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January 16, 2004

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VIA ELECTRONIC FILING

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, SW
Room TW-A325
Washington, DC 20554

Re: **EX PARTE PRESENTATION**

Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67,
CG Docket No. 03-123

Dear Ms. Dortch:

On January 15, 2004, John Nelson and Gary Warren of Hamilton Relay, Inc. ("Hamilton"), and the undersigned on behalf of Hamilton, spoke by telephone with Tom Chandler, Gregory Hlibok, Cheryl King and Sean O'More of the Commission's Disabilities Rights Office of the Consumer and Governmental Affairs Bureau ("Bureau") to discuss various issues in connection with the above-captioned "permit-but-disclose" proceedings. This letter is submitted pursuant to the Commission's *ex parte* rules, 47 C.F.R. § 1.1206(b)(2).

During the conference call, Hamilton and the Commission's staff discussed the December 11, 2003 "Petition for Clarification" filed by Ultratec, Inc. and Sprint Corporation (the "Petition"). In the Petition, Sprint and Ultratec sought clarification that CapTel services are compliant with the Commission's three-way calling mandate, so long as CapTel services handle three-way calls, regardless of the actual method used to set up such calls. Hamilton expressed its support for the Petition and for the need to clarify the three-way calling mandate set forth in the *TRS Second Report and Order*, 18 FCC Rcd 12,379 (rel. June 17, 2003). Hamilton also explained that an appropriate and practical solution may be for the Commission to clarify that the

intent of the order was not to require that relay providers implement technical three way calling features in their relay platforms, but simply to require that, to the extent that a relay caller makes use of a three-way calling feature purchased through his or her local exchange carrier, or uses a phone or conference bridge which allows such calling, that the relay provider will accept and handle such calls involving three parties. This solution would be consistent with the requirement of functional equivalency and would accomplish the objective of making sure three-way calling is available to relay users.

In addition, Hamilton explained that the three-way calling issues raised in the Petition are also applicable to traditional relay services provided using ASCII, making the issue all the more important to resolve. Hamilton urged the Commission to resolve the three-way calling issue prior to the February 24, 2004 deadline for providing three-way calling services. To the extent that the issue is not resolved by that date, Hamilton encouraged the Commission to grant an extension of the implementation date or a waiver pending clarification of the three-way calling requirement.

Hamilton and the Commission staff also briefly discussed Hamilton's recent VRS traffic. Finally, Hamilton informed the staff that it is now providing IP Relay service via pagers and other wireless devices.

In the event that there are any questions concerning this matter, please contact the undersigned.

Very truly yours,
HOLLAND & KNIGHT LLP

/s/ David A. O'Connor
David A. O'Connor
Counsel for Hamilton Relay, Inc.