HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
202-955-5564 FAX
www.hklaw.com

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MARGOT SMILEY HUMPHREY
202-457-5915
mhumphre@hklaw.com

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in CC Docket No. 98-67

Dear Ms. Dortch:

On October 31, 2002 representatives of Hamilton Relay, Inc., (Hamilton), a provider of Telecommunications Relay Services (TRS) in six states, met with Cheryl King, Greg Hlibok, Tom Chandler, Janet Sievert and Erica Myers, all members of the Commission's Consumer and Governmental Affairs staff. Gary Warren, Dixie Ziegler of Hamilton and I explained to the staff why it is essential to Hamilton and its relay customers for the Commission to act as expeditiously as possible to waive the current requirements that, to qualify for reimbursement for providing Internet-based relay services (IP Relay), TRS providers must provide Hearing Carry Over (HCO) and pay-per-call service (900 Service). The two requirements are imposed by the Commission's April 22, 2002 Declaratory Ruling in the above-referenced proceeding, setting the ground rules for providing IP Relay Service and receiving reimbursement from the National Exchange Carrier Association (NECA), the TRS fund administrator.

Hamilton explained that, despite an apparently inaccurate claim in the record, current technology does not allow carriers to provide HCO service for the same reasons that caused the Commission to waive provision of VCO capability as an IP Relay offering. Similarly, the record considered in issuing the declaratory ruling failed to alert the Commission that it is not possible to provide 900 Service via IP Relay because the underlying pay-per-call providers will not accept third party payments. Consequently, any IP Relay offering of 900 Services today exposes the relay customer to the frustration of uncompleted 900 Service call attempts.

Hamilton has been unable to launch its IP Relay service because it does not qualify for reimbursement. The company has evidence that customers are eagerly awaiting Hamilton's IP Relay service. Today, there is an appearance that Hamilton is lagging in starting its IP Relay service because of this issue. We emphasized the ways that Hamilton is placed at a severe and costly competitive disadvantage now and as long as other TRS providers are not only providing IP Relay, but are drawing funds [without providing single-line, functionally-equivalent HCO or 900 Service.]

We urgently reiterated our request for expedited action to rectify the current situation. We urged the Commission to choose the speediest remedial action available to it, whether by waiver or clarification of its order in light of facts that have come to its attention since it adopted the declaratory order. Prompt action is essential to end the competitive "price" Hamilton is paying for abiding by the current legal requirements for reimbursement. If the consideration of retroactive reimbursement would delay suspension of the HCO and 900 IP relay requirements, Hamilton urges the Commission to consider retroactive reimbursement as a separate issue.

In the event of any questions concerning this ex parte presentation, please call Gary Warren, Dixie Ziegler or me

Sincerely,

Margot Smiley Humphrey

cc: Tom Chandler
Greg Hlibok
Cheryl King
Erica Myers
Janet Sievert