

WILKINSON) BARKER) KNAUER) LLP

1800 M STREET, NW
SUITE 800N
WASHINGTON, DC 20036
TEL 202.783.4141
FAX 202.783.5851
WWW.WBKLaw.COM
DAVID A. O'CONNOR
202.383.3429
DOCONNOR@WBKLaw.COM

September 19, 2017

VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: **EX PARTE PRESENTATION**
Misuse of Internet Protocol (IP) Captioned Telephone Service;
Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities
CG Docket Nos. 13-24, 03-123

Dear Ms. Dortch:

On September 15, 2017, Dixie Ziegler, Vice President of Hamilton Relay, Inc. (“Hamilton”), and the undersigned counsel on behalf of Hamilton, spoke separately by telephone with Zenji Nakazawa, Public Safety and Consumer Protection Advisor to Chairman Pai, and Nathan Eagan, Acting Wireline Legal Advisor to Commissioner Carr, regarding the above-captioned proceedings related to Internet Protocol Captioned Telephone Service (“IP CTS”).

During the discussions, Hamilton reiterated its position that, due to the passage of time since the 2013 *Further Notice of Proposed Rulemaking*,¹ and the numerous pending rate proposals in the record, the Commission should consider all IP CTS rate issues in a *Second Further Notice of Proposed Rulemaking*. In the interim, Hamilton requested that the Commission continue to employ the Multistate Average Rate Structure (“MARS”) for calculating IP CTS rates, because MARS is the only market-based TRS rate mechanism that has

¹ *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 and Further Notice of Proposed Rulemaking, 28 FCC Rcd 13420, ¶¶ 111-128 (2013).

Federal Communications Commission

September 19, 2017

Page 2

been adopted by the Commission, and because it has proven to produce predictable rates that reasonably compensate IP CTS providers for the true costs of providing the service.

Hamilton also requested that, consistent with the Commission's decisions regarding Video Relay Service rates, the Commission should publicly release a draft of any IP CTS item before it is voted on by Commissioners. Adopting a critically important IP CTS item on circulation, without any opportunity for the public to comment, would be inconsistent with the Chairman's priority of making the agency's operations more transparent.²

Finally, the parties discussed several points raised in the white paper prepared by the Brattle Group ("White Paper"), which Hamilton recently submitted into the record in these proceedings, including the White Paper's analysis of the sustainability and viability of MARS.³

This filing is made in accordance with Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1). In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O'Connor

Counsel for Hamilton Relay, Inc.

Attachment

cc (via e-mail): Participants

² Statement of FCC Chairman Ajit Pai, Announces Pilot Program to Release Commission Documents to the Public (rel. Feb. 2, 2017).

³ See Letters from David A. O'Connor, Counsel for Hamilton Relay, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 13-24, 03-123 (filed Sept. 1, 2017 and Sept. 5, 2017).