fund Administrator simply changed the heading of cost forms established for materially different forms of relay services and applied them to IP CTS.³

¹ *Information Collection Being Reviewed by the Federal Communications Commission*, Notice and Request for Comments, 83 Fed. Reg. 44049, 44050 (Aug. 29, 2018).

² *Misuse of Internet Protocol (IP) Captioned Telephone Service, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, CG Docket Nos. 13-24 & 03-123, FCC 18-79 ¶¶ 36-37 (rel. June 8, 2018) (“*Further Notice*”).

³ See, e.g., Comments of Hamilton Relay, Inc., OMB 3060-XXXX, cross-filed in CG Docket Nos. 03-123, 13-24 (filed Jan. 4, 2018).

Accordingly, the forms were vague, employed unclear and inappropriate cost categories, and forced providers to exclude relevant information.⁴ At a minimum, any new forms approved by OMB must follow the allowable cost pattern in Part 32 of the Commission's rules to properly account for IP CTS provider costs, as set forth in the Commission's rules.⁵

Further, the Commission and the TRS Fund Administrator must also be mindful of Congress's directives to minimize the paperwork burden for small businesses and ensure that any collection is "necessary for the proper performance of the functions of the agency."⁶

Accordingly, any collection forms must be properly tailored to IP CTS and collect only the information necessary for the Commission to establish permanent rates for IP CTS. Should the Commission establish a permanent rate methodology such as price cap, rather than a cost-based rate, the Commission should withdraw its OMB request for collecting annual cost information, as such a rate methodology would not require the annual submission of such granular cost data.⁷

⁴ *Id.* at 11.

⁵ 47 C.F.R. § 64.604(c)(5)(iii)(D)(1); *see also* Comments of Hamilton Relay, Inc., CG Docket Nos. 13-24, 03-123, at 13-15 (filed Sept. 17, 2018); Reply Comments of Hamilton Relay, Inc., CG Docket Nos. 13-24, 03-123, at 5 (filed Oct. 16, 2018).

⁶ Paperwork Reduction Act of 1995, Pub. L. 104-13, 109 Stat. 163, 163 (1995) (naming minimizing the paperwork burden resulting from the collection of information by or for the Federal Government as the first purposes of the Act), 179 (instructing the Director of OMB to determine that a proposed collection "is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility" prior to approval).

⁷ *Further Notice* Section V.A (seeking comment on establishing a permanent IP CTS rate methodology).

In sum, Hamilton urges the Commission to balance carefully the information collections and burdens associated with its IP CTS rules.

Respectfully submitted,

HAMILTON RELAY, INC.

/s/ David A. O'Connor

David A. O'Connor

Rachel S. Wolkowitz

Wilkinson Barker Knauer, LLP

1800 M Street NW, Suite 800N

Washington, DC 20036

Tel: 202.783.4141

Its Counsel

October 29, 2018