

November 19, 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. 90-571, CC Docket No. 98-67
CG Docket No. 03-123

Dear Ms. Dortch:

On November 18, 2004, Phil Nelson, John Nelson, Anne Girard and Dixie Ziegler¹ of Hamilton Relay, Inc. ("Hamilton"), and the undersigned counsel on behalf of Hamilton, met with Tom Chandler, Gregory Hlibok and Amelia Brown 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. Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), Hamilton hereby summarizes the substance of Hamilton's *ex parte* presentation.

Hamilton and the Commission staff discussed the status and substance of Hamilton's pending July 30, 2004 Application for Review of the Bureau's June 30,

¹ Ms. Ziegler participated via conference call.

2004 *Order*² and October 1, 2004 Petition for Reconsideration of the Commission's June 30, 2004 *Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking*.³ In particular, Hamilton reiterated its strong support for a competitively based compensation rate for all forms of telecommunications relay service ("TRS"), including traditional TRS, Speech-to-Speech, Internet Relay, and Video Relay Services ("VRS"). In this regard, Hamilton urged the Commission to formally solicit comment on Hamilton's proposed Multistate Average Rate Structure ("MARS Plan") for traditional TRS, Internet Relay and Speech-to-Speech, and discussed various options for a competitively based rate for VRS.

The Commission staff and Hamilton also discussed generally the issue of cost disallowances in connection with the current "rate of return" cost methodology, and potential problems with regional toll-free calling and TRS. Finally, Hamilton submitted the attached two letters regarding fraudulent Internet Relay calls and abandoned calls.

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

Respectfully submitted,
HOLLAND & KNIGHT LLP



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

cc: Tom Chandler (via e-mail)
Gregory Hlibok (via e-mail)
Amelia Brown (via e-mail)

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, DA 04-1999 (rel. June 30, 2004).

³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, CC Docket No. 90-571, CC Docket No. 98-67, CG Docket No. 03-123, FCC 04-137 (rel. June 30, 2004).



Provided by



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November 17, 2004

Mr. Thomas Chandler
Disabilities Rights Office
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Hamilton Relay, Inc.
Abandoned Calls

For informational purposes, Hamilton Relay, Inc. would like to take this opportunity to explain Hamilton's treatment and reporting of abandoned calls. Hamilton defines an abandoned call as any call reaching the relay switch and terminated by the caller before a Communications Assistant (CA) answers regardless of the amount of time that has elapsed since the call reached the relay switch. Hamilton counts any call that has any amount of queue time and is abandoned before a CA answers as an abandoned call.

In February 2002, Hamilton implemented SS7 signaling. Upon the implementation of SS7 signaling, Hamilton began detecting an increase in inbound calls. Many of these calls are being terminated in the network before actually reaching Hamilton's switch. SS7 technology allows those calls to reach Hamilton's switch just long enough to make a record of the call, but with zero queue time. Before Hamilton implemented SS7, these calls had already completely disconnected in the network and never reached Hamilton's switch. Thus, Hamilton never received these disconnected calls prior to the installation of SS7 signaling. Since Hamilton is receiving a disconnected call that is breaking down over the network via SS7 signaling, Hamilton is not including these calls in its abandoned call reporting as they have no queue time.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John Nelson
Vice President
Hamilton Telecommunications



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Re: Hamilton Relay, Inc.
Fraudulent IP Relay Calls

For informational purposes, Hamilton Relay, Inc. would like to take this opportunity to explain Hamilton's treatment of consumer complaints regarding fraudulent IP Relay calls. Hamilton appreciates and shares the concern of businesses and private individuals about the use of the relay to conduct fraudulent activities. We are being proactive to address our consumers' needs.

Because Hamilton makes use of SS7 signaling on its relay platform, consumers have access to a whole host of LEC features including Call Rejection. Call Rejection can be provisioned on the customer's line by the LEC in order to prevent nuisance or unwanted calls. The relay user will simply program his phone service to block all calls from a programmed list of phone numbers. As a result, there is no need for Hamilton to block any numbers for consumers.

When consumers request that relay block their telephone number from receiving any relay calls, Hamilton suggests that the consumer call their local telephone company and purchase a feature from the LEC called Call Rejection. By utilizing Call Rejection, consumers can build a list of any numbers they do not wish to receive calls from. Hamilton gives consumers the numbers associated with Hamilton IP calls so the customer can add these numbers to the their Call Rejection list.

Because of the way Hamilton has added SS7 technology to its relay platform, relay consumers have complete control through their local exchange carrier of whether they wish to receive or not receive any particular telephone call to the same extent any other customer not using the relay would have.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John Nelson
Vice President
Hamilton Telecommunications