

July 23, 2015

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; Rates for Interstate Inmate
Calling Services*
CG Docket Nos. 13-24, 03-123
WC Docket No. 12-375

Dear Ms. Dortch:

On July 21 and 22, 2015, John Nelson, President of Hamilton Relay, Inc. (“Hamilton”), Dixie Ziegler, Vice President of Hamilton (and member of the Relay/Equipment Subcommittee of the Commission’s Disability Advisory Committee), and the undersigned counsel on behalf of Hamilton, met with the following Commission officials in separate meetings: Amy Bender, Legal Advisor to Commissioner O’Rielly (July 21); Nicholas Degani, Legal Advisor to Commissioner Pai (July 21); Maria Kirby, Legal Advisor to Chairman Wheeler (July 22); Travis Litman and Jennifer Thompson, Legal Advisor and Special Advisor, respectively, to Commissioner Rosenworcel (July 22); and with Alison Kutler, Acting Chief of the Consumer & Governmental Affairs Bureau (“CGB”) (present for part of the meeting), Karen Peltz Strauss, Deputy Chief of CGB, Robert Aldrich, CGB, Gregory Hlibok, Chief of the Disabilities Rights Office (“DRO”), Eliot Greenwald, DRO, Caitlin Vogus, DRO, and Darryl Cooper, DRO (July 22). During the meetings, Hamilton made some or all of the following points.

Hamilton expressed its appreciation for all of the Commission’s efforts to implement the Americans with Disabilities Act of 1990 (“ADA”), and congratulated the Commission for its upcoming celebration of the 25 year anniversary of the ADA. Hamilton noted that it has been an active supporter of the ADA since it began offering telecommunications relay services (“TRS”) in 1991.

Hamilton also expressed its continued support for the use of the Multistate Average Rate Structure (“MARS”) for calculating TRS and IP Captioned Telephone Service (“IP CTS”) reimbursement rates. Consistent with its previous comments, Hamilton reiterated its opposition to the harmful rate cuts proposed by Sorenson under its flawed price cap model for IP CTS.¹

Hamilton also expressed its support for the Chairman’s recently announced plan to issue a notice of proposed rulemaking that will seek comment on clearly defined performance goals for TRS, as recently recommended by the Government Accountability Office (“GAO”).² Hamilton encouraged Commission staff to include proposed performance standards for each type of TRS service, including clearly defined, measurable captioning standards for speed, accuracy and verbatim captioning.

Other standards, such as defining answer speed, abandoned call counts, and adopting a clear definition of how to measure conversation time, must be established. As Hamilton has previously noted, different providers may use different standards of measurement currently, which can result in widely varying cost data.³ These discrepancies, in turn, can lead to unnecessary demand on the TRS Fund. Hamilton therefore noted that the Commission’s emphasis should be on adopting the GAO’s recommendations and monitoring the integrity of the user base, rather than focusing on rate cuts that ultimately reduce service quality.

Finally, Hamilton discussed its February 27, 2015 ex parte filing in the inmate calling services (“ICS”) proceeding, and expressed views consistent with that filing.⁴ In addition, it is Hamilton’s understanding that certain inmates are restricted under prison rules from contacting certain telephone numbers or users. Relay providers should not be put in a position of restricting access by legitimate users to relay services – it should be incumbent on the ICS providers to manage any inmate-specific restrictions. Hamilton requested that ICS providers be required to confirm that any relay-related telephone number dialed by a particular inmate is a telephone number that the inmate may permissibly call.

¹ See, e.g., Comments of Hamilton Relay, Inc., CG Docket Nos. 10-51, 03-123, at 2-11 (filed June 4, 2015); Reply Comments of Hamilton Relay, Inc., CG Docket Nos. 10-51, 03-123, at 2-8 (filed June 11, 2015).

² See, e.g., Letter from Tom Wheeler, Chairman, Federal Communications Commission, to U.S. Sen. Ron Johnson, Chairman, Comm. on Homeland Security and Governmental Affairs, at 1 (July 10, 2015), available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-334444A1.pdf (citing *FCC Should Strengthen Its Management of Program to Assist Persons with Hearing or Speech Disabilities*, GAO-15-409 (rel. May 8, 2015)).

³ See, e.g., Comments of Hamilton Relay, Inc., CG Docket Nos. 13-24, 03-123, at 14 (filed Nov. 4, 2013).

⁴ Hamilton Relay, Inc., Ex Parte Letter, WC Docket No. 12-375 (filed Feb. 27, 2015).

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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.

cc (via e-mail): Participants