Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In re )
) Telecommunications Relay Services and )
Speech-to-Speech Services for Individuals ) CG Docket No. 03-123
With Hearing and Speech Disabilities ) CG Docket No. 10-51
Application for TRS Certification to )
Provide IP Captioned Telephone Service )

To: Chief, Consumer and Governmental Affairs Bureau,
Internet-based TRS Certification Application

AMENDMENT TO APPLICATION OF MIRACOM USA, INC. FOR CERTIFICATION TO PROVIDE IP CAPTIONED TELEPHONE SERVICE

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August 6, 2013
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In the Matter of  

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TO PROVIDE IP CAPTIONED TELEPHONE SERVICE

Miracom USA, Inc. (“Miracom” or “Company”), by counsel and pursuant to the Commission’s January 11, 2008, declaratory ruling in this proceeding and FCC Rule Sections 64.604, 64.605 and 64.606 (47 C.F.R. §§ 64.604, 64.605 and 64.606), respectfully submits this Amendment to its pending application for certification to provide Internet Protocol Captioned Telephone Service (“IP CTS”).

This Amendment, certified by Miracom’s COO Chuck Owen, does the following:

(1) Confirms that Miracom shall not offer or provide to any person or entity any form of direct or indirect inducements, financial or otherwise, to subscribe to or use or encourage subscription to or use of IP CTS.

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(2) Confirms that Miracom prior to providing IP CTS to a new consumer, will first register the new consumer applying for service by obtaining the following registration information: The consumer's name, address and telephone number.

(3) Confirms that Miracom prior to providing IP CTS to a new consumer, will at a minimum first obtain a written certification attesting that the consumer needs IP CTS to communicate in a manner that is functionally equivalent to the ability of a hearing individual to communicate using voice communications services. The certification will include the consumer's certification that:

(A) The consumer has a hearing loss that necessitates IP CTS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users;
(B) The consumer understands that the captioning service is provided by a live communications assistant; and
(C) The consumer understands that the cost of the IP CTS calls is funded by the TRS Fund.

The required certification will be made on a form separate from any other agreement or form, and will include a separate consumer signature specific to the certification. Such signature may be an electronic signature, defined by the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

(4) Confirms that at a minimum where IP CTS equipment is obtained by a new consumer for less than $75, Miracom will obtain written certification provided and signed by an independent third-party professional as to the consumer’s need to use IP CTS. Such professionals will be qualified to evaluate an individual's hearing loss in accordance with applicable professional
standards. Such professions will be one of the following: community-based social service providers, hearing related professionals, vocational rehabilitation counselors, occupational therapists, social workers, educators, audiologists, speech pathologists, hearing instrument specialists, and doctors, nurses, and other medical or health professionals. Such third-party professionals will certify in writing that the IP CTS consumer is an individual with hearing loss who needs IP CTS to communicate in a manner that is functionally equivalent to telephone service experienced by individuals without hearing disabilities. Such third-party professional must provide his or her name, title, and contact information, including address, telephone number, and email address. In instances where the new consumer has obtained equipment from a governmental program, the new consumer may present documentation to the IP CTS provider demonstrating that the equipment was obtained through one of these programs, in lieu of providing an independent, third-party certification.

(5) Confirms that Miracom will maintain the confidentiality of any registration and certification information obtained, and not disclose such registration and certification information or the content of such registration and certification information except as required by law or regulation.

(6) Confirms that Miracom will ensure that equipment and software used in conjunction with its service has a default setting of captions off, so that new and existing IP CTS users must affirmatively turn on captioning for each telephone call initiated or received before captioning is provided.

The Declaration under penalty of perjury of Miracom COO Chuck Owen, certifying to this Amendment, is attached hereto.
Respectfully submitted,

MIRACOM, INC.

By: /s/ George L. Lyon, Jr.
George L. Lyon, Jr.
Its Counsel

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DECLARATION UNDER PENALTY OF PERJURY OF CHUCK OWEN

Chuck Owen, under penalty of perjury, deposes and states as follows:

1. I am the Chief Operations Officer of Miracom USA, Inc.

2. I have read the attached Amendment to Miracom’s pending application for certification to provide Internet protocol captioned telephone service.

3. The factual statements set forth in the Amendment and in this declaration are true and correct to the best of my knowledge, information and belief.

/s/ Chuck Owen
Chuck Owen

August 6, 2013