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December 2, 2002

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VIA Electronic Filing

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

Re: *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (CC Docket No. 98-67) – IP RELAY EX PARTE COMMENTS*

Dear Ms. Dortch:

Hamilton Relay, Inc. (“Hamilton”) hereby submits these brief ex parte comments to the Commission in connection with the above-captioned proceeding. Hamilton once again strongly urges the Commission to act as soon as possible to grant the unopposed 900 and HCO waiver requests in Sprint's Petition for Reconsideration of the Commission's Declaratory Ruling (FCC 02-121, rel. Apr. 22, 2002) setting the standards for providing and obtaining reimbursement for IP Relay services.

Hamilton urges the Commission to:

1. Take immediate action on Sprint's Petition for Reconsideration and grant its waiver request for 900 and HCO call types provided via IP Relay. This issue appears to be unopposed and without controversy.
2. Delay action on any other matter that would impede addressing item number 1 immediately, including retroactive payments and MCI's Petition for Reconsideration. Hamilton requests that any matter that would cause even the shortest of delays be handled in a separate order.

December 2, 2002

Page 2

It appears from NECA data that in excess of \$45,000 per day was paid to IP Relay providers in August. Additionally, IP Relay appears to be growing approximately 15 percent each month. Consequently, relay providers are taking a risk well in excess of \$45,000 per day for every day that Sprint's Petition for Reconsideration remains outstanding. This amount does not take into consideration the rather large losses those providers who are offering IP Relay service and not receiving payment and providers who have not yet started providing IP Relay are accruing because this issue is still unresolved. By taking immediate action on item number 1, this daily risk is eliminated going forward.

Hamilton respectfully requests expeditious action by the Commission on the waiver requests in Sprint's Petition for Reconsideration, so that all relay providers are given an equitable opportunity to compete and offer customers IP Relay services without needless financial risk,

Respectfully submitted,

Margot Smiley Humphrey  
Counsel for Hamilton Relay, Inc.

Enclosure

cc (w/encl.): Cheryl King, CGB  
Pam Gregory, CGB